

ABSTRAK

Penyederhanaan prosedur pengadaan barang/jasa dalam rangka percepatan penanganan Covid-19 sebagaimana diatur dalam peraturan perundang-undangan dalam Pasal 59 Perpres 16 tahun 2018, Inpres 4 tahun 2020, serta melalui SE LKPP No. 3 tahun 2020, yang pada kesimpulannya memberikan legitimasi dan akses bagi pemerintah untuk menyelenggarakan penyederhanaan prosedur dalam rangka penanganan Covid-19. Namun pemerintah dalam melakukan serangkaian tindakan ataupun kebijakan dalam hal pengadaan barang/jasa telah mengabaikan nilai dari Asas-Asas Umum Pemerintahan yang Baik (AUPB) seperti Prinsip Transparansi, Prinsip Penyalahgunaan wewenang dan Prinsip Kecermatan. Hal tersebut terlihat dari dihapusnya beberapa tahap persiapan guna melihat kualitas standar maupun harga bagi calon penyedia. Bahwa untuk memberantas korupsi pengadaan barang dan jasa, sanksi pidana belum cukup efektif sebagai instrumen pencegah, karena hakikat sanksi pidana merupakan instrumen terakhir (*ultimum remedium*). Oleh sebab itu, harus dibarengi dengan instrumen hukum administrasi yang berintikan pengawasan (*controlling*). Apabila selama proses pengawasan dijumpai pejabat yang melakukan pelanggaran maka dapat dikenakan sanksi administrasi seperti pemberhentian dari jabatan, sedangkan bagi penyedia barang dan jasa dapat dikenakan sanksi seperti dimuat dalam daftar hitam (*black list*) atau pencabutan ijin usaha. Dengan bersaranakan kedua instrumen hukum (pidana dan adminitrasi) tersebut, maka pemberantasan korupsi dalam pengadaan barang dan jasa dapat lebih efektif.

Kata Kunci : Pengadaan Barang/Jasa, Penyederhaan Prosedur, Asas-Asas Umum Pemerintahan yang Baik.

ABSTRACT

Simplification of procedures for procuring goods / services in order to accelerate the handling of Covid-19 as regulated in the laws and regulations in Article 59 of Presidential Decree 16 of 2018, Inpres 4 of 2020, as well as through SE LKPP No. 3 of 2020, which in conclusion provides legitimacy and access for the government to simplify procedures in the context of handling Covid-19. However, the government in carrying out a series of actions or policies in terms of procurement of goods / services has ignored the values of the General Principles of Good Governance (AUPB) such as the Principle of Transparency, the Principle of Abuse of Authority and the Principle of Accuracy. This can be seen from the elimination of several preparatory stages in order to see the quality standards and prices for prospective providers. Whereas to eradicate corruption in the procurement of goods and services, criminal sanctions are not yet effective enough as a deterrent instrument, because the nature of criminal sanctions is the final instrument (*ultimum remedium*). Therefore, it must be accompanied by an administrative law instrument that has the core of controlling. If during the supervisory process an official who commits a violation is found, he will be subject to administrative sanctions such as dismissal from office, while the goods and services provider may be subject to sanctions such as being listed in the black list or revocation of business license. With the support of these two legal instruments (criminal and administrative), the eradication of corruption in the procurement of goods and services can be more effective.

Key Words : Procuring Goods/Services, Simplification of Procedures, General Principles of Good Governance