

# ANALYSIS OF MAL ADMINISTRATION IN THE PROCUREMENT OF GOODS/SERVICES TENDER PROCESS IN GORONTALO DISTRICT PROCUREMENT OF GOODS AND SERVICES

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## ABSTRACT

This study aims to analyze the occurrence of maladministration that occurs in the tender process for the procurement of goods/services in the goods and services procurement section of the Gorontalo district government and aims to determine the inhibiting factors for the tender process for the procurement of goods/services in the procurement of goods and services, especially in the government. Gorontalo district. Research method used is a qualitative research method with data collection techniques including: 1) observation; 2) interview; and 3) documentation. Activities in data analysis, namely: 1) data reduction stage; 2) data presentation stage; and 3) data verification stage.

The results of this study are, as follows: 1) mal administration in the tender process for the procurement of goods/services in the goods and services procurement section of the Gorontalo district, seen from the aspect of inefficiency, still occurs. Maladministration in the tender process for the procurement of goods/services in the procurement of goods and services in Gorontalo Regency, seen from the lengthy aspect of the procedure, is still going on. Mal administration in the tender process for the procurement of goods/services in the procurement of goods and services of Gorontalo district seen from the dishonesty aspect is quite good, because officials show good attitudes or behavior, although it seems that so far there are things that are often not accepted by participants tenders. Administrative maladministration in the tender process for the procurement of goods/services in the procurement of goods and services in the Gorontalo Regency seen from the aspect of covering up errors still occur. And competence in the form of knowledge and skills hinders the implementation of the tender process for the procurement of goods/services. Rapid changes in regulations hinder the implementation of the tender process for the procurement of goods/services.

**Keywords:** Maladministration, Tender Process, Procurement of Goods/Services

## INTRODUCTION

Indonesia is a democratic legal state based on Pancasila and the 1945 Constitution, there is no concentration of power in certain groups but tends to the sovereignty of the people. Article 1 paragraph (3) states that everything is based on law as a binding and coercive regulation. As a state of law, it is clear that in carrying

out its activities, both regarding state and community life, it always upholds human dignity. One of these crimes is corruption through mal administration. Corruption crimes generally contain activities that are manifestations of acts of corruption in the sense of using the power or influence inherent in a civil servant or a special position held by someone in a public office

improperly to obtain benefits that have an impact on oneself and other parties.

In order to realize general welfare, the government has an obligation to provide the people's needs in the form of goods and services. Procurement of goods/ services is also used by the Government to increase its existence in the community so that it can still develop domestic businesses, innovative creative industries, and develop domestic culture.

One of the factors that cause prosperity in Indonesia has not been achieved, and the prosperity and welfare of the people has not been achieved is because corruption is still endemic. Corruption is not only detrimental to state finances and/or the state's economy, but also hampers national development.

Corruption behavior occurs systematically and widely, not only harming the state's finances and economy, but also a violation of the social and economic rights of the community at large, so that it is classified as an extraordinary crime so that its eradication must be carried out in an extraordinary way.

Every level of government administration and every government agency buys goods and services, and their quantity and value are often unreasonable. Activities or activities in the procurement system in Indonesia are widely believed to be the main source of budget leakage, which allows corruption and collusion to contribute greatly to the deterioration of services for the Indonesian people. BPK's investigative audits were only carried out on projects that were already in progress, the pattern and stages of corruption indicated that this project had problems since the budgeting process. The parties involved are those who are respected people in the community and are usually highly educated employees and have a respected social status in the community because the procurement of goods and services of course involves officials both at the center and in the regions, as well as

partners as providers of goods and services.

The government's regulations for the procurement of goods/services have been amended several times, namely since Presidential Decree No. 18/2000 on Procurement of Goods/Services for Government Agencies, then Presidential Decree No. 80/2003 on Government Procurement of Goods/Services, then Presidential Regulation No. 54 of 2010 concerning Government Procurement of Goods/Services which has been changed 4 (four) times, namely Number 35 of 2011, Number 70 of 2012, Number 172 of 2014 and lastly Number 4 of 2015, then Presidential Regulation Number 16 of 2018 concerning Procurement of Goods/ Government Services as amended by Presidential Regulation Number 12 of 2021 concerning Procurement of Government Goods/Services. This starts from

preparation, announcement of tenders/auctions, registration of tender/auction participants, explanation of tenders/auctions, submission of bids, evaluation processes, failed tenders/auctions and re-auctions, announcements of potential winners of tenders/auctions are still often accompanied by administrative mal-administration or deviations in procedures.

The length of the procedure in the tender process for the procurement of government goods/services, for example in the stage of the tender process which is declared failed by the selection working group, can only be carried out after the rebuttal and rebuttal periods of appeal have ended, as well as in the tender process stage where there is only 1 (one) provider still unable to submit the document of the election results because it is waiting for the stage of the refutation period to end. The length of the procedure greatly affects the effectiveness of the implementation of the procurement of goods/services. What is often meant by the term direct appointment is the procurement of goods/services

directly to the providers of goods/services, without going through an auction/selection/direct ap-pointment [7].

Covering up mistakes, for example, the tender process for the procurement of goods/services still exists, double standards are found in the evaluation carried out by procurement actors in the provider selection process, indications of collusion to win certain companies, also regulate the tender process or auction of goods/services procurement for their own benefit or own group at the expense of others.

In addition, there are several factors that influence or obstacles in the tender process for the procurement of goods/government services in the Goods and Services Procurement Section of Gorontalo Regency such as competence, very fast regulatory changes. According to the researcher's assumption, these two factors can influence and become obstacles in the tender process for the procurement of goods/government services in the Goods and Services Procurement Section of Gorontalo Regency. In relation to the planned package to be auctioned in 2017, the Procurement of Goods and Services Section of Gorontalo Regency, shows that there are 87 packages spread over 17 OPD, consisting of 49 construction packages, 21 goods packages, 21 consulting packages, and 1 other service package.

The data recapitulation of OPD Activity Packages for Tenders in 2018 in the Procurement Section of Gorontalo District shows that there are 80 packages spread over 17 OPDs, consisting of 58 construction packages, 9 goods packages, 12 consulting packages, and 1 other service package. The data recapitulation of the OPD Activity Packages for the 2019 Tender in the Procurement of Goods and Services of Gorontalo Regency, shows that there are 83 packages spread over 17 OPDs, consisting of 60 construction packages, 14 goods packages, 4 consulting packages, and 6 other service packages.

The data recapitulation of the OPD Activity Package for the 2020 Tender in the Procurement of Goods and Services of Gorontalo Regency, shows that there are 85 packages spread over 17 OPD, consisting of 62 construction packages, 10 goods packages, 11 consulting packages, and 2 other service packages.

The data recapitulation of the OPD Activity Package for the 2021 Tender in the Procurement of Goods and Services of Gorontalo Regency, shows that there are 164 packages spread across 19 OPDs, consisting of 133 construction packages, 20 goods packages, 7 consulting packages, and 4 other service packages.

### **Implementation**

Policy implementation as: Action taken by the public or private individuals or groups aimed at achieving the goals that have been set, in policy decisions [11].

### **Public policy**

Policies are divided into 2 (two) types, namely output and impact. "Outputs are goods, services or other facilities received by a certain group of people, both target groups and groups that are not intended to be touched by the policy, while the impact of changes in physical and social conditions as a result of policy outputs" [12]

### **Mal-Administration**

Maladministration is behavior or action against the law, exceeding authority, using authority for purposes other than those for which the authority is intended, including negligence or neglect of legal obligations in the administration of public services carried out by state and government administrators that cause losses. Material and/or immaterial for the community and individuals [9].

Disease or pathology of Mal-Administration is defined as a condition in which humans are the main element in administration, the main intention is to cooperate not to meet common needs, but the main intention is to work together to meet personal needs at the expense of oth-

ers [4].

There are several aspects of performance appraisal procurement, namely productivity, service quality, responsiveness, responsibility, and accountability [2]. In addition, aspects of transparency, inefficiency, length of procedures, dishonesty and covering up mistakes are also important things and should be considered in the implementation of procurement performance.

Main obstacles in the procurement of government goods/services are among others: a) lack of understanding of the system; b) attitudes and regulations that change frequently; c) poor planning; and d) lack of resources/experts [3]. However, in this study, researchers only limited to two aspects, namely rapid regulatory changes, and human resources/ competence, the reason being that these two aspects often become obstacles in the procurement of goods/services in the Procurement Section of the Government of Gorontalo Regency.

## RESEARCH METHODS

### Research Approach

This study uses a qualitative approach. Qualitative research is research that uses a natural setting, with the intention of interpreting the phenomena that occur and is carried out by involving various existing methods [5]. Qualitative methodology as a research procedure that produces descriptive data in the form of written or spoken words from people and observable behavior [5].

Data analysis in qualitative research is carried out during data collection, and after completion of data collection within a certain period. At the time of the interview, the researcher had analyzed the answers to the interviewees. If the interviewee's answers after being analyzed feel unsatisfactory, then the researcher will continue the question again, until a certain stage, obtained data that is considered credible. Activities in qualitative data

analysis are carried out interactively and continuously until complete, so that the data is saturated [8].

Activities in data analysis, namely: 1) data reduction stage; 2) data presentation stage; and 3) data verification stage. The analytical technique used in this research is descriptive qualitative analysis. This data analysis technique describes, interprets and describes data that is collected systemically and systematically. The validity test of the data includes the credibility test, transferability, dependability (reliability), and confirmability (objectivity), as follows:

- 1) Credibility, or data credibility testing, is carried out by extending observations, increasing persistence in research, triangulation, discussion with friends, negative case analysis, and member checking (process checking the data obtained by the researcher to the data provider).
- 2) Transferability, namely transferring data according to other social contexts and situations.
- 3) Dependability carried out to audit the entire research process by an independent auditor, or supervisor.
- 4) Confirmability is carried out similar to dependability so that the testing can be carried out simultaneously, namely testing the results of the research, associated with the research process carried out [8].

## RESEARCH RESULT

Mall-Administration Analysis in the Tender Process for the Procurement of Goods/Services in the Goods and Services Procurement Section of Gorontalo Regency. The sub-focus used is: 1) inefficiency; 2) the length of the procedure; 3) dishonesty; and 4) cover up the error. Based on data collection through in-depth interviews, observation and documentation, each is described according to the sub-focus of the research.

### Inefficiency

The inefficiency referred to in this study is the existence of waste, waste, inefficiency in the Procurement of Goods / Services that use funds and resources that do not reach the set targets and are not in accordance with the previously planned time and can not be accounted for. Inefficiency is not only seen in terms of costs but also in terms of the time used to obtain goods/services. Assuming that the inefficiency of the tender process will have an impact on the procurement of goods and services in Procurement of Goods and Services Section of Gorontalo Regency.

There are still tender packages that fail to tender and there are also tender packages that have been re-evaluated due to errors in the evaluation by the election working group given the high workload. In addition, the number of packages tendered is quite large, while the human resources involved in the working group are limited, so it takes a lot of time to maximize the tender process, this is an obstacle in the tender process for the procurement of goods and services in the Procurement Section of Goods and Services, Gorontalo Regency.

### **Length of Procedure**

The length of the procedure referred to in this study is the length of the mechanism or procedure related to the work procedure, or the working procedure of the tender process for the procurement of goods and services. Procedures are important for an organization so that everything can be done well. Procedure is a series of activities that have become patterns and have been determined in carrying out a job or activity. Assuming that the length of the tender process procedure will have an impact on the ineffectiveness of procurement of goods and services in the Section of the Procurement of Goods and Services of Gorontalo Regency.

In connection with the above, the researcher conducted a document study on the Regulation of the Government Goods/Services Procurement Policy

Institute Number 12 of 2021 concerning Guidelines for the Implementation of the Procurement of Government Goods/Services Through Providers, stating that the stages of the tender process that were declared failed by the election working group could only be carried out after the period of refutation and rebuttal of appeals ends as well as in the stage of the tender process where there is only 1 (one) provider still unable to submit the election results documents because they are waiting for the stage of the refutation period to end.

### **Dishonesty**

The dishonesty referred to in this study is the behavior of lying and saying it is not what it is, cheating or not following all applicable rules and carried out with coercion and lies. Dishonesty is also an act or deed that does not have an honest attitude, does

not have integrity, and always cheats. The process of organizing public sector activities, such as the process of procuring goods/services, selling assets, and providing sponsorships / grants is carried out unfairly, not objectively, not transparently, and not accountable. Assuming that dishonesty in the tender process will have an impact on the ineffectiveness of procurement of goods and services in the Procurement of Goods and Services Section of Gorontalo Regency.

Related to the above, the researcher conducted a document study on the Presidential Instruction of the Republic of Indonesia. Number 5 of 2004. Regarding the Acceleration of Corruption Eradication, it is stated that improving the quality of services to the public in the form of services or licensing through transparency and standardization of services which include requirements, target completion times, and fees that must be paid by the community to obtain these services in accordance with laws and regulations and eliminate illegal levies. and Implement Presidential Decree

Number 80 of 2003 concerning the Procurement of Government Goods/Services consistently to prevent various kinds of leakage and waste of state finances, both from the State Revenue and Expenditure Budget and Regional Revenue and Expenditure Budget.

### **Cover Up Errors**

Covering the mistakes referred to in this study is to cover up mistakes and shortcomings. This is done solely so that the person is accepted by other people or the environment around them by dodging and looking for reasons that sometimes don't even make sense and without valid arguments. Likewise in the tender process for the procurement of goods and services. Assuming that covering up errors in the tender process will have an impact on the ineffectiveness of procurement of goods and services in the Section of the Procurement of Goods and Services of Gorontalo Regency.

Related to the above, the researcher conducted a document study on Presidential Regulation Number 12 of 2021 concerning Government Procurement of Goods/Services. The Presidential Regulation has contained an integrity pact, namely a statement letter containing a pledge to prevent and not commit Collusion, Corruption and Nepotism (KKN) in the procurement of goods and services, including increasing prices that are not appropriate.

The Inhibiting Factors of the Tender Process for the Procurement of Goods/Services in the Procurement Section of the Goods and Services of Gorontalo Regency. The sub-focus used are: 1) competence; and 2) very rapid regulatory changes. Based on data collection through in-depth interviews, observation and documentation, each is described according to the sub-focus of the research, as follows:

### **Competence**

The competencies referred to in this research are human resources owned by the

implementing apparatus in the process of procuring goods/services in the form of knowledge and skills. Assuming that the low competence of the implementing apparatus in the tender process will have an impact on the ineffectiveness of procurement of goods and services in the tender Procurement of Goods and Services Section of Gorontalo Regency.

Regulation of the Government of the Republic of Indonesia's Goods/Services Procurement Policy Agency Number 6 of 2019 concerning Government Procurement of Goods/Services Certification. And the Regulation of the Government of the Republic of Indonesia's Goods/Services Procurement Policy Institute Number 6 of 2020 concerning Amendments to the Regulation of Government Goods/Services Procurement Policy Agencies Number 8 of 2019 concerning the Dictionary of Technical Competence for the Procurement of Government Goods/Services. Mention that the Dictionary of Technical Competence for the Procurement of Government Goods/Services is a list of types of technical competence, definition of technical competence, description of technical competence and behavioral indicators for each level of technical competence in the field of Government Procurement of Goods/Services.

### **Regulatory Changes**

Changes to Regulations referred to in this research are Amendments to Legislative Regulations. This change can be in the form of prohibitions, additions or permits which are different or new regulations from the old regulations. Including Amendments to Legislation in the process of procurement of goods and services. Assuming that frequent rapid regulatory changes in the tender process will have an impact on the ineffectiveness of procurement of goods and services in the Gorontalo Regency Procurement of Goods and Services Section. Obstacles to the

Tender Process for the Procurement of Goods/Services in the Procurement of Goods and Services of Gorontalo Regency, which is seen from the factors of regulatory changes that hinder the implementation of tasks. This happens because rapid regulatory changes or changes in laws and regulations give rise to multiple interpretations or different understandings among the implementing apparatus in its application, and the Goods and Services Procurement Section does not provide technical guidance in implementing the regulatory changes, so this becomes an obstacle and affect the accountability of the implementation of the tender process for the procurement of goods and services in the Goods and Services Procurement Section of Gorontalo district.

## **DISCUSSION**

Analysis of Administrative Malls in the Tender Process for the Procurement of Goods/Services in the Procurement Section of the Procurement of Goods and Services, Gorontalo Regency. The description of the results of the research that has been described above about the Administrative Mall in the Tender Process for the Procurement of Goods/Services in the Procurement of Goods and Services of Gorontalo Regency which is seen from the aspect of inefficiency, length of procedure, dishonesty, covering up mistakes still often occur which causes the procurement process to occur and services have not been effectively performed.

### **Inefficiency**

Aspects of inefficiency in this research are the occurrence of waste, waste, inefficiency in the procurement of goods/services that use funds and resources, so that they do not reach the set targets and are not in accordance with the previously planned time and the implementing apparatus has difficulty in accountability. Included in the implementation of the tender process for the Procurement of

Goods/Services in the Procurement Section of the Goods and Services of Gorontalo Regency.

This result is consistent with previous similar research. Inefficiency of government procurement of goods and services (PBJP) has the potential to reach 160 trillion related to the absence of a supervisory system for alleged maladministration/corruption. The assumption is that the APBN is 2,039 trillion, around Rp 800 trillion is spent through the procurement of goods and services, 20 percent inefficiency reaches Rp 160 trillion. Institutions such as the World Bank state that the inefficiency of the government's procurement of goods and services (PBJP) reaches 10%-50%. Meanwhile, the Supreme Audit Agency (BPK) reached 20%-50%. Value of Rp 160 trillion.

### **Length of Procedure**

The aspect of the length of the procedure in this study is the length of the mechanism or procedure related to work procedures in the tender process for the procurement of goods and services. The length of the procedure is also something that exists in every organization in carrying out its activities. Because procedures are important for an organization so that everything can be done well. Procedures are a series of activities that have become patterns and have been determined in carrying out a job or activity within the organization.

This result is not in accordance with or consistent with the Government's Goods and Services Procurement Procedure as regulated in the Presidential Regulation of the Republic of Indonesia Number 12 of 2021 concerning the Procurement of Goods/Government Services. That every government agency must implement the principles of accountability and efficient resource management, and realize it through good and independent actions and regulations, and ensure fair, transparent interaction between related parties (stakeholders), professional, and

accountables. The general policy of the government's procurement of goods/services aims to synergize the provisions of the procurement of goods/services with policies in other sectors.

### **Dishonesty**

Aspects of dishonesty in this study are the attitude or behavior of lying and saying it is not what it is, cheating or not following all applicable rules and carried out with coercion and lies. In addition, dishonesty is an act or deed that does not have an honest attitude, does not have integrity, and always cheats.

The results showed that the Administrative Mall in the Tender Process for the Procurement of Goods/Services viewed from the dishonesty aspect was quite good, because the Election Working Group showed good attitudes or behavior, and always upholds integrity and credibility in the process of procuring goods and services. Goods and service procurement officials always guard against deviant actions in the tender process and try to carry out work in accordance with existing regulations, as well as prevent and refrain from collusion, corruption, and nepotism (KKN) in the procurement of goods and services.

This result is indeed different from the initial observation of the study, because at the time of observation the researcher only conducted interviews with one of the informants, namely the bidders, but after the researcher went down to conduct the interview, the way all the informants determined the results were different, because the informants revealed This is a fact that actually happened, and does not mean that in the procurement of goods/services there are no deviations, in fact there are deviations, as expressed by the informant as a bidder, "So far there are things that are often not accepted by us participants. Tender, but the bidders were forced to accept it even though with a heavy heart for

the sake of the common good."

### **Cover Up Errors**

The aspect of covering up errors in research is covering up mistakes and shortcomings in the procurement of goods and services, which are carried out by the implementing apparatus solely so that the person is accepted by other people or the environment around them by dodging and looking for reasons that sometimes don't even make sense and without valid argument. The results are consistent with previous similar research that covering up mistakes or guilt is an emotional improvement that is the result of self-reflection from negative events, this explains that there is a mismatch between self-behavior for what has been done and an undesirable state appears [10].

The Inhibiting Factors of the Tender Process for the Procurement of Goods/Services in the Procurement Section of the Goods and Services of Gorontalo Regency. The description of the results of the research that has been described above regarding the Inhibiting Factors of the Tender Process for the Procurement of Goods/Services in the Procurement of Goods and Services of Gorontalo Regency which is seen from the aspect of competence and regulatory changes.

### **Competence**

Competence is one of the factors discussed in this study. Competence in question is the human resources possessed by the implementing apparatus in the process of procuring goods/services in the form of knowledge and skills. The results showed that the inhibiting factors of the Tender Process for the Procurement of Goods/Services seen from the competence factor hinder the implementation of tasks, the competence of the implementing apparatus is still low, because there are still apparatus with high school education and do not receive technical guidance and do not participate in trainings related to the tasks they carry out, especially in the



process. procurement of goods and services, so that it greatly affects or becomes an obstacle for the implementing apparatus in the tender process for the procurement of goods and services to be ineffective in the Goods and Services Procurement Section of Gorontalo Regency.

### **Regulatory Changes**

Regulatory changes are very fast is one of the factors discussed in this study. The regulation change in question is the Amendment to the Legislative Regulations; this change can be in the form of prohibitions, additions or permits which are different or new regulations from the old regulations. Including Amendments to Legislation in the process of procurement of goods and services.

The results of the study indicate that the factors that hinder the Tender Process for the Procurement of Goods/Services in the Procurement of Goods and Services of Gorontalo Regency, which are seen from the factors that change regulations very quickly hinder the implementation of tasks, due to rapid regulatory changes or changes in legislation causing multiple interpretations or the different understandings between the implementing apparatus in its implementation, and the Goods and Services Procurement Section does not provide technical guidance in implementing the regulatory changes, so that this becomes an obstacle and affects the accountability of the implementation of the tender process for the procurement of goods and services in the Goods and Services Procurement Section. Gorontalo district.

### **CONCLUSION**

Based on the results of the research and discussion of Malls-Administration in the Tender Process for the Procurement of Goods/Services in the Procurement of Goods and Services Section of Gorontalo Regency which has been described previously, the researchers took the following conclusions.

1. Administrative Mall in the Tender Process for the Procurement of Goods/Services in the Procurement Section of Gorontalo Regency, seen from the aspect of inefficiency, still occurs.
2. Administrative Mall in the Tender Process for the Procurement of Goods/Services in the Procurement Section of Gorontalo Regency, seen from the lengthy aspect of the procedure, is still going on.
3. The Administrative Mall in the Tender Process for the Procurement of Goods/Services in the Procurement Section of Gorontalo Regency seen from the aspect of dishonesty is quite good, because the officials show good attitudes or behavior, although it seems that so far there are things that are often not accepted by the bidders.
4. Administrative Malls in the Tender Process for the Procurement of Goods/Services in the Procurement Section of Gorontalo Regency, seen from the aspect of covering up errors, still occur.

The inhibiting factors for the Tender Process for the Procurement of Goods/Services in the Goods and Services Procurement Section of Gorontalo Regency include:

1. Competencies in the form of knowledge and skills hinder the implementation of the Tender Process for the Procurement of Goods /Services.
2. Very fast regulatory changes hinder the implementation of the Tender Process for the Procurement of Goods/Services.

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