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The Responsibilities of Electronic Catalog System Providers for the Quality and Pricing of Goods/Services in Government Procurement

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Abstract: This study aims to identify, understand, and analyze the regulations governing electronic catalog system providers concerning the quality and pricing of goods/services in government procurement, as well as to determine the form of responsibility of electronic catalog system providers for the quality and pricing of goods/services in government procurement. The method used in this study is a normative juridical research method with a legislative approach and a legal concept analysis approach. The results of the study indicate that the regulation of electronic catalog system providers regarding the quality and pricing of goods/services in government procurement is governed by the Regulation of the National Public Procurement Agency (LKPP) Number 9 of 2021 on Online Stores and Electronic Catalogs in Government Procurement, which was further refined by the Decision of the Head of the National Public Procurement Agency of the Republic of Indonesia Number 122 of 2022, dated April 1, 2022. This regulation provides a more detailed explanation of the process for listing a product/commodity in the electronic catalog. The form of responsibility of electronic catalog system providers for discrepancies in the quality and pricing of goods/services in government procurement is that catalog providers are held accountable for any consequences arising from the low quality of products used by Ministries/Agencies/Local Governments. Therefore, if there is a difference between the quality and price listed in the electronic catalog and the actual product, the electronic catalog provider is responsible for compensating the losses incurred by the procuring party.

Keyword: Responsibility, Provider, Procurement, Government, Electronic Catalog.

INTRODUCTION

The dynamic developments constantly occurring in the business world demand that business actors continuously make new breakthroughs to expand their operations. This trend has become even more evident in the era of technological disruption, particularly in the realm of online business. Consequently, business actors are required to adapt to the diverse demands of consumers, moving beyond the limitations of traditional business models defined by space and time. Indonesia, as a developing country, is currently accelerating its efforts in various

fields of development. Development initiatives aim to achieve prosperity for the people and their well-being. The results of these development efforts are expected to be enjoyed by all citizens equitably and justly, improving their quality of life both materially and spiritually. Achieving these development goals necessitates the active participation of all segments of Indonesian society in every aspect of development to realize the objectives of national development. Among the numerous types of national development projects, infrastructure development is a tangible realization of these efforts (Zaenal Arifin and Ade Haryani, 2014).

Meeting the need for goods and services is a crucial aspect that cannot be separated from government operations. For the government, the availability of goods and services in every government agency is a key determinant of the success of each unit's duties and functions (Abu Sopian, 2014). The demand for goods and services that are directly enjoyed by the public is continuously growing, driven by population growth and the emergence of new categories of procurement resulting from technological advancements.

Procurement is the process by which an organization acquires goods and services to fulfill its internal and/or external needs. Therefore, almost all organizations, whether in the business sector (profit organizations), the nonprofit sector, or the government sector, carry out procurement processes to support their respective activities. However, there are differences in the procurement processes among these organizations, such as differences in funding sources, methods of selecting suppliers, service priorities, and other aspects. Despite these differences, the common goal across all three types of organizations is to obtain goods and services with the best value (getting value).

Government procurement, commonly known as Government Goods/Services Procurement (Pengadaan Barang/Jasa Pemerintah, abbreviated as PBJP), refers to the procurement activities conducted by Ministries/Agencies/Regional Apparatus (KLPD) funded by the State Budget (APBN) or Regional Budget (APBD). This process, which spans from needs identification to the final handover of the procured goods/services, plays a significant role in supporting national development by enhancing public services and fostering national and regional economic growth. Additionally, PBJP is expected to maximize value for money and contribute to increasing the use of domestic products, promoting the role of Micro, Small, and Medium Enterprises (MSMEs), and supporting sustainable development. To achieve the goal of value for money, one effective strategy is to ensure transparency and openness. To accomplish this, the government, in its capacity as a buyer, has taken steps to implement procurement electronically from the planning stage to completion. This electronic approach ensures that the selection process is open to all eligible suppliers, in accordance with the requirements specified in the tender/selection/direct procurement documents, facilitating healthy competition.

The E-Marketplace for Goods/Services Procurement is an electronic marketplace established to meet the government's needs for goods and services. In this context, the E-Marketplace refers to an electronic market developed and managed by the government to serve the procurement needs of government entities. It functions as a technical infrastructure and provides transactional support services for Ministries, Agencies, Regional Governments, and Suppliers. Key components include the Electronic Catalog, which comprises national, sectoral, and local catalogs, as well as Online Stores (Toko Daring). The development, supervision, and management of this E-Marketplace are conducted by the National Public Procurement Agency (LKPP). Therefore, any electronic marketplace not explicitly mentioned above is not considered an E-Marketplace as defined under Presidential Regulation Number 16 of 2018 on Government Goods/Services Procurement, but rather can be classified as a Private E-Marketplace (M. Syarif, 2024).

The use of information and communication technology, along with electronic transactions, provides significant benefits to businesses by enabling them to conduct

transactions more efficiently. For instance, if procurement briefings (aanwijzing) were always conducted face-to-face (offline) at the buyer's location (K/L/PD), the distance between the business and the buyer could lead to substantial time, energy, and cost expenditures. In contrast, by utilizing information and communication technology and electronic transactions, processes such as these can be conducted much more effectively and efficiently. However, the implementation of procurement using this modern concept requires appropriate legal frameworks to ensure activities are carried out in compliance with legal standards, thus preventing fraud that has occurred in the past. This necessitates the establishment of good governance and accountability measures. To address this, the government has implemented procurement regulations under Presidential Regulation Number 16 of 2018 on Government Goods/Services Procurement.

The Electronic Catalog offers several benefits, including easy access, transparency, and efficiency in the Government Goods/Services Procurement process. However, alongside these advantages, concerns have arisen regarding the quality and pricing of goods/services offered through the Electronic Catalog. Therefore, it is crucial to understand the responsibilities of Electronic Catalog System Providers in ensuring the quality and pricing of the goods/services they offer.

METHOD

Research is an activity aimed at strengthening or supporting scientific writing. The purpose of research is to obtain results that are as objective as possible or scientific truths that can be justified (Soerjono Soekanto, 1987). According to Peter Mahmud Marzuki, legal research is a process undertaken to achieve certain outcomes, leading to the discovery of legal rules or doctrines to resolve legal issues. This study employs a normative juridical research method. Normative juridical research focuses on examining the application of rules or norms within positive law (Ibrahim, 2006). The use of the normative juridical research method in this study aims to investigate and identify laws, legal principles, and legal doctrines to address legal issues related to the Responsibilities of Electronic Catalog System Providers for the Quality and Pricing of Goods/Services in Government Procurement. The research approach adopted in this method includes the statute approach and the conceptual approach. The legal materials used in this normative research consist of primary legal materials, such as legislation, and secondary legal materials, including books and scholarly journals. The technique for collecting legal materials involves library research (Efendi and Ibrahim, 2018).

RESULTS AND DISCUSSION

Regulations of Electronic Catalog System Providers on the Quality And Pricing of Goods/Services in Government Procurement.

The implementation of the Goods/Services Procurement process as part of government activities has legal implications beyond the execution of contracts between Goods/Services Users and Providers. This relates to the principles of governance according to the law and the source of delegated authority to the Goods/Services Users. The principle of legality alone is deemed insufficient as the foundation for a rule-of-law state. This is because government legal actions may be deemed highly efficient (doelmatig), appropriate, and within the scope of authority granted by the relevant laws. However, the exercise of such authority might involve coercion or arbitrary actions. According to Miriam Budiarmo, in government contracts, the government can enter into agreements characterized by public law. These agreements are oriented towards public interests and are mandatory. In such contracts, there is no freedom of contract for either party, as the terms are predetermined by the government based on general conditions of the agreement, particularly because these involve substantial state finances and aim to protect public safety.

The complexity of the procurement process creates opportunities for individuals to exploit it, especially when the process is conducted manually or face-to-face. This situation has led to discussions on shifting from a manual to an electronic process to limit interactions between parties and prevent corruption.

The realization of this idea was the issuance of Presidential Regulation No. 54 of 2010 on Government Goods/Services Procurement, which marked the beginning of electronic procurement implementation in Indonesia. One of the implementations of this regulation was the launch of the e-purchasing method by the National Public Procurement Agency (LKPP) in 2015, allowing public entities to make direct purchases through an electronic catalog.

The direct payment system or e-purchasing is one of the government's efforts to prevent fraud and corruption in the procurement of goods/services. This method is also considered capable of accelerating the procurement process without compromising accountability. Moreover, Ministries, Agencies, and Regional Governments are required to use e-purchasing for goods/services that meet national and/or strategic needs as determined by the relevant Minister, Head of Agency, or Regional Head.

To strengthen the use of e-purchasing, in 2022, the government, through LKPP, set a target to increase the number of products in the e-catalog to 1,000,000 (one million), especially focusing on domestic products. This initiative aims to expand the availability of commodities, thereby facilitating public entities in purchasing goods/services. With the increasing use of e-purchasing and the absence of studies specifically mapping fraud in e-purchasing, this research becomes relevant for the government to develop systems or policies that can detect fraud within the e-purchasing framework.

Procurement refers to the activities of acquiring Goods/Services by Ministries, Agencies, and Regional Government Units, encompassing the entire process from needs identification to the handover of deliverables. The goal is to procure the appropriate goods/services for every dollar spent, assessed in terms of quality, quantity, timing, cost, location, and supplier. The scope of procurement that must adhere to Presidential Regulations includes procurement activities within Ministries, Agencies, and Regional Government Units that are funded by the State Budget (APBN)/Regional Budget (APBD); domestic loans and/or domestic grants; and those financed, wholly or partially, by foreign loans or grants. Based on this explanation, procurement conducted by State-Owned Enterprises (BUMN) and Regional-Owned Enterprises (BUMD) does not follow the procurement mechanisms stipulated by the Presidential Regulations.

Generally, procurement can be carried out through either Providers or Self-Management (Swakelola). Ministries, Agencies, and Regional Government Units can select the appropriate method based on the value for money and procurement principles, which include efficiency, effectiveness, transparency, openness, competitiveness, fairness, and accountability. The following is an overview of the procurement methods applicable in Indonesia.

E-purchasing is a procedure for purchasing Goods/Services through an electronic catalog system. This system provides information in the form of lists, types, technical specifications, Local Content Level (TKDN), domestic products, Indonesian National Standard (SNI) products, green industry products, country of origin, prices, suppliers, and other relevant information related to goods/services.

The government classifies the electronic catalog into three categories :

1. The National Electronic Catalog is developed and managed by the National Public Procurement Agency (LKPP).
2. The Sectoral Electronic Catalog is developed and managed by individual Ministries. Currently, there are 23 Ministries registered as managers of sectoral electronic catalogs.

3. The Local Electronic Catalog is developed and managed by Regional Governments. As of now, there are 547 Provinces, Regencies, and Cities registered as managers of local electronic catalogs.

Based on the commodities listed in the Electronic Catalog, Ministries, Agencies, and Regional Governments can carry out the procurement of goods and services using the E-purchasing method. The implementation of purchases through E-purchasing can be conducted using specific methods :

1. Price Negotiation;
2. Mini-competition; and/or
3. Competitive Catalog.

According to Presidential Regulation No. 16 of 2018 on Government Procurement of Goods and Services, Article 72 states that :

- Selection of products listed in the electronic catalog is carried out by Ministries, Agencies, Regional Governments, or LKPP (National Public Procurement Agency) as stated in Paragraph 3.
- Furthermore, the selection of products for the electronic catalog is conducted using tender and negotiation methods, as detailed in Paragraph 4.

This means that Ministries/Agencies/Regional Governments (K/L/PD) or LKPP (National Public Procurement Agency) can select products to be listed in the electronic catalog as long as those products pass verification by the LKPP verification team. Additionally, the process of selecting products for the electronic catalog can be carried out in two ways: through tender or negotiation. More specifically, the process for listing products in the local and national electronic catalogs follows a structured flow. At least 8 stages are involved in listing a product in the electronic catalog, with the verification process being the most central stage. This stage determines whether a product is eligible to be displayed in the electronic catalog. The verification team from LKPP is responsible for this process, which includes checking administrative compliance, analyzing commodity needs for K/L/PD, conducting tenders or negotiations to select products/commodities to be published on the electronic catalog page, and negotiating prices to ensure that they are below market rates.

In 2021, the government issued Presidential Regulation Number 12 of 2021, which amended Presidential Regulation Number 16 of 2018 on Government Procurement of Goods/Services. This amendment changed the wording in Article 72, Paragraph 3, and eliminated Paragraph 4. Initially, the role of K/L/PD was to propose products/commodities for the electronic catalog, but this was updated to make them responsible for managing the electronic catalog. This change means that the authority to select commodities for the electronic catalog is no longer centralized in LKPP; instead, K/L/PD can independently decide which commodities will be displayed in the electronic catalog. According to LKPP, this approach aims to distribute the responsibility to K/L/PD to ensure that the selected goods/services and suppliers are of high quality. With the removal of Article 72, Paragraph 4, the selection of products for the electronic catalog no longer requires a tender or negotiation process; rather, it only requires verification based on product listing background and administrative requirements, such as business licenses, taxes, incorporation certificates, blacklist status, and price structure. This indicates that no price negotiation is conducted by the verification team during the product listing process in the electronic catalog. Thus, the prices listed in the electronic catalog are not negotiated but are the Highest Retail Prices (HET) for government procurement. As a result, under the new regulations, each K/L/PD purchasing products through the electronic catalog using the price negotiation method must conduct their own negotiations to obtain the best prices.

Subsequently, LKPP issued LKPP Regulation Number 11 of 2018 on the Electronic Catalog, which was further refined by Decree of the Head of LKPP of the Republic of Indonesia

Number 122 of 2022, dated April 1, 2022. This decree provides a more detailed explanation of the process for listing a product/commodity in the electronic catalog. The process for listing goods/services in the local electronic catalog begins with the initiation phase of listing, while the national electronic catalog starts with product review. The LKPP Decree No. 122/2022 shows a more streamlined process, reducing the number of stages for listing a product from 8 to only 2 by eliminating the formation of a verification team. This change significantly simplifies the bureaucracy, thus facilitating the inclusion of more products in the electronic catalog.

On one hand, this streamlining supports the achievement of the government's target to include one million products in the electronic catalog. However, on the other hand, K/L/PD must exert more effort when selecting products/commodities from the electronic catalog to ensure seller qualifications, product quality, and to conduct price negotiations for the best deal.

In relation to the above description, the regulation of the electronic catalog system providers is governed by LKPP Regulation Number 9 of 2021 concerning Online Stores and Electronic Catalogs in Government Procurement of Goods/Services. This regulation aims to provide guidelines for Ministries/Agencies/Regional Governments and Suppliers in developing, managing, supervising, and monitoring the implementation of the Electronic Catalog.

The Form of Responsibility of the Electronic Catalog System Provider For the Quality And Price of Goods/Services That Do Not Comply With the Specifications in Government Procurement of Goods/Services.

Responsibility is the obligation to bear or take on everything. Being responsible means having the duty to bear, carry responsibility, or take on everything as part of one's awareness and obligation concerning one's actions, whether intentional or unintentional, due to the awareness of the consequences for the interests of others. Responsibility arises because humans live in society and in an environment that requires them not to act arbitrarily, in order to create harmony, balance, and synchronization between humans and God, humans with each other, and humans with nature.

The existence of the Electronic Catalog and the E-Purchasing process is intended as a platform or medium for a simplified procurement process for Government Goods/Services. A transparent and open Electronic Catalog creates a competitive business environment, encourages product quality development with fair product prices, and fosters the growth of domestic business partners' performance. In addition, through the implementation of the Electronic Catalog, the Government also obtains accurate transaction reports for the procurement of Goods/Services at the Ministries/Agencies/Local Governments.

Then, in the Head of LKPP Regulation No. 122 of 2022 on the Procedures for the Implementation of the Electronic Catalog, the rights and obligations of the Electronic Catalog Providers are as follows:

1. Rights of the Electronic Catalog Provider:

- a) Request facilities in the form of infrastructure and resources from the Electronic Catalog Manager and LKPP for the purpose of carrying out E-Purchasing transactions in accordance with applicable procedures and/or laws and regulations;
- b) Appoint distributors/resellers/contractors/goods suppliers for the purpose of carrying out E-Purchasing transactions in accordance with applicable procedures and/or laws and regulations;
- c) Not continue the process of signing the Purchase Order if the Authorized Signatory/Agreement Validation Officer in the Ministry/Agency/Local Government does not follow up on the negotiation results between the Ordering Officer and the

- Electronic Catalog Provider no later than 14 (fourteen) working days after the negotiation is conducted;
- d) Add products to specific product showcases that have previously been registered and displayed by the Electronic Catalog Provider; and
 - e) Update information in the Electronic Catalog in accordance with the applicable provisions.
2. Obligations of the Electronic Catalog Provider:
- a) Guarantee the fulfillment of all qualification criteria required in the Registration Announcement documents;
 - b) Be responsible for the product information, technical specifications, images, and attachments uploaded on the Electronic Catalog Application;
 - c) Ensure that all materials, content, or substances filled and uploaded on the Electronic Catalog Application do not include prohibited content and/or are not in violation of laws and regulations;
 - d) Be responsible for reports or complaints regarding the uploaded content;
 - e) Be responsible for the prices of goods/services listed on the Electronic Catalog Application and guarantee that the prices listed are the best prices for the government;
 - f) Guarantee product warranties (as long as there is a warranty and no modifications/changes are made that would invalidate the warranty);
 - g) Be responsible for any claims or demands arising from the use of Intellectual Property (IP), including copyrights, trademarks, patents, and other forms of IP by the Electronic Catalog Provider;
 - h) Be responsible for the execution of E-Purchasing catalog orders and ensure the consistency of the goods/services information uploaded on the Electronic Catalog with what is delivered to the Buyer (Commitment Maker/Procurement Officer);
 - i) Comply with procurement ethics by not offering or promising to give or receive gifts, rewards, commissions, rebates, or anything from or to anyone who is known or reasonably suspected to be involved in the procurement of goods/services;
 - j) Conduct transactions through the transaction procedures established by LKPP and the Electronic Catalog Manager;
 - k) Fulfill the Ministry/Agency/Local Government's orders for products listed on the Electronic Catalog Application according to the technical specifications, images, and prices as listed in the Electronic Catalog;
 - l) Guarantee that the goods/services available in the Electronic Catalog meet the quality and security requirements/standards/guidelines set by the relevant authorities;
 - m) Guarantee that the goods/services in the Electronic Catalog comply with all licensing aspects based on applicable laws and regulations;
 - n) Not sell goods/services through E-Purchasing at a higher price than the goods/services sold outside of E-Purchasing during the same sales period, product volume, location (city/district), and with the same technical specifications;
 - o) Respond to orders in the E-Purchasing process to the Procurement Officer/Commitment Maker no later than 3 (three) working days;
 - p) Fulfill orders in accordance with the agreement as outlined in the Purchase Order;
 - q) Provide the necessary information for the examination of the work implementation conducted by auditors and/or law enforcement officials;
 - r) Submit the required reports/data for monitoring and evaluation of the provision of these Terms and Conditions to LKPP or the Electronic Catalog Manager;
 - s) Be responsible for any consequences arising from the low quality of products used by Ministries/Agencies/Local Governments;

- t) Provide and deliver products through registered Distributors/Resellers/Contractors/Goods Suppliers in the Electronic Catalog Application;
- u) Be responsible for any errors or negligence by the Distributor/Reseller/Contractor/Goods Supplier during the implementation of work conducted through E-Purchasing;
- v) Update qualification data and licensing documents held by the Electronic Catalog Provider as well as the products listed in the Electronic Catalog (if updates are required);
- w) Not create and/or submit false documents and/or information to meet the listing requirements in the Electronic Catalog Application;
- x) Report the progress of transaction realization for each E-Purchasing implementation continued until the Purchase Order to the Electronic Catalog Manager through the Electronic Catalog Application;
- y) Provide the necessary information for the examination of the work implementation carried out through E-Purchasing;
- z) Be willing to accept sanctions by LKPP or the Electronic Catalog Manager in accordance with applicable regulations.

The Electronic Catalog Provider, Distributor/Reseller/Contractor/Goods Supplier (if applicable), and/or the concerned personnel are obligated to pay all taxes, duties, levies, and other charges imposed by tax regulations for the implementation of these Terms and Conditions. All tax expenditures are included in the unit price of the product.

Regarding the form of responsibility of the electronic catalog system provider for the quality and price of goods/services that do not meet the specifications in government procurement, this has been outlined in the electronic catalog provider's responsibilities in sections b, h, l, and s. As stated in the Regulation of the Agency Number 11 of 2018 on Electronic Catalog, Article 36, paragraph (2), it is explained that actions or conduct by the provider that incur sanctions in the E-Purchasing process include failing to fulfill contractual obligations in the electronic catalog or purchase orders. When placing orders, the procuring party will refer to the electronic catalog; however, there may be discrepancies between what is listed in the catalog and the actual product. In such cases, if violations occur as described above, the LKPP, as the manager of the electronic catalog, has the right to take necessary actions, including but not limited to imposing sanctions on the Electronic Catalog Provider in accordance with regulatory provisions, without prior notice.

Then, in the Head of LKPP Decree Number 122 of 2022 on the Guidelines for the Implementation of the Electronic Catalog, sanctions are also stipulated for electronic catalog providers who violate the applicable provisions, with the following sanctions:

- a) If the Electronic Catalog Provider violates the obligations under the Terms and Conditions of the Electronic Catalog, the following sanctions will be imposed;
- b) If the Electronic Catalog Provider commits the same violation or any other violation as specified in the obligations under the Terms and Conditions for the second time, a second warning letter will be issued, and a temporary suspension from the E-Purchasing transaction system will be imposed for 6 (six) months;
- c) If the Electronic Catalog Provider commits the same violation or any other violation as specified in the obligations under the Terms and Conditions for the third time, a third warning letter will be issued, and the Electronic Catalog Provider's listing will be removed from the Electronic Catalog for 1 (one) year;
- d) If the Electronic Catalog Provider commits an act prohibited as outlined in section E, paragraph 3, they will be subject to sanctions including removal as an Electronic Catalog Provider, with further sanctions according to the applicable regulations; and
- e) If, based on the results of an audit or investigation by law enforcement, a State Loss is found to have occurred as a result of the Electronic Catalog Provider's actions, the

Electronic Catalog Provider is required to return the full amount of the State Loss and will be subject to sanctions in accordance with the applicable laws. In this case, the State Loss could potentially lead to criminal actions related to corruption.

For criminal liability to exist, it is required that the perpetrator is capable of being held accountable. Liability, as known in legal philosophy, was defined by 20th-century philosopher Roscoe Pound as: "Liability for the situation whereby one may exact legally and another is legally subjected to the exaction." Criminal liability, as defined by Pound, refers to the obligation to face retribution from the harmed party. This responsibility is not solely a legal matter but also involves moral and ethical values within society.

In Presidential Regulation No. 12 of 2021 on Government Procurement of Goods/Services, those responsible for violations and who can be held criminally liable are: the Goods/Services Providers and/or the Procurement Unit (UKPBJ). A person or perpetrator of a criminal act will not be held criminally liable or penalized if they have not committed a criminal act, and the act must be unlawful. However, even if a person commits a criminal act, they will not always be penalized; criminal responsibility is only imposed if the person is proven beyond a reasonable doubt to have committed the offense.

A criminal act is a legal concept, in contrast to the term "wrongdoing" or "crime" (crime or Verbrechen or misdAAD), which is defined from a criminological and psychological perspective. There is no consensus among scholars regarding the precise definition of a criminal act. As a general understanding, the definition of a criminal act or offense, as stated by Moeljatno and Djoko Prakoso, is: "An act prohibited by law, with penalties for its violation."

The acts that are threatened with sanctions are outlined, starting from Article 80, paragraph (1). Based on this regulation, certain actions can be processed criminally, specifically if the Goods and Services Provider :

1. Submitting false or inaccurate documents/statements to fulfill the requirements specified in the selection documents.
2. Being suspected of colluding with other participants to manipulate offer prices.
3. Being suspected of committing corruption, collusion, and/or nepotism in the selection of Providers.
4. Withdrawing for reasons deemed unacceptable by the Selection Committee/Procurement Agent.
5. Failing to sign the catalog contract.

The provider of the electronic catalog is obligated to take responsibility for any consequences resulting from the low quality of products used by Ministries/Agencies/Regional Governments. Therefore, if there is a discrepancy between the quality and price listed in the electronic catalog and the actual product, the electronic catalog provider is responsible for reimbursing the losses incurred by the party conducting the procurement. This responsibility applies after an audit process conducted by law enforcement authorities, in accordance with the provisions outlined in the Head of LKPP Decree No. 122 of 2022 regarding the Procedures for the Implementation of the Electronic Catalog.

CONCLUSION

The regulation of the electronic catalog system provider regarding the quality and price of goods/services in government procurement is outlined in the Regulation of the Indonesian Government Procurement Policy Agency (LKPP) No. 9 of 2021 concerning Online Stores and Electronic Catalogs in Government Procurement, which has been refined through the Head of LKPP Decree No. 122 of 2022, dated April 1, 2022. This decree provides more detailed guidelines on the process of displaying a product/commodity in the electronic catalog. The primary objective of this regulation is to provide guidance for Ministries/Agencies/Local

Governments and Providers in the development, management, facilitation, and supervision of the implementation of the Electronic Catalog.

The responsibility of the electronic catalog system provider for the quality and price of goods/services that do not meet the specifications in government procurement is as follows: the catalog provider is responsible for any negative impact resulting from the low quality of products used by Ministries/Agencies/Local Governments. Therefore, if there is a discrepancy between the quality and price listed in the electronic catalog and the actual product, the electronic provider is responsible for compensating the losses incurred by the procurement party. However, to date, there are no regulations that impose criminal legal consequences on electronic catalog system providers who fail to fulfill their responsibilities.

The recommendations the author can provide are as follows: LKPP should clarify and strengthen regulations related to the responsibilities of electronic catalog providers in ensuring the quality and price of goods/services offered in the Electronic Catalog, as well as the legal consequences if the electronic catalog provider fails to fulfill their responsibilities. This can be achieved by issuing more detailed and specific regulations and updating existing ones to align with current developments. Additionally, the role of the public in overseeing the procurement process through the Electronic Catalog should be enhanced. This can be done by providing broader public access to information and offering channels for complaints for individuals who identify potential irregularities.

REFERENCE

- Abu Sopian, Dasar-Dasar Pengadaan Barang/Jasa Pemerintah, (Bogor : In Media, 2014)
- Andi Hamzah, 2005, Kamus Hukum, Ghalia Indonesia, Bogor.
- Bambang Sunggono, Metodologi Penelitian Hukum, Jakarta: Rajawali Pers, 2015.
- Budiarjo, Miriam. 1994. Aneka Hukum Bisnis. Bandung: Alumni.
- Chairul Huda, 2006, Dari Tiada Pidana Tanpa Kesalahan Menuju Kepada Tiada Pertanggungjawaban Pidana Tanpa Kesalahan, Kencana, Cet.Kedua.
- Eddy O.S. Hiarij, 2014, Prinsip-Prinsip Hukum Pidana, Cahaya Atma Pustaka, Yogyakarta.
- Mahmud Marzuki, Penelitian Hukum, Jakarta ; Prenedia Group, 2005.
- Marzuki Yahya dan Endah Fitri Susanti, Buku Pintar Pengadaan Barang & Jasa Pemerintah Sesuai dengan Perpres, Jakarta, Laskar Aksara, 2012.
- Muladi, 1985. Lembaga Pidana Bersyarat. Alumni, Bandung.
- Peter Salim. Yenny Salim, Kamus Bahasa Indonesia Kontemporer, (Jakarta: modern English Press, 2002).
- Sampur Dongan Simamora & Mega Fitri Hertini, 2015, Hukum Pidana Dalam Bagan, FH Untan Press, Pontianak.
- Soerjono Soekanto, 1987, Pengantar Penelitian Hukum, Universitas Indonesia Press, Jakarta.
- Soerjono Soekanto, Pengantar Penelitian Hukum, Jakarta: UI Press, 2010.
- Undang Undang Dasar Republik Indonesia 1945
- Presiden (Perpres) Nomor 93 Tahun 2022 tentang Perubahan Kedua atas Peraturan Presiden Nomor 106 Tahun 2007 tentang Lembaga Kebijakan Pengadaan Barang/Jasa Pemerintah.
- Peraturan LKPP Nomor 9 Tahun 2021 Tentang Toko Daring dan Katalog Elektronik Dalam Pengadaan Barang/Jasa Pemerintah.
- Keputusan Kepala LKPP Nomor 122 Tahun 2022 Tata Cara Penyelenggaraan Katalog Elektronik
- Kitab Undang-undang Hukum perdata
- Zaenal Arifin dan Ade Haryani, “Analisis Pengadaan Barang dan Jasa”, Jurnal Epigram, Vol.11 No. 2 (Oktober, 2014).

- Instruksi Presiden Nomor 2 Tahun 2022 tentang Percepatan Peningkatan Penggunaan Produk Usaha Mikro, Usaha Kecil, dan Koperasi Dalam Rangka Menyukseskan Gerakan Nasional Bangga Buatan Indonesia Pada Pelaksanaan Pengadaan Barang/Jasa Pemerintah, https://jdih.setkab.go.id/PUUdoc/176683/Inpres_Nomor_2_Tahun_2022.pdf diakses pada 5 Mei 2024
- LKPP, e-Purchasing Minimalisir Penyimpangan Pengadaan Barang/Jasa, <https://latihan-lpse.lkpp.go.id/inaproclat/en/news/Berita/e-Purchasing-Minimalisir-Penyimpangan-Pengadaan-Barang-Jasa> diakses pada 15 Mei 2024
- Lembaga Kebijakan Pengadaan Barang/ Jasa Pemerintah, “Gambaran Umum Pengadaan Barang/Jasa Bagi Pelaku Usaha”, <https://virtual-library.lkpp.go.id/> (Dikutip, 15 Mei 2024, 12.12 WIB)
- Lembaga Kebijakan Pengadaan Barang/ Jasa Pemerintah, “Gambaran Umum Pengadaan Barang/Jasa Bagi Pelaku Usaha”, <https://virtual-library.lkpp.go.id/> (Dikutip, 15 Mei 2022, 12.12 WIB)
- M. Syarif, “E-Marketplace dan E-Purchasing dalam Pengadaan Barang/Jasa Pemerintah”, <https://msyarif.id/e-marketplace-dan-e-purchasing-dalam-pengadaan-barang-jasa-pemerintah/> (Dikutip, 12 Mei 2024 , 12.12 WIB).