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Harmonization of Goods/Services Procurement Arrangements in Villages with the National Legal System: A Study on the Application of Professionalism Principles in Village Procurement

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Abstract: Harmonizing village procurement regulations with the national legal system is an important need to create professional, transparent, and accountable governance. Procurement of goods and services in villages is regulated through regulations that provide flexibility according to local needs, but are not yet fully integrated with the national system that emphasizes competency standards, supervision, and principles of professionalism. This mismatch creates risks of maladministration, violations of the law, and uncertainty in the implementation of goods and services procurement in the village. This research aims to analyze the regulatory gaps and formulate harmonization measures. This research uses statutory and conceptual approaches to examine relevant legal rules and concepts of professionalism. The results show the need for a master regulation that integrates the procurement of goods and services in the village with the national system. Minimum standards of implementation, such as competency requirements for procurement actors, clearer monitoring mechanisms, and training and certification for village procurement actors, should be implemented to improve professionalism. In addition, the use of procurement agents can be a temporary solution for villages that lack human resources. This harmonization is expected to create legal certainty and efficiency, while supporting equitable village development without losing local flexibility.

Keyword: Regulatory Harmonization, Public Procurement, Villages, National Legal System, Professionalism.

INTRODUCTION

Procurement of goods and services is an important aspect of governance, including at the village level, which aims to support development and community welfare. Within the framework of village autonomy regulated by Law No. 6/2014 on Villages, village governments are authorized to manage finances and assets independently. One of the main instruments is the procurement of goods/services, which includes various infrastructure development activities, public services, and community economic empowerment. However, the implementation of goods/services procurement in villages often faces various obstacles,

especially in applying the principles of transparency, accountability, and professionalism that are part of national legal standards.

A major challenge in village procurement is the low competency of procurement implementers, particularly the Activity Implementation Team (TPK), which plays a central role in the implementation of village procurement. The TPK, which consists of village officials or local communities, is appointed through village meetings without considering competency standards or certification as required in procurement at the national level. As a result, TPKs' understanding of procurement regulations, transparency and accountability principles is often minimal. This increases the risk of maladministration and irregularities, both administrative and criminal in nature. As an illustration, data from Indonesia Corruption Watch (2023) shows that the village sector is the highest contributor to corruption cases, with many cases related to fund management and procurement of goods/services.

The absence of competency standards for village procurement implementers is one of the main factors that distinguish village procurement governance from national procurement. In the national procurement system, as regulated by Presidential Regulation No. 16/2018, the professionalism of implementers is guaranteed through certification and strict supervision. However, at the village level, procurement of goods/services is governed by a Regional Head Regulation guided by LKPP Regulation No. 12/2019, which provides flexibility for villages by considering local characteristics. This flexibility, while important, creates a gap between village regulations and national legal principles that emphasize professionalism.

In the context of goods/services procurement in villages, the existence of TPK without clear competency standards creates various problems, such as procedural discrepancies, inefficiencies, and loopholes for corrupt practices. The Anti-Corruption Village Handbook (KPK, 2018) notes that one of the main causes of high corruption in the village sector is the weak competence of village officials, including in the implementation of goods/services procurement. In addition, research conducted by Fathorrahman, Dairani, & Ahmad Yunus (2022) highlighted that procurement of goods/services in villages is often excluded from general procurement standards that apply at the national level, so it is not in accordance with the principles of transparency and accountability.

The principle of professionalism, which includes the technical competence of implementers, compliance with the rule of law, as well as the application of the principles of transparency and accountability, is key in creating an efficient procurement of goods/services that is free from irregularities. To achieve this goal, harmonizing village procurement regulations with the national legal system is an urgent strategic step, especially by adopting competency and certification standards for procurement actors, such as the Activity Implementation Team (TPK). This harmonization will not only reduce regulatory gaps, but also ensure that the management of village funds is accountable and transparent, so as to support sustainable village development through improved service quality and equitable infrastructure.

Therefore, this research aims to examine the application of the principle of professionalism in the procurement of goods/services in the village and evaluate the harmonization efforts between village procurement arrangements and the national legal system. This research is also expected to provide recommendations to strengthen the governance of goods/services procurement in villages through more integrated regulations, including encouraging the application of competency standards for procurement actors.

METHOD

This research is a normative legal research that aims to analyze legal arrangements related to the application of the principle of professionalism in the procurement of goods/services in the village as well as its harmonization with the public procurement system at the national level.

This research uses two main approaches, namely the statutory approach and the conceptual approach.

The statutory approach was conducted by reviewing relevant regulations, such as Law No. 6/2014 on Villages, which is the basis for village financial and asset management, and LKPP Regulation No. 12/2019 on Procurement of Goods/Services in Villages, which regulates the procedures for implementing procurement of goods/services in villages. In addition, this approach also includes a review of Presidential Regulation No. 16/2018 as amended by Presidential Regulation No. 12/2021 on Public Procurement, which regulates the principles and standards of public procurement at the national level. The analysis of these regulations aims to identify gaps between village procurement arrangements and the principles of professionalism that underpin the national legal system.

This research uses primary and secondary legal materials. Primary legal materials include laws and regulations that form the basis of goods/services procurement in the village as well as official reports and documents. Secondary legal materials include relevant academic literature, scientific articles, and previous research. These secondary legal materials were used to strengthen concept analysis and evaluate the effectiveness of regulation implementation in practice.

Through this combination of approaches and legal materials, the research is expected to contribute to understanding the application of the principle of professionalism in village procurement governance, as well as offering recommendations for regulatory harmonization in line with the national legal system. This harmonization is important to create a more professional, accountable, and efficient governance of goods/services procurement in villages, so that it can support the improvement of community welfare and minimize the risk of irregularities.

RESULTS AND DISCUSSION

Gaps Between Village Procurement Regulations and the National Legal System

Goods/services procurement has a strategic role in supporting development at the national and village levels. However, there is a significant gap between the regulation of goods/services procurement in villages regulated by LKPP Regulation Number 12 of 2019 and the regulation at the national level as stipulated in Presidential Regulation Number 16 of 2018 and Presidential Regulation Number 12 of 2021. This gap has an impact on the application of the principles of professionalism that are the basis of public procurement governance, including aspects of transparency, accountability, and efficiency. Village procurement regulations provide flexibility for implementation according to local needs, but weaknesses in implementation and supervision increase the risk of irregularities.

Regulations on the procurement of goods/services in villages regulated through Regional Head Regulations guided by LKPP Regulation Number 12 of 2019 provide flexibility in its implementation, especially through the self-management mechanism. In this scheme, the main executor of the procurement of goods/services is the Activity Implementation Team (TPK), which is appointed by the village head through village deliberations. The TPK's duties in the procurement of goods/services in the village include: implementing self-management; preparing tender documents; announcing and conducting tenders for the procurement of goods/services in the village through providers; selecting and appointing providers; checking and reporting the results of the procurement of goods/services in the village to the Kasi/Kaur; and announcing the results of activities from the procurement of goods/services in the village. This flexibility allows villages to customize procurement with local resources. However, this regulation does not require competency standards or certification for TPK members, so there are weaknesses that can have an impact on the implementation of procurement that is not in accordance with the principles of professionalism.

The lack of technical supervision from the district/city government on the implementation of goods/services procurement in the village is also a major concern. In the Anti-Corruption Village Guidebook (KPK, 2018), it is stated that the lack of supervision and village officials' understanding of procurement regulations are the main factors for maladministration and irregularities. Indonesia Corruption Watch (2023) noted that around 39% of corruption cases that occurred in the village sector involved the procurement of goods/services, mostly due to weak procedures and implementing capacity.

In contrast, procurement at the national level is more strictly regulated through Presidential Regulation No. 16/2018 and Presidential Regulation No. 12/2021. These regulations emphasize the principles of professionalism realized through certification of procurement actors, transparency in the process, and high accountability. Procurement actors at the national level are required to have competence proven through certification, thus ensuring that each stage of procurement is carried out by individuals who understand legal, technical, and administrative aspects. In addition, the use of electronic or e-procurement systems in national procurement strengthens transparency and reduces the potential for irregularities. It allows the wider public to access information related to the procurement process, which is not the case with village procurement.

The gap between village and national procurement regulations can be seen in several key aspects. First, procurement actors at the village level, such as TPK, are not required to have formal certification or training, while at the national level, actors must have competency certification. Secondly, procurement at the village level is generally based on self-management, while procurement at the national level includes a combination mechanism between self-management and the use of goods/services providers. Third, transparency at the village level is still limited and often does not use electronic-based systems, while national procurement is supported by e-procurement systems that are transparent and can be monitored by the public.

This difference has a significant impact on the implementation of goods/services procurement in the village. Flexibility without competency standards results in potential inefficiencies that can hinder the achievement of development goals. The lack of supervision also increases the risk of maladministration, as revealed by Indonesia Corruption Watch (2023) that villages are the sector with the highest level of irregularities in the management of public funds. In addition, the differences in regulations create legal uncertainty, especially when there are disputes related to the procurement of goods/services in the village.

This regulatory gap underscores the need to evaluate and adjust village procurement arrangements to align with the principles of professionalism applied at the national level. Thus, regulatory alignment is an important step towards creating more accountable, efficient, and professional procurement governance at the village level.

Legal Implications of Regulatory Non-Compliance With the Principles of Professionalism

The mismatch between village procurement regulations and the national legal system has a complex impact on village governance, especially in applying the principle of professionalism. The legal implications are not only limited to administrative aspects, but also touch the criminal dimension, because the potential for maladministration and procedural irregularities in the procurement of goods/services is often detrimental to state finances. From a legal perspective, the principle of professionalism is a fundamental element that ensures the efficient, transparent and accountable implementation of government duties and functions. This regulatory mismatch impedes the implementation of these principles, posing serious legal risks, both for procurement implementers and the village fund governance system as a whole.

Siagian (2009) states that professionalism is "Reliability and expertise in the performance of tasks so that they are carried out with high quality, on time, carefully, and with procedures that are easy for customers to understand and follow." This view suggests that high standards of

professionalism can prevent errors in the execution of tasks, which is particularly important in public procurement, especially at the village level where trained human resources are often in short supply. If village procurement managers do not have sufficient expertise, this can lead to procedural irregularities and procurement discrepancies, potentially harming the public and violating the principles of transparency and accountability.

Dwiyanto (2011) argues that professionalism is "The understanding or belief that the attitudes and actions of the apparatus in organizing government and service activities are always based on science and professional values of the apparatus that prioritize the public interest." This concept emphasizes that professionalism includes not only technical skills, but also moral integrity and compliance with the law. At the village level, a lack of understanding of applicable regulations often leads to actions that are not in accordance with the principles of good governance, creating the potential for maladministration, irregularities, and even criminal acts.

Tjokrowinoto (1996) explains that what is meant by professionalism is "the ability to carry out tasks and organize public services with high quality, on time, and simple procedures." In the context of goods/services procurement in villages, the incompatibility of regulations governing procurement with the national legal system has the potential to lead to incompatible procedures and inefficient management. Without clear standards, the implementation of goods/services procurement can become more complicated and prone to administrative errors, such as procurement of fictitious goods or procurement that does not match specifications.

One of the main problems in village procurement is the lack of competence of implementers, which has a direct impact on violating the principle of professionalism. The Activity Implementation Team (TPK), which is the main actor in the procurement of goods/services in the village, is not required to have formal training or competency certification. According to LKPP Regulation No. 12/2019, the TPK is responsible for planning, implementing, and reporting on the procurement of goods/services, but there is no requirement that they have specific expertise in procurement. This contradicts the principle of professionalism, which, according to Dwiyanto (2006:65), requires implementers to have sufficient technical capacity and legal understanding to carry out their duties effectively.

This lack of competence has the potential to violate the principles of fairness and benefit, which are the basis of professionalism. Incompetent implementers tend to make procedural errors that can harm the interests of the community. In the village context, such violations often appear in the form of procurement of goods/services that do not meet specifications, fictitious procurement, or other administrative errors. Data from Indonesia Corruption Watch (ICW, 2023) shows that around 39% of corruption cases, both at the central, regional, and village government levels, are related to weaknesses in the implementation of goods/services procurement. Most of these cases are caused by the lack of technical competence of implementers, which increases the risk of maladministration and procedural irregularities.

In criminal law, this lack of competence can lead to criminal risks for implementers involved in procurement. Law No. 20/2001 on the Eradication of Corruption stipulates that actions that harm state finances due to procedural violations can be categorized as corruption. In many cases, village heads and TPK members are subject to the law for these violations, although the actions are not always intentional. Ignorance or lack of understanding of regulations is often the main reason for legal violations in the procurement of goods/services in the village.

Maladministration is one of the legal implications that most often occurs due to the incompatibility of goods/services procurement regulations in the village. According to Ridwan HR (2016), maladministration includes any form of violation of procedures or financial management that is not in accordance with the principles of good governance. In the context of goods/services procurement in villages, maladministration often occurs in the form of fictitious procurement, price manipulation, or procurement of goods/services that are not in

accordance with specifications. These practices violate the principles of transparency and accountability as stipulated in LKPP Regulation No. 12/2019.

The principle of professionalism requires not only technical skills, but also honesty and moral responsibility from the implementers. However, the weaknesses of village regulations that provide discretion without strict supervision create loopholes for irregularities. KPK (2018: 24) notes that the lack of supervision from district/city governments is one of the main causes of increased maladministration in the procurement of goods/services in villages. Swakelola mechanisms, which characterize village procurement, are often implemented without adequate documentation or transparent evaluation.

The legal consequences of this maladministration include not only financial losses to the village, but also the potential to subject implementers to criminal sanctions. Law No. 6/2014 on Villages requires that village funds be managed in a transparent and accountable manner, but violations of these principles can be evidence of criminal offenses under the provisions of the Anti-Corruption Law. In many cases, village heads and TPK officials face lawsuits as a result of maladministration, even though such irregularities are often the result of ignorance or negligence.

Another legal implication of regulatory discrepancies is legal uncertainty that arises from disharmony between village and national regulations. According to Van Apeldoorn in Mario Julyano and Aditya Yuli Sulistyawan (2019), legal certainty has two aspects: legal determination in concrete matters and legal security. This means that individuals must know what the law is in a particular situation before starting an action, as well as getting protection from arbitrary actions. However, in the context of village procurement, regulations that provide discretion through Regional Head Regulations are often not coordinated with the stricter national system. This creates confusion for village officials, including village heads and TPK members, in determining appropriate procurement procedures.

This legal uncertainty impacts many aspects, from procurement implementation to dispute resolution. The lack of synchronization between village and national regulations means that village officials often face legal risks, including civil lawsuits or criminal charges, even though their actions are not always based on malicious intent. In many cases, disputes over village procurement arise due to differences in interpretation of regulations between village officials, goods/services providers, and district/city governments. This uncertainty not only hampers the implementation of procurement, but also creates tensions between the parties involved, which ultimately harms the public interest.

Harmonization of Village Procurement Regulations With the National Legal System

Regulatory harmonization is a systematic process to harmonize laws and regulations, government decisions, and legal principles in order to create unity and legal certainty. According to L.M. Gandhi (in Bimo Tresnadipangga et al., 2023), legal harmonization includes adjustments to various aspects of law, such as laws and regulations, government decisions, legal systems, and legal principles. The main goal is to improve legal unity, legal certainty, justice, and comparability. Harmonization also aims to create legal utility and clarity without sacrificing legal pluralism where necessary. This approach is particularly relevant in the context of village procurement, where local flexibility often clashes with universal principles of good governance.

In a scientific journal entitled *Harmonization of Legislation in Realizing Good Governance*, Ida Surya and Abdul Wahab (2023) explain that regulatory harmonization is needed to create integrated governance. This becomes increasingly important in complex systems with many stakeholders. In the context of goods/services procurement in villages, harmonization is needed to align LKPP Regulation No. 12/2019, which provides flexibility for implementation in

villages, with Presidential Regulation No. 16/2018 and Presidential Regulation No. 12/2021, which emphasize the importance of professionalism standards in procurement governance. Procurement of goods/services in villages has unique characteristics that differ from the national system. LKPP Regulation No. 12/2019 provides flexibility for villages to carry out procurement according to local needs through a self-management mechanism, which aims to empower local communities. However, this flexibility is often not accompanied by technical standards, adequate supervision, and competence of implementers in accordance with the principles of professionalism. In contrast, the national procurement system, regulated in Presidential Regulation No. 16/2018 and Presidential Regulation No. 12/2021, requires procurement actors to have competency certification and implement an integrated supervision mechanism.

According to L.M. Gandhi, legal harmonization aims to increase legal unity without sacrificing the necessary legal pluralism. In the context of village procurement, harmonization should maintain the self-management mechanism as a form of local community empowerment. However, this mechanism needs to be integrated with the national system to ensure the principles of professionalism and fairness are consistently applied. This step is expected to create more accountable and efficient procurement governance without losing the local characteristics of the village.

The lack of synchronization between village and national regulations creates several significant potential legal issues. First, maladministration often occurs in the absence of uniform standards, putting village implementers at risk of lawsuits for administrative discrepancies. Second, legal uncertainty arises due to differences in regulations that often confuse village officials in determining which procedures to follow, which can lead to irregularities. Third, there is a professionalism gap because village procurement actors are not required to be certified, so there is no guarantee that procurement is carried out by competent individuals who understand the law.

Regulatory harmonization is needed to address this issue by aligning village and national regulations in one integrative legal framework. In the context of village procurement, regulatory harmonization should be based on three main principles. The first principle is legal equality, where all parties involved in procurement, both in the village and nationally, must follow the same legal standards. This is important to ensure there is no discrimination in the application of the principles of professionalism and accountability. The second principle is systemic integration, where village procurement should be linked to the national system, including oversight and dispute resolution mechanisms, to create legal certainty and administrative efficiency. The third principle is local empowerment, where the flexibility that characterizes village procurement is maintained through self-management mechanisms, but with increased oversight and training.

To achieve effective harmonization, several strategic steps are needed. First, regulations related to village procurement need to be revised and integrated. LKPP Regulation No. 12/2019 should include competency standards for village procurement actors, more uniform technical procedures, and stricter supervision. In addition, it is necessary to develop a master regulation that integrates the procurement of goods/services in the village with the national system without sacrificing the self-management mechanism. Second, competency standards for village procurement actors should be adopted through training and certification, as mandated in Article 74 of Presidential Regulation No. 16/2018 on capacity building of procurement actors. Villages that do not have competent human resources can appoint procurement agents to assist in the implementation of procurement in a professional manner, as stipulated in Article 14 of Presidential Regulation No. 16/2018. Third, supervision needs to be strengthened by giving greater authority to district/city governments to supervise the procurement of goods/services in

villages. The use of electronic technology, such as e-procurement systems, should also be implemented gradually to increase transparency and reduce the potential for irregularities. Harmonizing village procurement regulations with the national system can provide significant benefits. These benefits include increased professionalism, where uniform competency standards help village procurement actors better understand their legal and technical procurement responsibilities. In addition, regulatory integration can reduce legal risks due to different rules, and create an efficient and transparent system that supports better village development. However, this harmonization also faces challenges, such as resistance from villages who feel their flexibility is reduced and limited budget for training. To overcome these challenges, the central and local governments need to provide support through special budget allocations and ongoing technical guidance programs.

CONCLUSION

From the discussion of village procurement regulations and the national legal system, it can be concluded that there are significant gaps in the regulation of village procurement governance. LKPP Regulation No. 12/2019 provides flexibility in accordance with local characteristics, but has not been integrated with the national system as stipulated in Presidential Regulation No. 16/2018 and Presidential Regulation No. 12/2021, which emphasize the importance of professionalism through competency standards and strict supervision. This regulatory mismatch leads to the risk of maladministration, procedural violations, and potential criminal acts that can harm state finances. Lack of competence in the Activity Implementation Team (TPK), lack of supervision, and the absence of uniform technical guidelines increase the risk of irregularities in the procurement of goods/services in the village. Regulatory harmonization is needed to align village regulations with national standards without eliminating local flexibility, so as to create a more professional, transparent, and accountable procurement system.

To overcome these problems, the government needs to strengthen the legal framework by revising LKPP Regulation No. 12/2019 to be in line with Presidential Regulation No. 16/2018 and Presidential Regulation No. 12/2021, and develop a master regulation that integrates village procurement with the national system. This revision should include minimum standards for implementation, including competency requirements for procurement actors and clearer monitoring mechanisms. In addition, village procurement actors should be required to undergo training and certification to improve their technical competence and understanding of the law. For villages without sufficient human resources, the use of procurement agents in accordance with Presidential Regulation No. 16/2018 can be a temporary solution to ensure procurement remains professional.

Increased supervision is also a strategic step that must be taken through strengthening the role of district/city governments in monitoring every stage of procurement of goods/services in the village. The use of electronic-based procurement systems (e-procurement) gradually needs to be implemented to increase transparency and accountability. In addition, regulatory harmonization must maintain the self-management mechanism as a form of local community empowerment, accompanied by training programs, technical assistance, and the provision of clear operational guidelines. These steps need to be accompanied by socialization of the new regulations to village officials and the community, as well as implementation assistance to ensure that the procurement of goods/services in the village runs according to the applicable rules.

With effective harmonization, it is expected that the procurement of goods/services in villages can support more efficient and equitable development. This harmonization will not only create legal certainty, but also improve governance professionalism, reduce legal risks, and strengthen public trust in village governance.

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