



Ethic Analysis of Government Goods and Services Procurement Officials in Indonesia

Ulinata

Program Studi Arsitektur, Fakultas Teknik, Universitas Kristen Indonesia

Corresponding Author: Ulinata ulinata@uki.ac.id

ARTICLE INFO

Keywords: government Goods, Services, Procurement Officials

Received : 21, March

Revised : 23, April

Accepted: 25, May

©2024 Ulinata: This is an open-access article distributed under the terms of the [Creative Commons Atribusi 4.0 Internasional](https://creativecommons.org/licenses/by/4.0/).



ABSTRACT

In carrying out the process of procuring goods and services, especially in the field of architecture, officials are obliged to prioritize ethics so that the implementation is professional, with integrity and accountability so that no irregularities occur. This research aims to analyze how ethics is applied in the implementation of government procurement of goods and services in Indonesia. This research uses a descriptive analysis method by collecting literature studies, observations are then analyzed. The results show that officials involved in providing goods and services are required to apply ethics and have a professional spirit, not influence each other, avoid conflicts of interest, take preventive actions that result in waste, not abuse authority and accept gratification, accept duties and responsibilities well.

INTRODUCTION

In Indonesia, the implementation of design planning, construction supervision and other projects in the field of architecture has increased, where in the process of obtaining the project you have to take part in a tender or auction through government procurement of goods and services so that this needs to be paid attention to and handled professionally so as not to reduce the quality of the product and service. and does not cause state losses such as obtaining goods and services that do not meet specifications, the quality obtained is not good or does not meet standards, the volume of goods and services in quantity is not appropriate, technical requirements are not fulfilled completely, implementation and handover of goods and services is carried out not being on time which results in delays in the use of required goods and services.

Therefore, officials involved in the procurement of goods and services are required to have good ethics so that they do not commit violations such as corruption, collusion and nepotism which can develop into legal violations where it can be seen that state officials are not open in making policies and decisions which can be seen from the ratio between budget allocations for public interests and bureaucracy can reach 30:70 persen. In general, it is actually very difficult to assess an official whether the official's ethics are in accordance with ethical norms for the procurement of goods and services where officials are always reminded to prioritize the interests of the community but on the other hand they must see and pay attention to the interests of the Government, but ethically officials implement behavior that is not harm others and oneself and lead to good things that are in accordance with human dignity. Ethics can be interpreted as a system of values or moral norms that can be used as a reference for groups or individuals to take attitudes and actions where this ethics can become a knowledge of what is good and bad that is accepted in society Meanwhile, officials can be interpreted as leaders and members of the highest/highest institutions who have authority.

From the perspective of government ethics, official behavior can be classified into 2, namely ethical and unethical behavior. Ethical behavior has several principles, including not making or taking decisions and policies that conflict with legal regulations, doing everything carefully and thoroughly, doing work well and providing guidance to others, defending people who have done their work correctly and well, communicate well and honestly, be able to understand which members are honest and which are dishonest, be able to say no if superiors order you to do something that is a violation, have sensitivity to the services needed by the general public, position the interests of the community as more important than personal or group interests, providing certainty regarding the availability of resources for the welfare of society. Meanwhile, unethical behavior is reflected in attitudes or conditions where there is dishonesty, bad behavior, prioritizing conflicts of interest, not complying with statutory regulations, committing unfair acts towards subordinates, not complying with applicable procedures, not respecting the will of the legislators. -invitations, committing waste that is detrimental to the country, covering up one's own mistakes, not having the courage or failing to make decisions.

The article entitled analysis of the ethics of officials procuring government goods and services in Indonesia aims to analyze how officials apply their ethics in the implementation of government procurement of goods and services in Indonesia, whether it is in accordance with the ethical principles of ethical behavior as implemented by the Government in Indonesia or not.

LITERATUR REVIEW

Government Procurement of Goods/Services, hereinafter referred to as Procurement of Goods/Services, is the activity of Procurement of Goods/Services by Ministries/Institutions/Regional Apparatus funded by the APBN/APBD, the process starts from the identification of needs, up to the handover of the results of the work. The main objective of procuring goods/services in government agencies are not for produce goods/services with the aim of making a profit oriented, but more giving in nature service to the community. Government require goods/services in order improve public services on the basis of logical and systematic thinking, follows principles and ethics and based on methods and applicable procurement process.

Government Procurement of Goods/Services, hereinafter referred to as Procurement of Goods/Services, is the activity of Procurement of Goods/Services by Ministries/Institutions/Regional Apparatus funded by the APBN/APBD, the process starts from the identification of needs, up to the handover of the results of the work; types of goods and services needed by government agencies are classified into 4 types of goods/services, namely:

1. Goods are every object whether or not intangible, moving or not movable, tradable, used, utilized or exploited by goods user.
2. Construction work is all work related to implementation building construction or building construction other physical.
3. Consultation Services are services professionals who need expertise in various scientific fields Prioritize the existence of thinking (brainware) one of them is architecture. Other services are services that are needed prioritize certain abilities skills (skillware) in one governance system management that is widely known in the business world to complete a job or all work and/or provision of services in addition to consulting services, work implementation Construction and Procurement of Goods.

Architecture is one field of consultation services, where some of the services included in consultancy are as follows:

1. engineering services;
2. Planning, design and supervision services for Construction Work;
3. Planning, design and supervision services for work other than construction work, such as transportation, education, health, forestry, fisheries, marine, environment, aerospace, business development, trade, human resource development, tourism, post and telecommunications, agriculture, industry, mining, energy;
4. Professional expertise services, such as advisory services, assessment services, mentoring services, technical assistance, management consultants, legal consultants.

Government procurement of goods/services can This is done in two ways, namely: procurement goods/services by self-management and procurement of goods/services through providers.

1. Procurement of goods/services by means of self-management as regulated in article 26 Presidential Decree number 54 of 2010 is an activity of procuring goods/services where the work is planned, carried out and/or supervised personally by Ministries/Institutions/Government Region/Institution (K/L/D/I) as person in charge of budget, agency other governments and/or groups public.
2. Procurement of goods/services through providers is the procurement of goods/services carried out by the goods/service provider. Providers of goods/services are business entities or the individual who provides it goods/construction work/services consultation/other services.

Meanwhile, the procurement system that can be used to select consultancy service providers is as follows:

1. Business entities (all use prequalification)
 - a) General selection of two-cover quality evaluation methods.
 - b) General selection of methods for evaluating the quality and cost of two covers.
 - c) General selection of lowest cost evaluation methods one cover.
 - d) Simple selection of lowest cost evaluation method/ceiling One cover budget.
 - e) Direct appointment for emergency treatment.
 - f) Direct appointment is not for emergency treatment.
 - g) Direct procurement.
 - h) Contest. LKPP Government Goods/Services Procurement Policy Institute
2. Individuals (all use post-qualification except direct appointment for emergencies, direct procurement and competitions)
 - a) General selection of methods for evaluating the quality of one cover
 - b) Simple selection of single cover quality evaluation methods.
 - c) Direct appointment for emergency treatment.
 - d) Direct appointment is not for emergency treatment.
 - e) Direct procurement.
 - f) Contest.

Therefore, This research aims to analyze how ethics is applied in the implementation of government procurement of goods and services in Indonesia.

IMPLEMENTATION AND METHODS

Researchers conducted a comparative study first by collecting three similar previous studies carried out using library research via the internet taken from national journals or books. The first research entitled Ethics of Public Officials and Quality of Public Services in the Government Environment of Tangerang Regency which discusses whether public officials apply their ethics in the Government environment or not using descriptive qualitative methods. The second research is entitled Study of Ethics in Procurement of Government Goods/Services which discusses the answer to the importance of ethics in the procurement of Government goods/services and what the consequences are if you do not apply these ethics using descriptive analysis methods.

The third research is entitled Negotiating e-Purchasing Catalog Prices in Government Procurement of Goods/Services which discusses government regulations related to the procurement of goods/services using descriptive qualitative methods. Looking at the comparative study above, it can be concluded that the research entitled ethical analysis of officials procuring government goods and services in Indonesia uses descriptive analysis research methods. This method is carried out in several stages, including the following:

1. Determine the location

Determination of location is determined based on conditions that occur in observing official ethics in the procurement of goods and services in Indonesia, limited to the government sector only.

2. Collect data

Collecting data can be done through national journal articles or books accessed via the internet

3. Conduct analysis

4. The results of the analysis obtained become the results of the research discussion.

RESULTS AND DISCUSSION

Ethics of officials in procuring government goods and services in Indonesia is very important so that the procurement of goods and services is carried out well. However, sometimes officials ignore this so that the process of procuring goods and services does not run well, for example prioritizing group or personal interests over the public interest or even committing acts of corruption, collusion and nepotism as seen in the picture below (Figure 1).

No	Keterangan	Jumlah kasus	Nilai Kerugian Negara	Nilai Suap	Nilai Pungli	Nilai Pencucian Uang
1.	Pemerintah Kabupaten	95	Rp6,1 triliun	Rp42,8 miliar	Rp2,1 miliar	Rp62 miliar
2.	Pemerintah Desa	48	Rp32,7 miliar	-	Rp212 juta	-
3.	Pemerintah Kota	23	Rp40,9 miliar	Rp1,2 miliar	Rp185 juta	-
4.	Kementerian	20	Rp259,9 miliar	Rp58,2 miliar	-	-
5.	BUMN	18	Rp1,3 triliun	Rp84,5 miliar	Rp1 miliar	Rp46 miliar
6.	Pemerintah Provinsi	16	Rp130 miliar	Rp153 juta	Rp11 juta	-
7.	Badan/Lembaga Negara	10	Rp117,6 miliar	Rp16,6 juta	-	-
8.	DPRD	9	Rp90,8 miliar	Rp4,8 miliar	-	-
9.	BUMD	8	Rp199 miliar	-	-	-
10.	Penegak Hukum (kejaksaan, kepolisian, pengadilan)	6	-	Rp482 juta	Rp40 juta	-

Figure 1. Corruption Cases in Indonesia

(source: Wawan, Yeby Ma'asan Mayrudin, 2020)

Ethical problems or unethical behavior in an official in Indonesia apparently occur not only at the national level but also at the local level, namely regional government, both at the provincial and district or city levels. The perpetrators can start from ASN, Village Head, Main Director, Chairman or Council Member, Mayor and others as seen in the picture below (Figure 2).



Figure 2. Perpetrators of Ethics Violations

(source : Wawan, Yeby Ma'asan Mayrudin, 2020)

Perpetrators of violations of official ethics in procuring goods and services may not apply basic ethics, which is a fundamental thing that must be a reference, guideline and must be implemented in the procurement of goods/services. In fact, in philosophy, Government Procurement of Goods/Services is an effort to obtain the desired goods/services using logical, systematic thinking, following applicable norms and ethics based on standard procurement methods and processes. Thus, if general norms for government procurement of goods/services are interpreted as legal norms or norms, then PBJ norms/ethics are legal norms or legal rules which, if violated, have legal sanctions. The benefits of understanding the basic ethics of procuring goods/services are:

- encourage good Goods and Services Procurement practices,
- suppress budget leaks (clean governance).

The 8 basic ethics for procurement of government goods/services as summarized in Figure-3 are:

1. Order and responsibility
2. Professional, independent and keeps secrets
3. Do not influence each other
4. Accept & responsibility
5. Avoid conflicts of interest
6. Prevent waste
7. Avoid abuse of authority
8. Not accepting, offering/promising.



Sumber: LKPP, 2018

Figure 3. Ethics in Procurement of Government Goods and Services
(source : Wawan, Yeby Ma'asan Mayrudin, 2020)

Based on the hierarchy of ethical sources, both general and specific, it can be seen that religion plays a key role, occupying the main and first position. Therefore, educational tendencies that separate religious teachings from real life realities, known as secularism, need to receive attention and be reviewed. . This can cause the division of understanding between ideal values and aspects of pragmatism to thicken. If we look closely at the hierarchy of general ethical sources, it can be seen that religion is at the top, and conscience is at the base closest to the individual, the two seem to be quite far apart. Blocked by the reality of the surrounding environment which promises practicality. In essence, religion and conscience are two things that are inherent, very close, and are fundamental aspects that guide decision/action making (Sedarmayanti & Nurliawati, 2012). This is also the case if you look closely at the specific sources of official ethics (Figure 4).

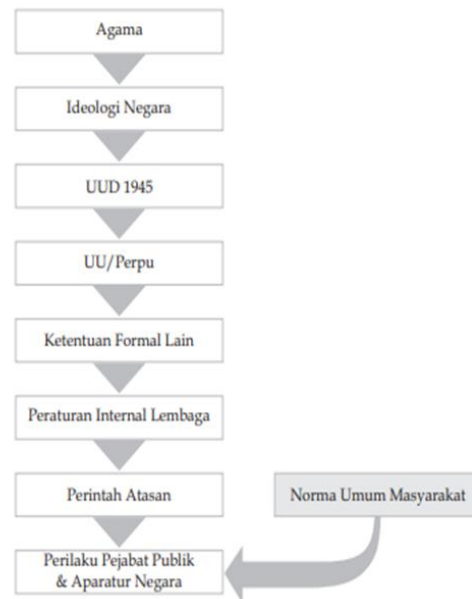


Figure 4. Source of Official Ethics
(source : Hj. Sedarmayanti, Nita Nurliawati, 2012)

The religious foundation is absolute, being the main source of reference for determining state ideology and various other derivative forms of legal regulations. However, what is interesting in bureaucratic life is that the orders of superiors who are closest to individual officers often become the main guidelines and considerations for decision making/action rather than ethical sources above them. Of course, orders from superiors that lead to various positive things require a level of compliance in the form of reactive or responsive actions. Problems often arise if orders from superiors lead to negative tendencies or create potential conflicts with various laws and regulations above them. Such dilemmatic situations often occur in the daily practice of bureaucratic life and a linear mindset still seems to dominate decision-making/action considerations, where bureaucrats, public officials and officials tend to be more afraid and respect superiors' orders more than religious orders, the mandate of Pancasila, the 1945 Constitution or other higher statutory regulations.

Superior orders, because they are closest to the apparatus compared to other sources of ethics, are more concrete in nature. This means that if you follow or violate a superior's orders, awards/sanctions (reward/punishment) can be immediately seen and felt within a short period of time. This is different from religious commands/prohibitions which are abstract. Likewise, the implementation of other laws and regulations requires a longer process in realizing awards/sanctions, and is not as fast as implementing orders from superiors. This perspective is influenced by understanding and seeing problems based only on the surface level, through reactive thinking by looking at the pragmatic or practical side which is sometimes momentary or useful in the short term. The impact of handling a problem/symptom that is oriented towards aspects of pragmatism and even hedonism, can sometimes only be evaluated and used as learning material several years later. Therefore, changes in

decision/action making habits regarding behavior patterns and thought patterns require continuous guidance through a comprehensive education, training and learning process.

CONCLUSIONS AND RECOMMENDATIONS

Based on the results of research and analysis that has been carried out regarding the Ethics of Officials in Procuring Government Goods and Services in Indonesia, the researchers concluded as follows:

1. Officials must apply 8 ethical principles in the process of procuring goods and services, including being orderly and responsible, professional, independent and keeping secrets, not influencing each other, accepting & being responsible, avoiding conflict of interest, preventing waste, avoiding abuse of authority, not accept, offer/promise and be neutral to parties providing goods and services.
2. In order to avoid unethical behavior in the procurement of goods and services, officials must know where the source of ethics comes from and strengthen it in character and attitude.
3. Officials who have committed ethical violations are advised to be given sanctions so that they have a deterrent effect so that they do not repeat the same actions in the subsequent procurement of goods and services so that the process of procuring goods and services, especially in the field of architecture, follows the processes and provisions, is honest and has integrity so that the results of the procurement of goods and services are much better in terms of quality and quantity.

ADVANCED RESEARCH

Still conducting further research to find out more about Ethic Analysis of government Goods and Services Procurement Officials in Indonesia.

ACKNOWLEDGMENT

Thank God Almighty, thanks to His grace, the author was able to complete the article entitled The ethics of government goods and services procurement officials in Indonesia. The author also would like to thank all parties who supported this article so that it could be completed until it was published in a journal. Hopefully this article can be useful for readers.

REFERENCES

- Arrad Ghani Safitra, Lohdy Diana, R. S. (2018). Jurnal simetrik vol.8, no.2, desember 2018. Jurnal Simetrik, 8(2), 139-144.
- Djafar, T. M. (2016). Etika Publik Pejabat Negara Dalam Penyelenggaraan Pemerintahan Yang Bersih. Jurnal Politik Universitas Nasional, 12(1), 1757-1768. <http://repository.unas.ac.id/137/1/11>. Drs T B MASSA DJAFAR Ph.D.pdf
- Hamkah, H. (2018). Etika Pengadaan Barang / Jasa Haruskah Dipedomani. Procurement Indonesia, 17(October).

- Hudiarini, S. (2017). Penyertaan Etika Bagi Masyarakat Akademik di Kalangan Dunia Pendidikan Tinggi. *Jurnal Moral Kemasyarakatan*, 2(1), 1-13. <http://ejournal.unikama.ac.id/index.php/JMK>
- Ii, B. A. B. (1999). repository.unisba.ac.id. 2.
- Kristianto, A. (2022). Negosiasi Harga e-Purchasing Katalog Dalam Pengadaan Barang/Jasa Pemerintah. *Jurnal Pengadaan Barang/Jasa*, 1(1), 53-60. <https://doi.org/10.55961/jpbj.v1i1.14>
- Publik, P., Lingkungan, D., Kabupaten, P., Wawan, T., Ma'asan Mayrudin, Y., Studi, P., & Pemerintahan, I. (2020). JSPG: Journal of Social Politics and Governance Etika Pejabat Publik dan Kualitas. 2(1), 1-17.
- Satbrimob Polda Jambi. (2017). Analisis Yuridis Terhadap Pengadaan Barang dan Jasa Guna Mencegah Korupsi. *INTEGRASI Volume 3 Nomor 2, 3*, 79-103.
- Sedarmayanti, H., & Nurliawati, N. (2012). Strategi Penguatan Etika Dan Integritas Birokrasi Dalam Rangka Pencegahan Korupsi Guna Meningkatkan Kualitas Pelayanan. *Jurnal Ilmu Administrasi*, 9(3), 337-361.
- Πεο, Ι. Γ. Π. Ο. Φ. Ο. (2013). Υπ Ο Υργει Ο Ο Ικ Ο Ν Ο Μιας Κατ Ο Ικ Ο Ν Ο Μικων. 294441, 0-1.