



# JURIDICAL ANALYSIS OF LAW ENFORCEMENT ON CRIME OF PROCUREMENT OF GOODS AND SERVICES IN THE PERSPECTIVE OF STATE FINANCIAL PROTECTION (RESEARCH STUDY AT POLICE RESORT IN TANJUNG PINANG)

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## ABSTRACT

*The activities of procuring goods/services eventually have negative implications for very complicated juridical issues. Not infrequently, juridical problems arise triggered by excessive attitudes from direct superiors in the ranks of implementing goods/services procurement activities and at the level of users of goods/services and the existence of collusion between Procurement Officials and providers of goods/services to cheat. The threat of punishment almost stalks the work of procurement officials, users of goods and services, and providers of goods and services in every line of procurement activity, from the needs planning process until the completion of all activities to obtain goods and services. The problem in this research is how to regulate the law on the crime of procuring goods and services in the perspective of state financial protection (Research Study at Police Resort in Tanjung Pinang). What is the implementation of Law Enforcement for the Crime of Procurement of Goods and Services in the Perspective of State Financial Protection? (Research Study at Police Resort in Tanjung Pinang). What factors are obstacles or obstacles and solutions for law enforcement for criminal acts of procurement of goods and services in the perspective of state financial protection? (Research Study at Police Resort in Tanjung Pinang). This study aims to determine the Legal Arrangements for the Crime of Procurement of Goods and Services in the Perspective of State Financial Protection (Research Study at Police Resort in Tanjung Pinang), to determine the implementation of a juridical analysis of Law Enforcement of Criminal Acts of Procurement of Goods and Services in the Protection Perspective State Finances (Research Study at Police Resort in Tanjung Pinang), to find out the factors that become obstacles or obstacles as well as Solutions for Law Enforcement of Criminal Acts of Procurement of Goods and Services in the Perspective of State Financial Protection (Research Study at Police Resort in Tanjung Pinang). This study uses a descriptive method by using a normative approach (legal research) to obtain primary data through field research. The study results indicate that the Legal Arrangements in Law Enforcement of Criminal Acts of Procurement of Goods and Services in the Perspective of State Financial Protection (Research Study at Police Resort in Tanjung Pinang) have basically been implemented well. Although there are still many obstacles in the field, especially the legal substance, it is hoped that law enforcers will be more careful in applying an article of a piece of legislation in a trial to injure justice for the community.*

**KEYWORDS:** *Criminal Crime, Procurement, Goods, Services, and Finance.*

## INTRODUCTION

For the first time, the concept of good governance appeared to be adopted by practitioners in international development institutions, which contains the connotation of effective performance related to public management and procurement of goods and services. The emergence of this concept originated from the interest of donor institutions such as the United Nations (UN), World Bank, Asian Development Bank (ADB), and International Monetary Fund (IMF) in providing capital loan

assistance to developing countries. In subsequent developments, good governance is set as a condition for countries that need loan funds so that good governance is used as a determining standard to achieve sustainable and equitable development (Sadjijono, 2015).

Indonesia has established the direction and objectives for its development per the concept of good governance, as stated in the Law of the Republic of Indonesia No. 17 of 2007 on the National Long-Term Development Plan and the Decree of the



People's Consultative Assembly of the Republic of Indonesia No. III/MPR/1993 on the General Guidelines. The State Policy (GBHN), as well as the Preamble to the 1945 Constitution, define the direction and objectives of the Indonesian economy and nation-building, namely protecting the entire nation and homeland of Indonesia, promoting public welfare, educating the nation's life, and participating in the implementation of a world order based on independence, lasting peace, and social justice.

To achieve the country's development objectives, the Government is enhancing the current system, ensuring that the aspirations of the whole Indonesian populace may be fulfilled promptly. The present transformation of government governance is increasingly resulting in government administration based on good governance (good administration principles), as the executor of state government established based on public trust and state availability. Additionally, it is required to follow the principles of good governance in carrying out its different operations, which would result in the welfare of the people in a welfare state.

Realizing good governance must be supported by Human Resources (HR), the rules and morals of the implementing apparatus must be good. However, the real obstacle in realizing people's welfare and for realizing good governance is the high level of abuse of state finances by irresponsible elements and causing enormous state losses, so systems and regulations are needed to accommodate these problems. The concept of good governance is realized if the Government is carried out in a transparent, responsive, participatory manner, obeys the rule of law, is oriented towards consensus on the existence of togetherness, accountability, and has a strategic vision (Sadjijono, 2015).

Presidential Regulation Number 54 of 2010, concerning government procurement of goods and services in conjunction with Presidential Regulation Number 35 of 2011, concerning amendments to Presidential Regulation Number 54 of 2010, concerning procurement of government goods and services in conjunction with Presidential Regulation Number 70 of 2012, concerning the Second Amendment to Presidential Regulation Number 54 of 2010. In 2010 concerning the Government's Procurement of Goods/Services (hereinafter referred to as the Presidential Regulation on the Procurement of Government Goods/Services) in a very detailed and careful manner, it has formulated all provisions relating to the process of the Government's goods/services procurement activities. However, in its implementation, there are still many problems due to the Presidential Decree. This case is very technical, and the regulations are fragmented, scattered in technical and implementation guidelines (fragmentation).

The activities of procuring goods/services eventually have negative implications for very complicated juridical issues. The juridical problems that arise are often triggered by excessive attitudes from direct superiors in the ranks of implementing goods/services procurement activities and at the level of users of goods/services and the existence of collusion between Procurement Officials and providers of goods/services to cheat. The threat of punishment almost stalks the work of procurement officials, users of goods and services, and providers of goods and services in every line of procurement activity, from the needs planning process until the completion of all activities to obtain goods and services.

This study discusses the juridical analysis of criminal law enforcement, especially against criminal acts of procurement of goods and services, which in the conception of the Indonesian state of the law is felt more seriously, at least for specific reasons. The influence of the global legal system on the development of the legal system in Indonesia, especially the development of the criminal law system. This condition significantly affects the development of laws and regulations governing the criminal Act of procuring goods and services as a product of legal politics in Indonesia. The laws governing the procurement of goods and services have been confused by the problematic character of the criminal law system. It is full of uncertainty and is even controlled by various sub-systems of the legal system influenced by the developing global legal system. For instance, the Civil Law System, Common Law System, Socialist Communist Law System, the Muslim Law System, and the customary law system and traditions have become the local community's legal culture, including the influence of the Chinese Law System. The most decisive influence of the global legal system on the criminal law sub-system (positive law) is the Civil Law System. It is a criminal law system inherited from the Dutch East Indies. Second, as the main obstacle in law enforcement for the criminal Act of procuring goods and services, it is faced with the problem of actualizing the criminal justice system due to the weakness of harmonization and synchronization with the criminal law system, especially in the decentralized system between central and regional policies, there is no particular regulation on the criminal justice system that is integrated in the criminal justice system handling various criminal acts related to criminal acts of procurement of goods and services, which have implications for conventional judicial decisions with acquittal, SP3 and light sentences, as well as the trend of increasing goods and services procurement crimes, settlement of small cases, and losses to state finances or the state economy as the main elements of crime The crime of



procurement of goods and services is very large, so that factual conditions are the main obstacle in applying the law to cases of procurement of goods and services as a whole.

Meanwhile, the politics of criminal law against the crime of procuring goods and services brings a change or renewal of perspective on the crime of procuring goods and services into a form of extraordinary crime.

So that the legislation governing the eradication of the procurement of goods and services should be prioritized in its formation, the corruptors are despicable and detrimental to society. On a large scale, the state is often not covered by written laws and regulations without criminal offenses for the procurement of goods and services, so that formal actors in the procurement of goods and services can act freely by hiding behind the principle of legality. The handling of various criminal cases involving the procurement of goods and services must be handled in extraordinary ways. However, by regulating various criminal provisions for crimes that have the potential to harm the country's finances or economy outside the law on the procurement of goods and services, It cannot be handled extraordinarily, considering that the regulation of various crimes is not categorized as a crime in the procurement of goods and services, even though it can harm the country's finances and economy.

In the legal structure, especially in the application of the law based on various formal and material laws and regulations for eradicating criminal acts of procurement of goods and services, various institutions regulate law enforcement that handle the procurement of goods and services, such as police, prosecutors, judges, KPK, the Anti-Corruption Task Force Team and related institutions such as BPK, BPKP, PPATK, including advocacy institutions, NGOs, and internal and external control institutions. For example, at the investigation stage, various investigative institutions have the authority to carry out investigations of criminal acts under the law, which is the legal basis for each. Thus, the legal problems that then arise with the regulation of each law enforcement agency for the crime of procuring goods and services are the occurrence of various gaps in financial capital, overlapping authorities. Also, partial differences in authority limit the investigation of criminal acts of procurement of goods and services and have procedural laws in addition to the consequences of the weak integrity of law enforcement. Therefore, the goal of eradicating the crime of procuring goods and services cannot be achieved effectively, even if it is minimal compared to people's expectations for enforcing the rule of law and justice in Indonesia.

The legal culture, eradication of criminal acts of goods and services procurement, is associated with

the trend of criminal acts of procurement of goods and services in Indonesia, which continues to increase and is still ranked 2nd in Asia and 6th in the world. Meanwhile, from various dimensions, the constraints of the criminal law system as an implication of the weak aspects of a legal substance that regulate various crimes related to the procurement of goods and services, the weak level of coordination, supervision, and harmonious integration from the aspect of the legal structure have implications for weak law enforcement efforts against the procurement of goods and services in Indonesia. The complexity of the problem shapes the legal culture of the community and the image of law enforcement agencies that are getting worse. The product of legal politics is the effort to eradicate the procurement of goods and services. Also, the application of law in eradicating the procurement of goods and services, the results of which are controversial, such as corruptors with an acquittal, SP3, running away, or suddenly getting sick in order to escape from legal bondage. Many judicial decisions, criminal acts of goods and services procurement with very light legal sanctions such as sanctions against ordinary crimes, are the main priority because they result in financial losses, the state economy, and extraordinary bad aspects of social life. The perpetrators of goods and services procurement should be classified as perpetrators of Extraordinary Crime given severe sanctions or commensurate with their actions.

The phenomenon of the criminal law system, especially law enforcement against criminal acts of procurement of goods and services as described above, has an impact on decreasing the level of public trust in law enforcement officers. Especially in providing legal certainty and the fulfillment of a sense of justice through efforts to overcome criminal acts of procurement of goods and services that are more detrimental to the state. The low legal culture of this community can also be reflected in the formation of various monitoring institutions for the procurement of goods and services and other law enforcement institutions, such as the KPK, BPKP. This legal culture also has an impact on the weakness of law enforcement itself, so that this cycle becomes a system that influences each other. In the end, law enforcement efforts are considered sterile by the community, contrary to the ideals of law in the perspective of the criminal law system and the criminal justice system in Indonesia and hindering the achievement of a sense of community justice.

Problems hindering the eradication of criminal acts of procurement of goods and services, in the investigation of cases of procurement of goods and services; according to Article 36 paragraph (1) of Law no. 32 of 2004 concerning Regional Governments, inspections can only be carried out with the permission of the President. This case



contradicts Article 27 paragraph (1) of the 1945 Constitution that "All citizens have the same position in law and Government and are obliged to uphold the law and Government with no exceptions.

The procurement of goods and services in legal practice in Indonesia has been a central issue. Behavioral diagnoses regarding the procurement of goods and services seem to be increasingly endemic and tend to seem entrenched and become an epidemic spreading in all aspects of people's lives. As a result, the nation and state were hit by multiple crises that began with the monetary crisis. The credibility and ability of law enforcement are weakened. This case is a challenge for the enforcement of the criminal law system, especially in applying the criminal justice system for the goods and services procurement in law enforcement.

In law enforcement practice in Indonesia, the phenomenon of poor implementation of the criminal law system always appears in society. It is indicated that every opportunity for the procurement of goods and services is always indicated by the controversy over judicial decisions and the results of the handling of goods and services that are considered sterile. Almost every printed, electronic, and digital information media contains information on the procurement of goods and services, which reflects the weakness of efforts to eradicate the procurement of goods and services which, if studied more deeply, there are complexities and problems in the criminal law system adopted in Indonesia and have an impact on the criminal justice system.

Based on this background, the following problems can be formulated. (1) What is the legal arrangement for the criminal Act of procuring goods and services from the perspective of state financial protection?

(2) How is Law Enforcement Implemented on Procurement of Goods and Services Crimes in the Context of State Financial Protection (Case Study at Polres Tanjung Pinang)? (3) What are the impediments/obstacles to law enforcement for the crime of procuring goods and services in the context of state financial protection (Case Study at Polres Tanjung Pinang)?

Following the problems described above, this study aims to (1) find out the legal arrangements for the criminal Act of procurement of goods and services in the perspective of State Financial Protection in Indonesia; (2) understanding the implementation of law enforcement on the procurement of goods and services crime from the standpoint of state financial protection (a case study at the Tanjung Pinang Police Station); (3) understanding the impediments/obstacles to law enforcement for criminal acts of procurement of goods and services in the context of state financial

protection (a case study at the Tanjung Pinang Police).

The results of this study are anticipated to benefit all stakeholders, including the authors. Theoretically, the findings of this study should contribute to the advancement of legal science, particularly the science of law enforcement of criminal procurement actions in the context of state financial protection. In practice, this study is expected to benefit the Tanjung Pinang Resort Police (Polres) by supporting them in performing their duties more effectively. That is because the study's findings offer an explanation for the Law Enforcement of Criminal Acts of Procurement of Goods and Services from a State Financial Protection Perspective. The findings of this research will assist society in its pursuit of legal certainty. This is because the study's findings offer justifications and recommendations for the rules and regulations governing the Procurement of Goods and Services Crime in the Context of State Financial Protection.

## LITERATURE REVIEW

The theory is a collection of constructs, definitions, and propositions that provide a systematic perspective of phenomena by specifying relationships between variables so that they may be used to explain and predict phenomena (Sugiyono, 2013). The theory is a flow of logic or reasoning, a systematic arrangement of concepts, definitions, and propositions (Sugiyono, 2013). In general, function theory encompasses the functions of explaining, predicting, and controlling a symptom. The theory used in a study must be precise since the function of theory in a study is to clarify and refine the scope or construction of the variables to be studied, to formulate hypotheses and develop research instruments, as well as to predict and discover facts about the subject being researched (Sugiyono, 2013). Theories include assertions regarding specific phenomena, and these assertions must be validated via study. Research is a rigorous, systematic, and consistent scientific activity, including analysis and creation (Soekanto, 2007). When writing scientific articles, theoretical frameworks are critical since they guide resolving research issues. A theoretical framework provides a way for researchers to advance normative ideas pertinent to the study being conducted and explain the research variables and their connections.

## JURIDICAL ANALYSIS

An analysis is the process of synthesizing a considerable quantity of raw data and then grouping or isolating the relevant components and pieces to connect the gathered data to solve the issue. An analysis is an attempt to consistently describe patterns in data so that the analysis's results can be studied,



translated, and given meaning. In contrast, juridical is recognized by law, based on law, and things that create regularities and have an effect on violations, which is considered law or whose validity is justified in the eyes of the law, whether in the form of regulation.

In this research, the authors define juridical analysis as an activity that entails identifying and dissecting the components of an issue for further examination and then relating them to the law, legal regulations, and relevant legal standards as a means of resolving the problem. The purpose of the juridical analysis is to collect pertinent laws and other pertinent facts to make judgments regarding potential remedies or solutions to issues. The juridical analysis activity aims to develop a mentality for legislation problem resolution, particularly law enforcement in the procurement of goods and services.

### **LAW ENFORCEMENT**

Law enforcement is a system in which members of the Government work cooperatively to enforce the law by finding, preventing, recovering, and punishing those who violate the laws and legal norms regulating the society in which the law enforcement members work.

### **PROCUREMENT OF GOODS AND SERVICES**

In general, procurement of goods and services is a process that begins with the planning of requirements and ends with the completion of all procurement operations. The procurement of products and services may be split into two categories. To begin, the government sector's procurement of goods and services. The procurement of goods and services is notoriously difficult to execute in the government sector. The procedure must conform to the established norms and must not violate them in any way. Meanwhile, the procurement process for goods and services in the non-government sector or private sector is often more straightforward and less complex than the procedure for acquiring government goods and services. In the non-government sector, procurement regulations often relate to the policies of the respective agencies or corporations.

Both the public and private sectors must adhere to procurement's fundamental values or principles while carrying out the procurement process. These fundamental values or underlying values serve as guides or foundations for conducting procurement activities for products and services.

### **LEGAL CERTAINTY**

Legal certainty is a condition where there is no public confusion regarding the rule of law, both in terms of regulation and implementation of law enforcement.

Based on this understanding, regulation and law enforcement can create legal uncertainty in terms of:

- 1) There is a discrepancy between one rule of law and another.
- 2) Legal regulations or decisions made by legal institutions (executive, legislative, or judicial) violate applicable legal rules.

### **STATE ADMINISTRATIVE LAW**

In finding a good understanding of state administrative law, it must first be determined that state administrative law is part of public law, namely the law that regulates government actions and regulates the relationship between the Government and citizens or the relationship between government organs. State Administrative Law contains all of the rules that govern how government organs carry out their duties. So, state administrative law contains the rules of the game relating to the functions of government organs. With regard to the foregoing, in general, state administrative law includes actions of the Government (central and regional) in the public sector; Government authority (in carrying out actions in the public sector); Legal consequences born of actions or use of government authority; and Law enforcement and the application of sanctions in the government sector (Eddy, 2009).

The decision on the use of goods is the decision of state/regional officials. In the event of a state administrative dispute, the party who is harmed (providers of goods and services or the public) due to the issuance of a TUN Decree can file an objection to the agency that issued the decision if no solution is found. Legal subjects, both individuals and civil law subjects, can file a written cancellation lawsuit through the Administrative Court with or without a claim for compensation or rehabilitation, as regulated in Law Number 51 of 2009 concerning the Second Amendment to Law Number 5 of 1986 concerning the Judiciary State Administration.

### **CIVIL LAW OR CIVIL CODE**

It is defined as the law that regulates the relationship between legal subjects and other legal subjects in the civil sector. Civil law refers to legal traffic between individuals, such as legal relations with family, agreements between legal subjects, and legal relations in the field of inheritance. Regarding the procurement of goods and services, civil law regulates the legal relationship between the user and the provider of goods and services from the contract's signing until the contract's end or completion under the contents of the contract. The legal relationship between the user and the provider occurs in signing the contract for the procurement of goods and services until the process of completing the contract is a civil legal relationship, especially a contractual/agreement relationship.



In the process of procuring goods and services, based on the delegation of authority is represented by procurement officials, namely: PA/KPA, Commitment Making Officers (PPK) (Sakidjo, 1990), Procurement Service Unit Working Group/Procurement Officials (PPK/PP), and Committees or Recipients of Work Results (PPPHP), while the providers of goods and services can be individuals or legal entities (private). Procurement officials in carrying out legal relations in the field of agreements act individually/personally. That is, if there is a state loss, then the state will be compensated for the loss personally, as stipulated in Article 18 paragraph 3 of Law no. 1 of 2004 concerning the Treasury, states: "Officials who sign and ratify documents relating to the evidence which are the basis for expenditures at the expense of the APBN/APBD are responsible for the material truth and the consequences arising from the use of the said evidence." Based on Article 55 paragraph (1) of Presidential Regulation No. 54 of 2010, proof of agreement consists of proof of purchase, receipt, Work Order (SPK), an agreement letter.

In the Civil Code (KUH Perdata), book III on Engagement, it is stated that an engagement can be born because of a law or an agreement. The agreement that was born because of the agreement Article 1338 of the Civil Code states that "All agreements made must meet the conditions determined by the law and have legal force as law for those who make them." All agreements bind those involved in making them, have the rights given to them by the agreement, and are obliged to do the things specified in the agreement. An agreement in the procurement of goods and services is an agreement whereby one party performs a job for another party by receiving a specific price. The agreement is the basis for the implementation of activities.

## CRIMINAL LAW

The term "crime" derives from the Dutch word straf, often translated as "punishment." Criminal is a more appropriate word than punishment since the law is often a translation of recht. In a limited sense, the word criminal refers to criminal law. Criminal law is defined as suffering inflicted/given on a person by the state as a consequence of a law (sanctions) for their acts that violate a criminal law prohibition. This prohibition is referred to as a crime in criminal law (strafbaar feit).

Criminal law regulates the legal relationship between the provider and the user from the preparation stage until the completion of the contract for the procurement of goods and services (handover). From the preparation stage to the handover of the work/goods, there has been a legal relationship, namely a criminal law relationship.

Criminal law, commonly referred to as criminal law, is because the issues it regulates are about actions against crime and matters related to society. In relation to the procurement of goods and services, the scope of actions/deeds carried out by both users of goods and services and providers is all actions or actions that are against the law. This case means that the actions/deeds in the procurement of goods and services are not in accordance with the laws and regulations, starting from the preparation stage to the completion/termination of the contract. Because criminal law is public law, there is a direct state obligation to protect all the rights and interests of users and providers of goods and services.

The review of criminal law in the procurement process of goods and services is that criminal law is applied if there are criminal violations committed by the parties, both users and providers of goods and services in procuring goods and services. This case follows the "green straf zonder schuld" criminal law principle, which says there is no punishment without guilt. Crimes in government goods and services procurement are prone to deviations occurring at the procurement planning stage, such as indications of budget inflation or mark-ups, directed procurement implementation, unification and fragmentation engineering with the intention of collusion, procurement of goods and services as well as nepotism. In addition to this, other vulnerable points for criminal acts can also occur at the company qualification stage, the procurement evaluation stage, the contract signing stage, and the delivery stage for goods that do not meet the requirements and are of low quality, which can cause state losses. In addition, providers of goods and services are vulnerable points for criminal acts that can occur in acts of document falsification, breaking promises to carry out work (default) so that there are elements of unlawful acts that result in losses for the state.

The basic rules used in implementing the procurement of government goods and services are included in the realm of State Administrative Law, which regulates the implementation of the Government in carrying out its duties and authorities. Regulations regarding sanctions in government goods and services procurement are regulated in Article 118 and Article 124 of Presidential Regulation Number 54 of 2010 and its amendments. The forms of sanctions that can be imposed on parties who commit irregularities in the procurement of government goods/services include:

## ADMINISTRATIVE SANCTIONS

The administration of administrative sanctions is carried out by the PPK/ULP Working Group/Procurement Officer on behalf of the provider under the administrative provisions imposed in the procurement regulations. Forms of administrative



sanctions imposed on providers include cancellation of bids or cancellation of winners on the ground. There are irregularities in efforts to influence the ULP Working Group/Procurement Officer to fulfill their wishes contrary to the provisions of the established procedures collude with other goods/services providers. These are to set the bid price outside the procedure and make and submit documents and other information that is not true, the application of fines for late completion of work within the specified period. This sanction can also be applied in the civil context of an agreement/contract, disbursement of guarantees issued for violations committed, and subsequently disbursed into the state/regional treasury. Submit reports to the authorized party to issue permits on deviations made so that it is deemed necessary to revoke the permit holder. The enforcement of administrative sanctions in the form of imposition of financial sanctions on found discrepancies in the use of domestically produced goods/services. Obligation to re-plan at a cost to the planning consultant who was not careful in preparing the plan resulted in state losses. This sanction can also be applied in the civil context of an agreement or contract. Suppose the person who commits the violation is a PPK/ULP Working Group/Procurement Officer with the status of a civil servant. In that case, if it is determined that he has committed a violation, the sanctions stipulated in the staffing rules are given by the party who has the authority to regulate sanctions, such as warnings, postponement of promotions, release from office, and dismissal by employment regulations.

## RESEARCH METHODS

The term "research method" comprises two words: method and research (Idham, 2005.) The term method is derived from the Greek *methodos*, which signifies a path or way. The term "method" refers to a scientific activity that involves a methodical approach to comprehending a topic or object of study is necessary to come at scientifically justified solutions and contain their validity. As per the understanding of the approach, the authors employ the following method in this research.

## THE DATA SPECIFICATION

The data specification, or the kind of research, is the author's selection of the research format for analyzing the object of research in the area of legal science that he or she is studying. To be more precise, according to Soerjono Soekanto's definition of legal research, it is classified as Normative Legal Research and Sociological or Empirical Legal Research (Idham, 2005). This kind of legal research is referred to as normative legal research or doctrinal legal research. It is also referred to as library research or document study. It is referred to as doctrinal legal study since it

is performed or directed only at written rules or other legal documents. It is sometimes referred to as library research or document study since most of the research is conducted in libraries using secondary sources. The authors of this study rely on secondary data sources, that is, data acquired or compiled by individuals researching existing sources. Secondary data is gathered via library research to establish a theoretical foundation in the form of expert views or publications and gather information in the form of formal provisions and data from existing official documents. Secondary data in the area of law may be classified into the following categories:

Primary legal materials (Idham, 2005) that bind in the form of the basic norms of Pancasila,

- 1) The Republic of Indonesia's Constitution of 1945;
- 2) Presidential Regulation No. 54 of 2010 on Goods and Services Procurement;
- 3) Presidential Regulation of the Republic of Indonesia No. 70 of 2012 relating to the Second Amendment to Presidential Regulation No. 54 of 2010 relating to Government Procurement of Goods and Services.
- 4) Presidential Regulation No. 4 of 2015 Concerning the Fourth Amendment to the Contract for the Procurement of Goods and Services
- 5) Presidential Regulation No. 16 of 2018 Relating to Government Procurement of Goods and Services.

Secondary legal materials are closely related to primary legal materials and can help analyze and understand primary legal materials in the form of dictionaries, literature books, articles, and the internet. In principle, tertiary legal materials or supporting legal materials include materials that guide primary legal materials and secondary legal materials. (Salim, 2014).

## LOCATION, POPULATION, AND SAMPLE

The authors performed their study at Tanjung Pinang Police Resort. The study's population is comprised of law enforcement personnel charged with the offense of procuring goods and services (Salim, 2014). Meanwhile, the authors chose the sample in this study using a non-probability selection method known as purposive sampling because this study can be conducted entirely within the workplace, eliminating the need to scour society for data. The phrase "normative legal research" originates in English, specifically "normative legal research." It is referred to in Dutch as normative *juridisch onderzoek* and in German as normative *juridische research*. The research sample was taken for a particular reason. This method is often used when time, effort, and expense constraints prevent collecting a significant number of samples from a remote location.



## DATA COLLECTION TECHNIQUES AND DATA COLLECTION TOOLS

The authors collected data in this research using interview methods. The interview was conducted in an open format, with direct question and answer sessions based on a list of questions prepared in advance and developed throughout the interview (Salim, 2014). The authors conducted interviews with various members of the Tanjung Pinang Criminal Investigation Unit. Additionally, the authors of this research included secondary data. All secondary data is gathered via data collecting methods such as document searching in a library. Library research is a data collection technique that utilizes library resources such as journal publications and academic articles. All data acquired and collected is re-examined for completeness and clarity, including the findings of interviews and library materials. Moreover, a data management process is conducted by compiling and classifying the data to facilitate data analysis.

## DATA ANALYSIS

The data analysis step of research is critical and crucial. Moreover, data analysis is a step in which sources of issues and solutions to study problems are identified (Soekanto, 2008). There are two distinct approaches to data analysis: qualitative and quantitative. Qualitative analysis involves collecting descriptive data, such as words and images, from interview transcripts, field notes, photographs, videotapes, and personal papers. The purpose of quantitative analysis is to generate codes, numbers, measurements, and operational variables. The data collected during legal research and field studies were evaluated using qualitative data analysis, a scientific method for collecting valid data to discover, demonstrate, and create information that can be utilized to accurately comprehend, solve, and predict an issue (Manab, 2015). To make decisions based on the data gathered in this study, the authors utilized a deductive (generic) to inductive (particular) approach, a technique used to complete a normative system that has been collected and structured via effort collection and inventory.

## DISCUSSION & CONCLUSION

Based on the descriptions of legal writing explanations that the author has put forward and based on theories and research sources, it can be concluded as follows:

The legal arrangements for the criminal Act of the procurement of goods and services in the perspective of state financial protection have been implemented well. This case is seen in the provisions contained in the Act, namely: Presidential Regulation Number 54 of 2010 concerning the Procurement of Goods/Services; Presidential Regulation of the

Republic of Indonesia Number 70 of 2012 concerning the Second Amendment to Presidential Regulation Number 54 of 2010 concerning Government Procurement of Goods/Services; Presidential Regulation Number 4 of 2015 concerning the Fourth Amendment on the Procurement of Goods and Services and Presidential Regulation Number 16 of 2018 concerning Government Procurement of Goods/Services.

Implementation of the Crime of Procurement of Goods and Services in the Perspective of State Financial Protection has been carried out under applicable procedures, but in the community, there are still obstacles/obstacles, especially the problem of setting objections to appeals that have not been transparent, honest and fair, and their solutions; Strong intervention influence/power to: appoint easy-to-manage and direct tender organizers; organize and direct auctions to win specific companies; Influencing and intervening in workgroup work.

The factors of constraints or barriers and solutions in Law Enforcement of criminal Acts for goods and services procurement in the Perspective of State Financial Protection, the Factors of Law Implementation and Society.

## SUGGESTIONS

Legal Arrangements for the Crime of Procurement of Goods and Services in the Perspective of State Financial Protection, it is hoped that there will be strict legal arrangements and can run properly, as an effort to overcome crime in criminal acts of Procurement of Goods and Services and their enforcement following the provisions of the legislation in force in Indonesia. The implementation of criminal acts of procurement of goods and services in the perspective of state financial protection is expected for law enforcers to be carried out under applicable laws and regulations without discrimination to a party / benefiting certain parties.

Obstacles factors and Solutions for Criminal Acts of Procurement of Goods and Services in the Perspective of State Financial Protection Law Enforcers are expected to be more careful in applying an article of a statute in court so as not to injure justice for the community.

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