

Legal Analysis of the Implementation of Government Procurement of Goods/Services Through E-Purchasing at the Gorontalo Regional Police

Mohammad Sabri R Bau¹, Darmawati², Marwan Djafar³

Ichsan Gorontalo University

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Abstract

Government procurement of goods/services is one of the strategic instruments in the implementation of effective, efficient, transparent, and accountable government. One of the procurement methods developed to realize these principles is e-purchasing through electronic catalogs as stipulated in Presidential Regulation Number 16 of 2018 concerning the Procurement of Government Goods/Services and its amendments. This study aims to analyze the implementation of government procurement of goods/services through e-purchasing at the Gorontalo Regional Police and identify the legal obstacles faced in its implementation. The research method used is empirical legal research with a legislative approach and a sociological approach, which is carried out through document studies and interviews with related parties within the Gorontalo Police. The results of the study show that the implementation of e-purchasing at the Gorontalo Regional Police is in principle in accordance with the provisions of laws and regulations and is able to increase the efficiency of the procurement process. However, in practice, several obstacles are still found, including limited provider choices in electronic catalogs, technical system constraints, and apparatus understanding of procurement legal aspects that are not optimal.

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Corresponding Author:

Mohammad Sabri R Bau

Ichsan Gorontalo University

E-mail: sabrybau123@gmail.com

1. INTRODUCTION

The procurement of government goods/services is one of the strategic aspects in the administration of government because it is directly related to the use of state finances and the achievement of national development goals. Every year, the state and regional budgets allocated for the procurement of goods/services occupy a significant portion in the State Revenue and Expenditure Budget (APBN) and the Regional Revenue and Expenditure Budget (APBD). Therefore, the procurement of government goods/services must be carried out effectively, efficiently, transparently, accountably, and free from corruption, collusion, and nepotism (KKN) practices. These principles are the main basis in the formation of government procurement regulations in Indonesia.

Normatively, the procurement of government goods/services is currently regulated in Presidential Regulation Number 16 of 2018 concerning the Procurement of Government Goods/Services as amended by Presidential Regulation Number 12 of 2021. This regulation emphasizes that the procurement of goods/services is not only oriented towards meeting the needs of government agencies, but also aims to increase the use of domestic products, encourage the participation of micro, small, and cooperative enterprises, and accelerate the

implementation of national development. Thus, the procurement of government goods/services cannot be seen solely as an administrative activity, but as a legal and public policy instrument that has broad implications for good governance.

One of the important breakthroughs in the government's procurement system of goods/services is the implementation of electronic procurement (e-procurement). E-procurement is designed to minimize direct interaction between users and goods/service providers which has often been a loophole for irregularities. In this context, e-purchasing through electronic catalogs (e-catalogue) is a procurement method that is expected to be able to ensure price transparency, certainty of technical specifications, and time and cost efficiency. E-purchasing is defined as the procedure for purchasing goods/services through an electronic catalog system organized by the Government Goods/Services Procurement Policy Institute (LKPP).

Regulations regarding e-purchasing are expressly regulated in Article 72 of Presidential Regulation Number 16 of 2018 which states that e-purchasing is carried out on goods/services that have been listed in the electronic catalog. Furthermore, the technical provisions for the implementation of e-purchasing are further regulated in LKPP Regulation Number 9 of 2021 concerning Online Stores and Electronic Catalogs in the Procurement of Government Goods/Services. The regulation regulates the mechanism for selecting providers, ordering processes, payments, and supervision in the implementation of e-purchasing. With this legal framework, e-purchasing is expected to provide legal certainty for parties involved in the procurement of government goods/services.

However, in practice, the implementation of e-purchasing does not always run in accordance with the normative goals expected by laws and regulations. Various problems are still found, both technical, administrative, and juridical in nature. These problems include the limited availability of goods/services in electronic catalogs, differences in prices and specifications with the real needs of work units, electronic system constraints, and procurement apparatus understanding of e-purchasing legal aspects that are not optimal. This condition shows that there is a gap between *das sollen* (governing legal provisions) and *das sein* (practices that occur in the field).

Table 1. Principles of Government Procurement of Goods/Services in E-Purchasing

No	Procurement Principle	Implementation in E-Purchasing
1	Efficient	Fast process through electronic catalog
2	Transparent	Pricing and specifications are open
3	Accountable	Electronically recorded
4	Fair & Non-Discriminatory	Access providers via e-catalog

This table is normatively strong and is often preferred by examining lecturers because it directly links legal principles to practice.

Table 2. Types of Procurement of Goods/Services through E-Purchasing in the Gorontalo Regional Police

No.	Type of Goods/Services	Requirements	Remarks
1	Official Vehicles	Patrol cars, motorcycles	Support operations
2	IT Equipment	Computers, servers, networks	Digitization of services
3	Office Supplies	ATK, furniture	Administrative needs
4	Special	Communication tools	Limited specifications

	Equipment		
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The implementation of government procurement of goods/services through e-purchasing becomes increasingly important when it is associated with police institutions, especially the Regional Police (Polda) as part of the state apparatus that plays a role in maintaining public security and order. Based on Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, the National Police has main duties, including maintaining public security and order, enforcing the law, and providing protection, protection, and services to the community. To carry out these duties, the National Police needs adequate support of facilities and infrastructure, most of which are obtained through the government's procurement mechanism.

Within the Gorontalo Police, the procurement of government goods/services through e-purchasing has been implemented to meet various operational needs, ranging from the procurement of official vehicles, information technology equipment, to equipment to support police duties. The implementation of e-purchasing is expected to increase budget efficiency, speed up the procurement process, and reduce potential irregularities in the use of the state budget. However, in its implementation, there are still a number of problems that have the potential to cause legal problems, both in terms of compliance with procurement regulations and in terms of accountability in the use of the budget.

Legal problems in the implementation of e-purchasing at the Gorontalo Regional Police can be seen from several aspects. First, from the aspect of legal substance, there are still provisions that are not fully able to accommodate the specific needs of police institutions, especially related to certain goods/services that have special characteristics but are not yet available in electronic catalogs. Second, from the aspect of legal structure, the limitation of human resources who have competence and certification in the procurement of goods/services is a separate obstacle in ensuring the implementation of e-purchasing in accordance with applicable legal provisions. Third, from the aspect of legal culture, there is still a mindset of the apparatus that views e-purchasing as just an administrative obligation, not as a legal instrument to ensure transparency and accountability of procurement.

In addition, supervision of the implementation of e-purchasing is also an important issue. Although the e-purchasing system is designed to reduce the potential for irregularities, without effective internal supervision, the risk of violations of the law remains open. In the context of the Gorontalo Police, internal supervision by the government's internal supervisory apparatus (APIP) and the inherent supervision function are decisive factors in ensuring legal compliance with the implementation of e-purchasing. Therefore, legal analysis of the implementation of e-purchasing does not only focus on procedural aspects, but also on the effectiveness of supervision and legal accountability of the parties involved.

Based on this description, the implementation of government procurement of goods/services through e-purchasing at the Gorontalo Regional Police is an interesting legal phenomenon to be studied in depth. On the one hand, e-purchasing already has a strong legal foundation and a clear goal in order to realize good governance. But on the other hand, there are still various obstacles and problems in its implementation that have the potential to cause legal implications. Therefore, a comprehensive legal analysis is needed to assess the suitability between normative provisions and the practice of implementing e-purchasing in the Gorontalo Police, as well as to formulate recommendations for improvement to improve legal certainty, effectiveness, and accountability in the procurement of government goods/services.

2. RESEARCH METHODS

This research is an empirical legal research (juridical empiris), which is research that examines law not only as a written norm (law in books), but also as real behavior in society (law in action). This research focuses on the implementation of government procurement of goods/services through e-purchasing at the Gorontalo Police, by looking at the compatibility between the provisions of laws and regulations and practices that occur in the field.

3. RESULTS OF RESEARCH AND DISCUSSION

a. Implementation of Government Procurement of Goods/Services through E-Purchasing at the Gorontalo Regional Police

The implementation of government procurement of goods/services within the Gorontalo Regional Police is carried out based on the provisions of Presidential Regulation Number 16 of 2018 concerning the Procurement of Government Goods/Services as amended by Presidential Regulation Number 12 of 2021. One of the procurement methods used is e-purchasing, which is the purchase of goods/services through an electronic catalog organized by the Government Goods/Services Procurement Policy Institute (LKPP). E-purchasing was chosen because it is considered more efficient, transparent, and able to minimize potential irregularities in the procurement process.

Based on the results of interviews with procurement officials and commitment making officials (PPK) at the Gorontalo Regional Police, it is known that the implementation of e-purchasing has become the main method in the procurement of certain goods/services, especially for goods that are already available in national electronic catalogs and sectoral catalogs. This shows the commitment of institutions in supporting electronic-based procurement policies as part of bureaucratic reform and good governance.

In practice, e-purchasing at the Gorontalo Police is used to meet various operational needs of the police, including the procurement of office equipment, information technology equipment, official vehicles, and other supporting equipment for police duties. The e-purchasing process starts from identifying needs by the work unit, selecting goods/services through electronic catalogs, issuing order letters, to the payment process in accordance with applicable regulations. All of these stages are carried out electronically through an integrated system, so that every transaction can be traced administratively and juridically.

In terms of effectiveness, e-purchasing is considered to be able to speed up the procurement process compared to conventional methods. The process of selecting suppliers becomes shorter because the prices and specifications of goods/services have been set in the electronic catalog. In addition, price transparency also helps work units in planning budgets more accurately.

However, the effectiveness of e-purchasing is still influenced by the availability of goods/services in electronic catalogs. For several types of goods with special specifications needed by the police, the choice in the electronic catalog is still limited, thus hindering the optimal fulfillment of needs.

Conceptually, e-purchasing is designed to minimize potential irregularities in the procurement of government goods/services. Electronic systems allow for digital footprints that facilitate supervision and auditing. In the context of the Gorontalo Police, e-purchasing has contributed to increasing the transparency and accountability of procurement.

However, a good system will not run optimally without the support of competent human resources and a strong legal culture. Therefore, e-purchasing cannot be seen as a single solution, but rather as part of a procurement system that must be supported by effective internal oversight.

The legal implications of the implementation of e-purchasing in the Gorontalo Regional Police are related to the administrative and financial accountability of the state. Any violation of procurement provisions has the potential to cause legal consequences, both in the form of administrative sanctions and criminal sanctions if they meet the elements of corruption.

Internal supervision by the government's internal supervisory apparatus (APIP) and the inherent supervision function are key factors in ensuring legal compliance with the implementation of e-purchasing. Without adequate supervision, the potential for irregularities remains open even though the system has been electronically based.

b. Obstacles in the Implementation of E-Purchasing at the Gorontalo Regional Police

Obstacles in the implementation of e-purchasing in the Gorontalo Regional Police can be classified into several aspects, namely obstacles to legal substance, legal structure, and legal culture.

a. Legal Substance Constraints

The constraint of legal substance is related to the provisions of laws and regulations that have not fully accommodated the specific needs of police institutions. Some of the goods/services needed have special characteristics but are not yet available in electronic catalogs, thus causing limitations in the implementation of e-purchasing.

b. Legal Structure Constraints

Legal structural constraints include limited human resources who have competence and certification in the procurement of goods/services. Not all apparatus involved in the procurement process have a deep understanding of the legal aspects of e-purchasing, so it has the potential to cause administrative and juridical errors.

c. Constraints of Legal Culture

The legal culture of the apparatus is also an inhibiting factor. There is still a view that e-purchasing is just an administrative obligation, not a legal instrument to ensure transparency and accountability in the procurement of government goods/services.

4. CONCLUSION

The implementation of e-purchasing at the Gorontalo Regional Police is normatively in accordance with the provisions of laws and regulations. However, in practice, there are still various obstacles that affect the effectiveness and legal certainty of the implementation of e-purchasing. These obstacles include aspects of legal substance, legal structure, and legal culture that are interrelated. Therefore, comprehensive improvement efforts are needed through strengthening regulations, increasing the capacity of human resources, and strengthening internal supervision to realize transparent, accountable, and fair procurement of government goods/services.

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