

The Nature Of Law Enforcement Of Eradication Of Criminal Acts In The Procurement Of Government Goods And Services (Case Study In Central Sulawesi Province)

Yusran Maaroeef¹, Mulyati Pawennei², Syahrudin Nawi²,
and Abdul Qahar²

¹Doctor of Law, Universitas Muslim Indonesia, Makassar

²Faculty of Law, Universitas Muslim Indonesia, Makassar

Email: yusran.maaroeef@gmail.com

ABSTRACT

This research was conducted with the following objectives: (1). To find out, analyze and discover the essence of law enforcement in eradicating criminal acts of corruption in the procurement of government goods and services in Central Sulawesi Province. (2). To find out, analyze and discover the implementation of law enforcement on corruption in the procurement of goods and services in Central Sulawesi Province. (3). To find out, analyze and find the factors that influence law enforcement in eradicating corruption in the procurement of goods and services in Central Sulawesi Province. This study uses primary data through a survey of 55 samples of law enforcement officers, five police officers, five prosecutors, five judges, five lawyers and 35 state civil servants from various agencies. The survey was conducted from April to June 2023. The results of this study indicate that the essence of law enforcement of criminal acts of corruption in the procurement of government goods and services is the creation of law enforcement of criminal acts of corruption in the procurement of government goods and services, which is an attempt to realize the ideas of justice, legal certainty and social benefits come true. (2). Implementing efforts to eradicate corruption in procuring government goods and services in Central Sulawesi Province has not been optimal. (3). The factors influencing law enforcement in eradicating corruption in the procurement of government goods and services in Central Sulawesi Province are the factors of legal substance, legal structure,

legal awareness, and legal culture. This means that if law enforcement for eradicating criminal acts of corruption in the procurement of goods and services is optimized, this can save state financial losses, and these funds can be used for national development.

Keywords: The Nature of Law Enforcement; Corruption Crime; Procurement of Goods & Services.

INTRODUCTION

The 1945 Constitution, which is the constitutional foundation of the Indonesian nation, expressly states that the goal of nation-building is to protect the entire Indonesian nation and its homeland, promote public welfare, educate the nation's life, participate in carrying out world order based on eternal independence and realize justice for all Indonesian people. In line with what was stated above, with reference to Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, the meaning contained is that the state of Indonesia is a state based on the law which aims to create a prosperous, safe, secure and peaceful nation. Orderly. In fulfilling independence today, the government is actively carrying out development in all sectors of life, but one of the major problems faced by the Indonesian nation is the rampant corruption in all sectors which certainly influences and becomes a barrier to the nation's economic, social, political and cultural development. Procurement of government goods and services has an important role in the implementation of national development, namely to improve public services and develop the national and regional economy. Presidential Regulation Number: 54 as amended several times; these changes are expected to provide maximum value for money and contribute to the use of domestic products, increasing the role of micro, small and medium enterprises and sustainable development. Law enforcement eradication Corruption is a necessity that must be maintained because corruption affects the survival of the nation, and there is even an opinion that some people view corruption as a new culture of the nation that has mastered the behaviour of not only the state bureaucracy but also business actors and even all levels of society. The high level of corruption in our country is certainly very detrimental to development as a whole.

Corruption in Indonesia is widespread in society. Its development continues to increase from year to year, both in terms of the number of cases that occur and in terms of the value or amount of state financial losses as well as in terms of the quality of crimes being committed that are increasingly systematic and their scope enters all aspects of people's lives. It is certain that the increase in uncontrolled acts of corruption will bring disaster not only to the life of the national economy but also to the life of the nation and state. So according to Artijo Alkostar that corruption is classified as an extraordinary crime because corruption in Indonesia is widespread and systematic, which violates people's economic rights. The field of procurement of goods and services is the economic sector that is most in demand. The occurrence of intense and open competition in the business world, especially those engaged in the procurement of goods and services or contractors, that it possible for practices that can qualify as criminal acts of corruption to occur. So that it is hoped that the government can get goods or services of the highest quality, lowest prices, timely procurement, the existence of goods easily accessible and comes from professional providers of goods and services who do not only think about their profits, most desirable, this causes intense and open competition in the business world, especially those engaged in the procurement of goods and services or contractors, so that it does not rule out the occurrence of practices that can qualify as a criminal act of corruption. So that it is hoped that the government can get goods or services of the highest quality, lowest prices, and timely procurement, the existence of goods easily accessible and come from professional providers of goods and services who do not only think about their profits, so that the prevention and eradication of corruption are no longer done by the usual way, but must be done in an extraordinary way.

Procurement of good government services is very much determined by an efficient and effective process in the administration of good governance because if this is not implemented properly, it will certainly hinder the implementation of a project which is certain to incur high costs and delay the utilization of the project and provide opportunities for engaging in corruption, which will have an impact on reducing the interest of good business actors or companies to participate in the bidding process so that they will lose the opportunity to obtain low and quality prices,

because the government project funds used, whether budgeted through the APBN or APBD, are a reflection of the implementation development aimed at the benefit of the community or for the public interest. All parties involved in the process of procuring government goods and services should avoid collusion, corruption and nepotism. The function of each party is to act professionally and not influence each other for disgraceful purposes for personal or group interests or benefits that are detrimental to state or regional finances. In essence, the procurement of goods and services is a government effort, in this case, represented by Commitment Making Officials to obtain the desired goods and services, which in the process use certain methods, and in the process, an agreement is reached on price, time and quality, of goods and services.

In simple terms, the stages in the procurement process of government goods and services can be described as follows:

1. The preparation stage includes the following activities:
 - a. Planning.
 - b. Committee formation.
 - c. System setting
 - d. Schedule arrangement
 - e. Compilation of Self-Estimated Prices (HPS)
 - f. Preparation of goods and services procurement documents
2. The procurement process stage includes the following activities:
 - a. Selection of providers of goods and services
 - b. Determination of providers of goods and services
3. Contract preparation stage
4. Level of contract implementation.

The success of implementation of government goods and services in the province of Central Sulawesi can be said to be successful if the implementation of state financial management, including local government finances, is carried out in accordance with statutory provisions and other implementing regulations. The stages of government procurement of goods and services require a long process that starts from planning needs to the completion of all activities in obtaining these goods and services. The auction or tender process is a method of procuring government goods and services; in this case, the government is the provider and business or private actors as the executor. In this long process, if there are activities related to obtaining

goods and services, there are practices of markup, collusion, corruption and nepotism (KKN), bribery, illegal acts or abuse of authority, these are acts of corruption. Although the law on eradicating corruption has been amended and perfected several times and extra-judicial institutions have also been established, namely the KPK and the Corruption Court, the names of perpetrators of corruption in Indonesia have never decreased and even increased from time to time, one of which is corrupt practices in the procurement of government goods and services. The criminal act of corruption is very detrimental to state finances or the country's economy and hinders national development, so it must be eradicated in order to create a just and prosperous society based on Pancasila and the 1945 Constitution. The growth and continuity of national development demand high efficiency, which is, of course, in accordance with the development of legal needs in society, so it is hoped that it will be more effective in preventing and eradicating criminal acts, especially in the field of procurement of government goods and services. The criminal act of corruption in the procurement of government goods and services so far has been widespread, not only harming the state's finances but also violation of the social and economic rights of the community at large, so that the criminal act of corruption is classified as a crime whose eradication must be carried out thoroughly. Amazing too. To further guarantee legal certainty and avoid multiple legal interpretations, and provide protection for the social and economic rights of the community, as well as fair treatment in eradicating corruption, especially in the field of procurement of goods and services, the government has issued several regulations in the field of procurement. Government goods and services that regulate comprehensively must be guided by procurement officials and business actors. Implementation of good governance and clean (good governance and clean government), ensuring all aspects related to the control and supervision of the power owned by the government in carrying out its functions through formal and informal institutions. The principles of good governance and clean government must be able to carry out accountability actions by managing all resources efficiently and functioning regulations properly, which are impartial (independent), and ensure that interactions between related parties (stakeholders) occur in a fair, transparent, professional and

accountable manner.

In the implementation of government procurement of goods and services, the regulation was initially regulated through the Presidential Regulation of the Republic of Indonesia Number: 54 of 2010 concerning the Procurement of Government Goods/Services, which was revised by Presidential Regulation Number: 16 of 2018, which was later amended by the Momor Presidential Regulation: 17 of 20019 and then with the Amendment to Presidential Regulation Number: 12 of 2021. And also, the government has issued another regulation, namely, it has established a Goods/Services Procurement Policy Agency based on RI Presidential Decree Number: 106 of 2007 concerning the Government Goods/Services Development Policy Institute, which was established on December 6, 2007, whose task is to develop and formulate government goods/services procurement policies. Regarding provisions for government goods and services, this agency also regulates the procurement of government goods and services; most recently has issued a Government Goods and Services Procurement Policy Agency Regulation Number: 12 of 2021 concerning Guidelines for Executing Government Procurement of Goods and Services. The revision of the regulation is none other than aimed at finding a concept or method in the procurement of government goods/services that is efficient, transparent, and competitive. Thus, it is hoped that the availability of affordable and quality goods and services will have a direct impact on improving public services. In addition, the implementation of good procurement of government goods and services is one of the strategic supports for the wheels of the nation's economy, as well as the development of facilities and infrastructure for public services, is a must. Arrangements regarding the implementation of the procurement of government goods and services were previously regulated through a presidential decree; then, the arrangements are regulated through the mechanism of Presidential Regulation Regulations aimed at minimizing actions that can cause state losses which have an impact on stagnant wheels of the economy nationally due to development facilities and infrastructure through procurement management goods and services by the government. The large value or amount of money in circulation or the high value of large contracts causes the procurement sector of government goods and

services to have the potential for corruption. Irregularities in the procurement of government goods and services are indicated by a large number of handlings of criminal acts of corruption related to the procurement of goods and services carried out by the Corruption Eradication Commission or by other law enforcement agencies. According to KPK data, government officials commit most corruption cases, generally in goods and services procurement projects. The KPK report concluded that the high level of corruption in the procurement of government goods and services occurred from the very beginning of the planning stages, including in Central Sulawesi, so serious efforts were needed to eradicate this corrupt crime.

Improving government procurement of goods/services regulation is very important to improve governance, reduce problems of corruption and accountability, and at the same time, it is expected to increase the acceleration of budget absorption, revision of regulations on goods and services is also expected so that the amount of government spending is quite large, for example for procurement via electronic able to increase sustainable entrepreneurship, develop domestic industry and also reduce inequality. If goods and services procurement officials or parties involved in the goods and services procurement process are still guided by existing regulations, the goods and services procurement process will not become a frightening spectre for budget execution in order to realize better development achievements. According to KPK data, between 2017 and 2020, there were a total of 175 reports of public complaints in the Central Sulawesi region to the KPK. The complaint consisted of abuse of authority which caused state losses totalling 110 reports; extortion in five reports; fraudulent acts 3 reports; embezzlement in office in one report; conflict of interest in procurement in two reports, other crimes related to criminal acts 3 reports; and other reports 46 reports in the category of non-corruption crimes. Sus- TPK/ 2019/ PN Palu, in case of corruption in the procurement of government goods and services. The defendant was a Commitment Making Officer (PPK) for the Procurement of Medical Equipment and Family Planning at the Poso Regional General Hospital in the 2013 fiscal year, who was appointed based on the Decree of the Poso Regent. Health services in the Poso district resulted in state losses of 4.8 billion involving the head of the Poso District Health Office as well as several procurement officials

and partners providing the goods and services.

RESEARCH METHODS

Research Types and Approaches

In this study, this type of sociological/empirical legal research will be used; this approach is to analyze efforts to prevent and enforce corruption in the procurement of government goods and services in Central Sulawesi Province. This empirical approach is used to analyze law not merely as a mere normative set of rules and regulations; the law is seen as a social behaviour that is symptomatic in people's lives, which always interacts with societal aspects such as politics, economics, social and culture. Various field findings will be used as the main material in disclosing the problems studied by adhering to normative provisions.

Data Types and Sources

Data Type

The type of data that will be used in this study is primary data which is the main data whose sources are obtained from law enforcement institutions, and this data will be supplemented with secondary data as complementary data obtained from various references using literature reviews related to the research object. This.

Data source

The two types of data above were obtained from certain sources, namely:

- a. Primary data as the main data obtained from field searches. This data includes matters related to efforts to prevent and eradicate criminal acts of corruption in the procurement of goods and services in Central Sulawesi Province and several law enforcement institutions, which can be obtained from respondents as a sample that has been determined in this study.
- b. Secondary data is supporting data obtained from the study of library materials in the form of written works by experts in various types of literature in the form of books, scientific articles, research results, and collections of essays as well as other documents in the form of news that are relevant to this research.

Population and Sample

Population is the whole or set of research objects with the same characteristics. The population can be in the form of a collection of people, objects (living or dead), symptoms, behaviour, articles of legislation, legal cases, time or place, teaching tools, methods and so on, with the same traits and characteristics. The population in this study, namely prosecutors, judges, advocates and civil servants in various OPDs, are considered relevant to the object of research. The sample is part of the population (part or representative of the population being studied). The research sample is part of the population taken as a data source and can represent the entire population. The number of samples is 50 respondents, with details, namely:

1. Attorney 5 people
2. 5 judges
3. 5 attorneys
4. civil servants in various services 35 people

The concept of the sample in this study is a small part of the population taken according to a certain procedure so that it can represent the population in a representative manner. So, based on the description above, the researcher decided to use a sample collection technique by means of non-probability sampling. Non-probability sampling technique is a sampling technique that does not provide an opportunity or opportunity for each member of the population to be used as a research sample. The non-probability sampling technique used is purposive sampling.

Data Collection Techniques

To obtain data in accordance with this study, the researchers used the following data collection instruments:

1. Interview

Interviews are intended to explore important questions that may not have been covered in the literature review or to get a more detailed answer to a problem. To facilitate implementation, interviews were conducted in a structured manner using interview guidelines.

2. Questionnaire

In order to collect data at the research location, the researcher will distribute a closed questionnaire containing questions accompanied by answers.

3. Document Study

The use of this technique is based on the consideration that this type of research is not solely empirical legal

research but also related to normative legal research.

Data Analysis Technique

The most important factor in a study to determine the quality of research results is data analysis, then the type of analysis is determined so that later the collected data can be more accountable. In this study, the data analysis technique used is a qualitative deductive data analysis technique. According to Jhonni Ibrahim, qualitative deductive analysis is drawing concrete conclusions from a societal problem. The data collected from research results, both in the form of primary and secondary data, then the collected data will be analyzed with simple statistics (percentages), then analyzed qualitatively and discussed and broken down in the form of descriptions by giving meaning in accordance with various laws and regulations apply.

RESEARCH RESULTS AND DISCUSSION

The Nature of Law Enforcement for the Eradication of Corruption Crimes in the Procurement of Government Goods and Services.

According to Aristotle, humans are Zoon Politicon, meaning basically creatures who want to always associate with other humans. So being a social being in fulfilling his life needs, the need to socialize together with others is a basic need (instinct) of the human being himself, which is called gregariousness; thus, humans are social beings (Homo Socius). Namely, creatures that always interact with each other. However, sometimes in the process of interaction, conflicts of interest or needs often occur. There are interests and needs that match and complement each other, and some conflict with one another. The law functions to maintain order in society from disorder, namely to avoid friction and conflict. This is where the role of law, the law, must really function, both as social control or a social control tool as well as social engineering. Or a tool to change society. In a rule-of-law state, there is power that is exercised on the basis of good law to bring about justice.

In the concept of the rule of law, law has the highest position in the administration of the state, where the state must be run on the basis of law in realizing justice in the law enforcement process. Harkristuti Harkrisnowo said that in the realm of law enforcement, it is necessary to pay attention

to the components of the legal system, namely: structure, substance and culture. If a condition of law enforcement is not in accordance with the objectives of the law itself to create justice, order, benefit, and people's welfare, then it is necessary to correct the components in the legal system for the effectiveness of law enforcement itself. In acting to exercise state power, the state or law enforcement officers must implement the law with an orientation toward a prosperous society so that all actions by the state and law enforcement agencies must be good and fair, according to what the community wants. When the concept of carrying out the law properly is implemented by the state, society will be protected from various problems that might be encountered when the law is not implemented properly and fairly. Carrying out the law properly and fairly is actually a rule of law principle because the state has thus provided protection to its citizens. Historically, the concept of a rule of law state was born as a challenge or reaction to state power. The concept of the Indonesian rule of law, it means that there is recognition of the principle of the rule of law and the constitution; according to Abdul Latief, the rule of law in principle contains several elements, namely: Government is carried out based on law, (the principle of legality) where the power and authority possessed by the government is solely determined by a constitution or law, in that country there is recognition and respect for basic human rights by the authority concerned; government power in the country is not concentrated in one hand, but must be given to the state institutions; It is possible for government actions carried out by government apparatus to be submitted to an impartial court which is empowered to assess whether the said act is against the law or not.

According to the author, law enforcement for the eradication of corruption in the procurement of government goods and services must be carried out fairly in order to create legal authority in Indonesia, including in the province of Central Sulawesi, because law enforcement is a matter of principle which is the action of the state through law enforcement officials based on the authority possessed by law enforcement agencies to realize the achievement of certainty, justice and the benefits of the law. Criminal acts of corruption in the procurement of goods and services, besides being able to harm state finances or the state/regional economy, also hinder national development, so law

enforcement really must be carried out by eradicating it so that a just and prosperous society is realized based on Pancasila and the 1945 Constitution. More Oksidelfa Yanto continued, saying that law enforcement is very important in regulating public order¹. Carrying out law enforcement is the duty of law enforcers to uphold norms. Then also the enforcement of the values contained in the norms that live in society.

Procurement of goods and services is one of the systems in managing the state budget that must be carried out in accordance with applicable regulations, which, if not complied with, there will be legal risks that must be accepted due to the abuse of this authority. In order for the objectives of the procurement of goods and services to be achieved, of course, the process must be carried out by the users and providers of goods and services as well as possible by referring to the legal regulations for the procurement of goods and services and other applicable regulations. Law enforcement for eradicating corruption in the procurement of government goods and services in the province of Central Sulawesi must be a priority because, after all, the consequences of the existence of this criminal act of corruption which results in losses to state finances are, of course, very detrimental to the people of Central Sulawesi, because it interferes with hampering regional development, including hindering the achievement of goals national. Threatening the social system, damaging the image of a clean, authoritative and responsible apparatus. The impact of corruption that can be directly felt is the emergence of state / regional losses; on a small scale, it can reduce the level of public trust. On a large scale, it can lead to conditions of national economic instability because of the slightest impact on social and economic conditions in areas where corruption is committed; according to Ade Mahmud² that the most basic problem faced by the government of the Republic of Indonesia after the economic crisis occurred was the decline in public confidence in public bureaucracy and government system.

Law enforcement and eradication of criminal acts must be carried out simultaneously by law enforcement officials in

¹ Oksidelfa Yanto (2020), *The State of Legal Certainty, Justice and Usefulness of Law in the Indonesian Judicial System*, Library Design Copyright, Bandung.

² Ade Mahmud, (2020), *Return of Corruption Assets with a Progressive Legal Approach*, Sinar Graphic, Jakarta

the jurisdiction of Central Sulawesi because corruption has an impact on increasing poverty and has an effect on the low level of community economic development. The widespread practice of corruption in various areas of government, in this case, including in the field of procurement of government goods and services, has disrupted the wheels of government and caused enormous losses to the country's finances and economy. Especially when it is associated with the quality of the government bureaucracy and the realization of government, which is expected to become more systemic and spread evenly across the regions. Procurement of goods and services is carried out to achieve justice and prosperity for the community; however, in practice, it creates legal issues that can cause significant losses to the state. In this writing, the author presents examples of cases of procurement of goods and services that cause state losses. Some of the legal issues that occurred in the procurement of goods and services for the Central Sulawesi Provincial Government, which caused state losses include: First, there is a lack of understanding of the processes and procedures regarding the provisions of budget management, resulting in errors in administration and use. Second, there is an element of intentionality involved in marking up and falsifying documents by creating fictitious documents or reports. Law enforcement is a process of administering criminal justice in which the police, prosecutors and judges are in the same system mechanism, which is functionally related to each other, is a system that is structured and has the same goal, namely crime prevention and also aims to provide legal certainty at the end of the process stages. Legal certainty is something that must be achieved because procedural law is made to avoid uncertainty. Law enforcement of corruption in the procurement of goods and services must rely on the principle of legality. Enforcing the law as fairly as possible or holding the perpetrators accountable for the law is something that must be done to create legal authority. In this study, law enforcement is not seen solely in the context of law enforcement (law enforcement alone, but how the law is, in fact). Law enforcement (law enforcement) is important in realizing public order, and law enforcement is the duty and authority of the apparatus of law enforcement; this is implemented by carrying out the functions, duties and authorities of law enforcement agencies in charge of enforcing the law in proportion to the scope of each

institution, and based on a good system of cooperation and coordination to support the goals to be achieved. Community law enforcement has an interest in the realization of justice, but it needs to be understood that law is not always synonymous with justice issues, but there are other issues that accompany it, such as problems of benefits and certainty. The main principle of law enforcement is not to discriminate against legal subjects; anyone who violates it must be punished. That is why the law was created to maintain order and protect the rights of members of society. According to Achmad Rifai, actually, the problem of legal objectives can be studied from 3 (three) points of view, namely:

1. From the point of view of positive law or dogmatic juridical, the purpose of the law is emphasized on the aspect of legal certainty;
2. From the point of view of legal philosophy, the purpose of law is emphasized justice;
3. Sociological point of view, the purpose of the law is emphasized in terms of expediency.

Law Enforcement for the Eradication of Corruption Crimes in Central Sulawesi Province.

In the concept of the rule of law, law enforcement is an important matter in regulating public order; the three main elements of law enforcement are as follows:

1. Justice

As an embodiment, Indonesia is a rule-of-law country; of course, law enforcement should not be selective; all citizens have the same position before the law. If legal injustice occurs, it will lead to various protest actions. Article 27 (paragraph) 1 of the 1945 Constitution states that all citizens have the same status before the law and government and are obliged to uphold this law and government without exception. Equality before the law implies that every Indonesian citizen must be treated fairly by law enforcement officials and the government regardless of status and social strata; this is a basic right that is a citizen's constitutional right. In addition to having rights, citizens also have obligations, such as complying with applicable laws and complying with applicable legal processes. The principle of equality before the law or equal standing before the law shows that the rule of law above all and human rights is a requirement of the concept of the Indonesian rule of law.

According to Hans Kelsen, the law is a system of norms; norms are emphasizing aspects of what should be or *das sollen* by including some regulations on what to do. Product norms and liberalized human action. Laws that contain general rules serve as guidelines for individuals to behave in society, both in relationships with fellow individuals and in relations with society. These rules become limits for society in burdening or taking action against individuals. The principle of equality before the law in the elucidation of Law Number 8 of 1981 concerning the Criminal Procedure Code has been formulated in a general explanation as the principle of Indonesian criminal procedural law, and in the provisions of Law Number: 48 of 2009 concerning Judicial Powers article 4 paragraph (1) of the courts judge according to the law without discriminating against people. This means that everyone, when dealing with legal issues, must receive the same treatment without discriminating against ethnicity, religion, and position in society. Anyone who violates the law must receive equal treatment or equal dealing, must receive equal protection on the law, and must receive equal justice under the law.). Similarly, anyone who is suspected of having committed a criminal act of corruption in the procurement of government goods and services, whether he is a supplier of goods and services (contractor) or an official providing goods and services (procurement official), must be prosecuted, don't let the law blunt up and down. Every applicable law and regulation must be applied equally to anyone without exception, even though there are differences in social strata because law enforcement will be effective in achieving the true purpose of law enforcement, namely the certainty of justice and the benefits of law. Article 28 D paragraph (1) of the 1945 Constitution, "Everyone has the right to recognition, guarantees, recognition and fair legal certainty and equal treatment before the law." In practice, people are dissatisfied with the implementation of the law by the state. In fact, the community considers law enforcement rather difficult to bring justice to the community. Between *das sein* (which exists) and *das sollen* (supposedly) is not as easy as people imagine.

Because actually, justice is the main thing in law enforcement.

If there is a gap between law enforcement and law, in fact, this is a denial of the meaning of justice itself.

According to Morris Ginsberg that justice is opposite words:

Lawlessness, Deviance, Disobedience, Uncertainty.

Favourable Attitudes in the Application of a Rule.

Favourable or Arbitrary Rules Involve Unfounded Discrimination or Discrimination Based On Irrelevant Differences.

2. Benefits

Law enforcement using the expediency approach contains empty gaps between justice and legal certainty. The flow of utilitarianism assumes that the purpose of the law is solely to provide the greatest benefit or happiness for as many people as possible. Ideally, justice, certainty and legal benefits can be applied to a decision. If justice and legal certainty cannot be juxtaposed simultaneously, the judge must choose between the two, which is more beneficial to the law for justice seekers or for the law itself. A court decision must end any legal issues that occur or be the end of a legal process. Law is a number of formulations of knowledge that are determined to regulate the traffic of human behaviour so that it can run smoothly, not collide with each other and be fair. As is common knowledge, the law is not born in a vacuum. It was born based on the flow of human communication to anticipate or become a solution to congestion caused by negative potentials in humans. Actually, the law is to be obeyed. After all, the purpose of enacting the law is to create justice. Therefore, the law must be obeyed despite being ugly and unfair. Laws can be wrong, but as long as they are valid, they should be observed and obeyed. We cannot make 'unfair' laws. It gets better by breaking that law. All law violations bring respect to the law and the rules themselves.

Legal benefits need to be considered because everyone expects benefits in implementing law enforcement. Do not let law enforcement actually cause public unrest. Because when we talk about law, we tend to only look at statutory regulations, which sometimes are not perfect and are not aspirational to people's lives. In accordance with the above principles, in Prof.'s statement. Satjipto Rahado stated that: justice is indeed one of the main values, but still beside the others, such as utility (utility, doelmatigheid). Therefore, in law enforcement, the comparison between benefits and sacrifices must be proportional. Legal expediency is a principle that accompanies the principles of justice and legal certainty. In carrying out the principle of legal certainty and the principle of justice, the principle of expediency should be

considered. A concrete example, for example, in applying criminal threats to someone who has committed a criminal act of corruption, can consider the benefits of imposing a sentence on the defendant himself and the community. If the death penalty is considered more beneficial to society, then the death penalty is imposed.

3. Legal certainty

Apart from being useful and fair, law enforcement must provide legal certainty because, in fact, this is the main goal of the law enforcement system, which aims to end a process and clarify a person's legal status. For state administrators, law enforcement is a concept to ensure that the law has been implemented properly and correctly so as not to harm other parties. There should be no rules whose material substance is contradictory. According to Mukti Arto, there are four related things or elements that are closely related to legal certainty:

The law is a written law or regulation (*gazetlzisches recht*).

The law must be based on facts (*tatsachen*), not a formula of judgment. Facts must be formulated clearly so as to avoid misunderstandings in meaning and are easy to implement.

Positive law can change.

Legal certainty must be interpreted as clarity about the legal norm itself so that statutory regulation should not have multiple interpretations so that there is clarity and firmness regarding the enactment of the law in society. And a formulation of legislation cannot be rubber or elastic because if this happens, apart from not providing legal certainty, it is also feared that it can be misused based on the interpretation or meaning desired by the authorities or law enforcement officials. This will have a negative impact, social conflict may occur, and public distrust will arise towards the government or law enforcement officials. In addition, when a statutory regulation is passed into law, it applies as positive law, the formulation of the article must be clear and logical so there will be no doubts or multiple interpretations, or there may be a conflict of norms in it. In practice, the community is dissatisfied with the implementation of the law by the state, and the community even considers law enforcement to be rather difficult to bring justice to their people. As a result, a crisis of public confidence in law enforcement in Indonesia cannot be avoided. This crisis is caused because sometimes laws and regulations are no

longer used as guidelines for behaviour. Even the law should be able to make people comply with the law so as not to violate the law or crime. Legal certainty refers to enforcing a clear, permanent and consistent law where subjective circumstances cannot influence its implementation. Lawrence M Wridman that in order to realize legal certainty, at least it must be supported by the following elements: legal substance, legal apparatus, and legal culture. Sudikno metro Kusumo states that legal certainty is one of the conditions that must be met in law enforcement, namely that it is justifiable against arbitrary actions, which means that a person can obtain something expected in certain circumstances.

Factors Influencing the Eradication of Law Enforcement of Corruption Crimes in the Procurement of Goods and Services in Central Sulawesi Province

According to the researchers, the weakness of regulations in the field of procurement of government goods and services is one of the potential causes for the occurrence of several forms of irregularities that result in state/regional financial losses. Therefore, in order to realize a just, prosperous and prosperous society based on Pancasila and the 1945 Constitution of the Republic of Indonesia, law enforcement for eradicating corruption crimes cannot be carried out optimally in Central Sulawesi province; therefore, the eradication of corruption crimes, especially those committed in the field of procurement of goods and services in Central Sulawesi, it must be carried out optimally in ways other than by increasing the professionalism of law enforcement officials, it must also be carried out intensively and continuously. In addition to the above, according to the researcher, law enforcement institutions/organs based on the authority of their attributive rights in handling acts of corruption in the procurement of government goods and services have not functioned effectively and efficiently; this can be seen in the view of Imam Anshori Saleh, there are seven factors which cause weak law enforcement in Indonesia, are as follows:

1. The laws produced by the government and the House of Representatives reflect the interests of entrepreneurs and rulers rather than the interests of most people.
2. Weak constitutional will of leaders and state administrators in Indonesia.

3. Low integrity of law enforcement officials such as police, judges, prosecutors and advocates.
4. The law enforcement paradigm is positivistic or emphasises formal legal aspects.
5. Lack of law enforcement facilities and infrastructure.
6. Unsystematic legal system.

The level of legal awareness and culture that is lacking in society.

Relevant to this study, Lawrence M. Friedman argued that the success of law enforcement depends on three elements of the legal system, namely the structure of the law, the substance of the law, and legal culture. Legal structure concerns law enforcement officials; legal substance includes statutory instruments, and legal culture is a living law that is adhered to in a society.

Legal Structure (Structure of law).

In law enforcement of criminal acts, especially corruption, a condition for being held accountable for the legal subject of a particular person or legal entity is that a concrete event has occurred beforehand, as defined in the legal provisions. Laws or norms regulate society properly and usefully by determining what is required or permitted to be done by legal subjects and vice versa.

Hans Kelsen (1881-1973), in his legal theory, emphasized the difference between:

1. Das sollen, that which can be expressed, or that which ought to exist.
2. Das sein, which can be expressed or what is there. In general, we know legal norms as das sollen or what should be or as expectations, and das sein is more about empirical facts or facts found in society. As a legal norm, das sollen is a general rule of law, while dasein is a concrete thing that happens in society.

The legal structure is a pattern or model of how the law is implemented according to its formal provisions. The police, prosecutors and judges are three elements of law enforcement, each of which has duties, authorities and obligations in accordance with the applicable laws and regulations. The process of handling corruption is basically the same as handling other crimes, namely starting from the stages of investigation, investigation, prosecution, and trial court examination to the stage of implementing the judge's

decision. However, what is different from other/general criminal acts is that as a result of the act of corruption, state / regional losses arise. According to Law No. 1 of 2004 concerning the state treasury, a loss to the state is a reduction in money, securities and goods, which is certain in amount as a result of unlawful acts, whether intentional or negligent. According to Law Number: 31 of 1999 that state losses are reduced state assets caused by an act against the law, abuse of authority/opportunities or facilities that exist in a person because of position or position, negligence of a person and/or caused by circumstances beyond human capabilities (force majeure).

Legal substance (the substance of law)

Enforcement is a fairly serious problem; the community considers that law enforcement is only sharp downwards and blunt upwards. Law enforcement is expected to be able to provide legal certainty; on the other hand, it must fulfil or must not injure the community's sense of justice, be impartial and may not be intervened by anyone because corruption can result in a slowdown in the country's economic growth, decreased investment, increased poverty and increased income inequality, or corruption robs citizens of their social rights. The legal substance in eradicating criminal acts of corruption in the procurement of government goods and services in addition to implementing the provisions stipulated in Law Number: 31 of 1999 as amended by Law Number: 20 of 2001 concerning the Eradication of Corruption Crimes, because it involves state finances, of course in cases substance corruption of Law Number: 1 of 2004 concerning the State Treasury is also applied in addition to the provisions stipulated in Presidential Decree Number 54 of 2010 concerning Government Procurement of Goods and Services and their amendments. There are state losses due to criminal acts of corruption with reference to Law Number 1 of 2004 concerning the State Treasury where the state lacks money, securities and goods, the real and definite amount as a result of unlawful acts either intentionally or negligently. Legal uncertainty in legal interpretation regarding state financial losses, in accordance with the principles of criminal law, should not lead to conflicts of legal interpretation which will create a legal vacuum in the application of criminal law.

Legal Culture (Legal Culture)

Legal culture is a term used to describe the relationship between social behaviour in relation to law. Legal culture can change at any time as a result of growing legal awareness. This change is embedded in the fact that certain values or attitudes towards the law. Becoming out of place in society. Friedman agreed with the concept that changes in legal consciousness could be influenced by external factors such as economic, political and social events, which is a variable that is not directly related. This influence can be found; for example, on the one hand, legal awareness can change the legal culture, and then the legal culture can change the legal system, where the legal system influences the socio-economic and political system in a broad scope.

Theory Relevance with Research Results

1. The first sub-title in Chapter V, Results and Discussion of this Research, is The Nature of Law Enforcement for Eradicating Corruption Crimes in Procurement. The theory that researchers use to discuss this problem is the Authority Theory, which is power or authority based on legal provisions and statutory provisions that give rights to an organ or institution to govern or act based on the main duties and powers possessed as a public official to comply the rule of law within the scope of carrying out its public obligations. In the process of procuring goods and services, the theory of authority is related to law enforcement. Law enforcement, according to Soerjone Soekanto that law enforcement is an activity of harmonizing the relationship of values described in the principles. As a process, realizing the ideas of justice in the field of procurement of government goods and services in Central Sulawesi Province in order to avoid corrupt practices. Procurement of goods and services is a process of obtaining goods and services of high quality at low prices. This can only be realized if all parties involved in the process properly make guidelines for the procurement of government goods/services as stated by Soejono Soekamto, that laws or regulations (written) really work, always returned to at least 5 (five) factors, namely:
 - a) The law or the rule of law itself,
 - b) officer who enforces it,
 - c) Facilities that are expected to support the

- implementation of the law,
- d) Communities affected by this scope,
- e) Facilities supporting a provision.

Soejono Soekamto, in a transitional period, the values that have been chosen apply simultaneously with the old value system that will be abandoned. The goal is to achieve harmony between group interests and individual interests. Lawrence M. Friedman argued that the success of law enforcement depends on three elements of the legal system, namely, the structure of the law, the substance of the law, and legal culture. Legal structure concerns law enforcement officials and legal substance. If the procurement of government goods and services in the province of Central Sulawesi is free from corruption, collusion and nepotism practices and if matters that lead to criminal acts of corruption as formulated in the law on the eradication of criminal acts of corruption and other regulations are not carried out by law enforcement officials then this can certainly increase the poverty rate and will lead to an increase in the poverty rate and unequal development in Indonesia, especially Central Sulawesi, which is due to misuse of regional state finances. The impact of corruption that can be directly felt is the emergence of state / regional losses; on a small scale, it can reduce the level of public trust. On a large scale, it can lead to conditions of national economic instability because even the slightest corruption will have an adverse impact on the social and economic conditions in the area where the corruption is committed.

2. In Chapter V, sub-title B, namely the implementation of law enforcement in eradicating corruption in the procurement of government goods and services in Central Sulawesi Province, researchers use law enforcement theory.

Based on the attribution authority granted by law-to-law enforcement officials (police, prosecutors and judges) regarding the Corruption Eradication Commission (KPK), in this study, researchers did not discuss it in research. The legal substance in eradicating criminal acts of corruption in the procurement of government goods and services in addition to implementing the provisions stipulated in Law Number: 31

of 1999 as amended by Law Number: 20 of 2001 concerning the Eradication of Corruption Crimes, because it involves state finances, of course in cases substance corruption of Law Number: 1 of 2004 concerning the State Treasury is also applied in addition to the provisions stipulated in Presidential Decree Number 54 of 2010 concerning Government Procurement of Goods and Services and their amendments. The law enforcement apparatus that handles the law enforcement of criminal acts of corruption in Central Sulawesi is the police, whose authority is as stipulated in Law Number: 2 of 2002 concerning the Indonesian National Police. Apart from the police, the Attorney General's Office is a law enforcement institution that is authorized to handle acts of corruption based on Law Number: 16 of 2004, the Attorney General's Office of the Republic of Indonesia. If law enforcement officials (Polri and the Attorney General's Office) receive reports of complaints from the public or Non-Governmental Organizations (NGOs) regarding allegations of corruption, they should respond and review the reports or complaints first by further maximizing the function of intelligence in responding to the truth of reports or public complaints, by providing technical means by means of monitoring, analysis, evaluation and reporting. If the intelligence function is maximized, it will be able to detect and anticipate potential corruption in the procurement of goods and services. From the results of the interview, if there were reports from the public about the process of procuring goods and services, law enforcement officials responded by forming a team to review and analyze the report, inviting goods and services procurement officials to come to the police or prosecutor's office to clarify the reports/complaints. Conditions like this are very dilemmatic for procurement officials in the Goods and Services Procurement Service Unit / Electronic Procurement Agency (ULP / LPSE); when they receive an invitation to clarify a complaint, they must come to attend the invitation, but on the other hand, they also have duties and responsibilities responsible for managing goods//services documents, evaluating procurement implementation and compiling evaluation reports, compiling procurement implementation reports, preparing and coordinating technical teams and ULP support staff in the process of procuring goods/services because they have to go back and forth to fulfil invitations for clarification by law enforcement officials. Several ULP staff

said it was better to resign from ULP, civil servant or ASN to become a goods and services procurement official. First, they had to meet certain qualifications and be certified as goods and services procurement officials. The end of the law enforcement process for eradicating corruption crimes, as in other criminal cases, is the judiciary which has the authority to try, examine and decide on corruption crimes; the attribution authority is based on Law Number: 48 of 2009 concerning Judicial Power.

3. In Chapter V, the subtitle Factors Influencing the Law Enforcement of Corruption Crimes in the Procurement of Government Goods and Services in Central Sulawesi Province, the researcher uses the theory of effectiveness as grand, as stated by Lawrence M. Friedman, who argued that the success of law enforcement depends on three elements of the legal system, namely the structure of law, the substance of law, and legal culture. Legal structure concerns law enforcement officials and legal substance. Lawrence M. Friedman argued that the success of law enforcement depends on three elements of the legal system, namely, the structure of the law, the substance of the law, and legal culture. Legal structure concerns Lawrence M. Friedman's opinion that the success of law enforcement depends on three elements of the legal system, namely the structure of law, substance of law, and legal culture. The legal structure concerns law enforcement officials, the legal substance includes law enforcers, the legal substance includes

Research Findings

1. The essence of law enforcement of criminal acts of corruption in the procurement of government goods and services is the creation of law enforcement of criminal acts of corruption in the procurement of government goods and services, which is an attempt to realize the ideas of justice, legal certainty and social benefits into reality.
2. Implementing efforts to eradicate corruption in the procurement of government goods and services in Central Sulawesi Province has not been optimal.
3. The factors that influence the eradication of corruption in the procurement of government goods and services in Central Sulawesi Province are the legal substance, legal structure, and legal culture.

CLOSING

Conclusion

1. The essence of law enforcement of criminal acts of corruption in the procurement of government goods and services is the creation of law enforcement of criminal acts of corruption in the procurement of government goods and services that are fair, have legal certainty and provide social benefits in general.
2. The implementation of efforts to prevent and eradicate acts of corruption in the procurement of government goods and services in Central Sulawesi Province has not been optimal.
3. The factors that influence the prevention and eradication of acts of corruption in the procurement of government goods and services in Central Sulawesi Province are the factors of legal substance, legal structure, legal awareness, and legal culture.

Suggestion.

- a. Legal arrangements in the form of laws regarding criminal acts of corruption, especially in the procurement of government goods and services, need to be optimised or regulated in detail and detail and be in sync with high-level provisions or equivalent.
- b. It is necessary to improve the quality (formal education or non-formal education) of each law enforcement officer on duty so that handling criminal acts of corruption, especially in the procurement of government goods and services, is carried out professionally and proportionately.
- c. It is necessary to conduct legal counselling or outreach regarding regulations for related civil servants and government partners (stakeholders), specifically regarding criminal acts of corruption, especially in procuring government goods and services.
- d. It is necessary to carry out general legal counselling to all levels of society, specifically regarding regulating criminal acts of corruption, especially in the procurement of government goods and services.

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