

Legal Liability of The Electoral Working Group (Pokja) In The Corruption Crime Procurement Of Goods/Services Government

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Abstract: Article 1 Figure 19 KUHAP on caught hands, article 12 letter E Law No. 20 of 2001 concerning corruption criminal, subsequent hand capture operations as set out in section 368 paragraph (1) of the Criminal Code of the chapter XXIII Blackmail and threats. The results of this research show that the article rationing which is the process of implementing the law by Team Saber Pungli Aceh Besar Initially, element of the article is a form of criminal acts of corruption, but with the Some considerations by the team Saber illegal Levy Aceh Besar by conducting deliberation then, the element that is said to be transferred to Article 368 Criminal Code to achieve efficiency in law enforcement. Grouping of special criminal elements among others, civil servants or state organizers; With the intention of favouring oneself or others against the law; by abusing his authority; Forcing a person to give something, pay, or accept payment with a deduction or to work on something for himself, while the common criminal element among them, benefitting oneself or others, elements against Law, and the element forces people with violence or with violent threats so that the person gives an item that is entirely or partially belonging to the person or the elimination of receivables. The value of the evidence is deemed to still have this double meaning direct separation between the common criminal and special criminal, the size of the evidence that is nominally held Rp. 10 million; (ten million Rupiah) can be directly snared with general criminal provisions, as well as nominal above Rp. 10 million; (ten million Rupiah) is directly subject to the Corruption criminal Act article.

Keywords: Law enforcement, hand-catching operations, corruption crimes.

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I. INTRODUCTION

Procurement of goods/services in general can be defined as a process to obtain goods or services ranging from planning activities, determination of standards, development of specifications, selection of providers, price negotiation, contract management, control, storage and release of goods and other related functions in the process to meet the needs of users in a government organization.

Procurement of government goods and services that are better known by the term (procurement) can be interpreted as an activity of procurement of goods/services which are sourced either partially or entirely from the State expenditure budget (APBN) or the regional expenditure budget (APBD). Procurement of government goods and services in this case include goods procurement activities, procurement of construction works, procurement of consultancy services, and the procurement of other services according to the needs of each institution/State institutions (Susanti, 2012: 6).

The procurement of the Government goods/services in particular has been governed in the Presidential regulation No. 54 year 2010 on the procurement of goods/Services Government (hereinafter abbreviated as Regulation No. 54 year 2010) which has 4 (four) times changed through Presidential decree number 35 year 2011 about the amendment of the Presidential Regulation number 54 year 2010 about the procurement of goods/Services Government, Presidential decree No. 70 year 2012 on the Second Amendment to the regulation No. 54 year 2010, on the procurement of goods/services Government, regulation of the President number 172 year 2014 on the third amendment to regulation No. 54 year 2010 about the procurement of goods/services Government, and Presidential decree No. At this time, Presidential decree No. 54 of 2010 and these changes has been replaced with President Regulation Number 16 year 2018 concerning the procurement of goods/services (hereinafter referred to as Perpres No. 16 year 2018).

Pursuant to article 6 Presidential decree No. 54 year 2010, the parties concerned in the implementation of goods procurement/services shall comply with the following ethics:

- a. "Perform the task in order, accompanied by a sense of responsibility to achieve the objectives, smoothness and accuracy of the achievement of goods/services procurement;

- b. To work professionally and independently, and to keep the confidentiality of goods/services documents which by their nature should be kept confidential to prevent the occurrence of irregularities in the procurement of goods/services;
- c. Not affect each other directly or indirectly resulting in unhealthy competition;
- d. Accept and be responsible for any decisions set forth in accordance with the written agreement of the Parties;
- e. Avoiding and preventing the conflicts of interest of the relevant parties, either directly or indirectly in the process of procurement of goods/services;
- f. Avoiding and preventing the occurrence of waste and leakage of financial state in the procurement of goods/services;
- g. Avoid and prevent misuse of authority and/or collusion for the purpose of personal gain, group or other parties that directly or indirectly harm the country;
- h. Not accepting, not offering or not promising to give or receive prizes, rewards, commissions, rebates and in any form from or to anyone known or alleged to be related to the procurement of goods/services.”

The Parties referred to in article 6 Perpes No. 54 year 2010 above namely:

- a. Budget user (PA)/power budget User (KPA),
- b. Commitment office (PPK),
- c. Procurement Services Unit (ULP)/procurement Officer,
- d. Committee/Employment Result Officer (PPHP).

Focus on the explanation of procurement Services Unit (ULP)/procurement Office, pursuant to article 15 Presidential decree 70 Year 2012 of the Second amendment to presidential Regulation No. 54 year 2010 on the procurement of goods/services Government mentioned that,

- (1) "selection of goods/services provider in ULP is conducted by the ULP Working Group.
- (2) The ULP Working Group membership must be set to:
 - a. Procurement of goods/construction work/other services with a value above Rp 200.000.000, 00 (two hundred million rupiah);
 - b. Procurement consultancy services with value above Rp 50.000.000, 00 (fifty million rupiah).
- (3) Members of the ULP Working Group are at least 3 (three) persons and can be supplemented according to the complexity of the work ”.

Based on Article 13 paragraph (1) Presidential decree No. 16 year 2018 procurement of goods/services government, Pokja has a task among others:

- a. “Perform the preparation and implementation of the provider selection;
- b. Perform the preparation and implementation of the provider selection for the electronic catalogue; Dan
- c. Setting the winner of the selection/provider for the selection method.”

In addition, other regulations governing the implementation of e-tendering are found in LKPP Perka No. 9 year 2015 on electronic procurement Services improvement. As for the parties responsible in the process of procurement of goods/services is PA/KPA, PPK, the procurement group and PPHP in accordance with the Regulation 54 year 2010 Jo Presidential decree 70 Year 2012 on the second amendment to the Presidential Regulation number 54 year 2010 about the procurement of goods/services government. According to section 84 of this Regulation, in the event of auction/selection/Direct election declared failed, ULP immediately do:

- a. "Re-evaluation;
- b. resubmission of offer documents;
- c. Auctions/selection/re-selection directly; Or
- d. Termination of auction process/selection/Direct selection. "

Next in article 118 Presidential decree 54 Year 2010 Jo Presidential decree 70 year 2012 about the second Amendment to the President Regulation number 54 year 2010 about the procurement of goods/services Government, Pokja prohibited to conduct conspiracy with other providers/services to arrange the price of the offer outside the procedure of procurement of goods/services, thereby reducing/inhibiting If this happens to eat according to article 81 Presidential decree No. 16 year 2018 set criminal sanctions for the parties.

The regulation regarding the procurement of goods and services above shows how the government has sought to continuously maintain, strengthen and maintain the principles of efficient goods/services, effective, open and competitive, transparent, fair or not discriminatory, and accountable, to address problems such as, the efficiency of the State expenditure, the process of procurement of goods and services that are quite time consuming, weak national competitiveness and poor procurement governance, currently with the implementation of e-procurement is expected to minimize the problem (Lestyowati, 2018: 675). Especially with the simplification of procedures, reducing the high cost economy, encouraging the occurrence of healthy businesses, protecting small businesses, increasing the use of domestic production, improving the professionalism of procurement and regulatory alignment, this electronic means is expected to coordinate the standardization of services, infrastructure capacity and security of information systems, and can better

understand and sharpen the ability to be related to the rules (regulations), e-purchasing system, E-Tendering system (tender) and being the standard electronic Procurement Service (LPSE) system, but still found some problems related to the implementation of various criminal acts of corruption handled, among them still found several modes in the e-procurement process, such as:

- a. Cheating in drafting auction schedule and changes.
- b. Cheating in the preparation of procurement documents.
- c. Cheating in the announcement of procurement.
- d. To add to the qualification requirements aimed at discriminatory and beyond that have been stipulated in the provisions of the Presidential Regulation.
- e. Determining the criteria, requirements or procurement procedure discriminatory and/or with unobjective consideration.
- f. Cheating in assessing the qualifications of resources.
- g. Cheating in assessing financial ability.
- h. Cheating in assessing the experience.
- i. Cheating in the evaluation of administration, technical and price.

These modes are implemented manually and do not have a working Group work paper (POKJA) procurement and then newly implemented inputs electronically to be known and announced at each phase, the track record of the auction or summary report is finally after the repair or adjust to the conditions announced by the Pokja, for this is necessary the efforts of the detection and disclosure of new modes in the auction.

While in the regulation of the governor of Aceh No. 4 year 2015 about the service Unit of goods/services procurement of ACEH government is not set about the performance assessment of the employees of the company so that the performance of the employees are not efficient and the current procurement function is still handled by ad-hoc (temporary) by the Committee formed and working temporarily (not permanent), work like this has many weaknesses and resulted in low performance of goods/services procurement in the central/regional government agencies, and the weakness of no performance assessment of civil state Apparatus (ASN) conducted the head of the procurement services Unit (Cut Yulia Rizky, 2018: 75).

Based on the above fraud, the implementation of the procurement of goods/services of the Government is contrary to the contents of article 3 of Law No. 31 of year 1999 on the eradication of corruption crimes as amended and supplemented by law No. 20 of 2001 on the amendment to law Number 31 year 1999 on the Eradication of Corruption Crimes (hereinafter abbreviated as Tipikor LAW) mentions any person with a purpose to benefit oneself or another person or a corporation, abusing authority, opportunity or means that there is because of offices or positions that could harm the finances of the country or the country's economy, sentenced to life imprisonment or imprisonment for the shortest 1 (one) year and maximum 20 (twenty) years and or a fine of at least Rp. 50,000,000.00 (fifty million Rupiah) ".

According to data found, the state financial losses that occurred in the planning work of the building of Kanwil Kemenag Aceh province TA 2015 is Rp 1.018.751.127, 00 (one Millar eighteen million seven hundred and fifty one Seartus two million rupiah) which is the total value of net expenditure on the work of building planning development of Kanwil Kemenag Aceh province TA 2015 that the results can not be utilized. The value of such expenditure is obtained by the results that:

- a. Formally, the work of building planning Kanwil Kemenag Aceh Province 2015 implemented not by personnel with the name, qualification, and position agreed in the contract. While the nature of the work is a consulting service that requires certain skills that prioritize on brainware;
- b. Technically, the work is conducted not based on soil investigation data in accordance with the provisions of the contract so that the results can not and not be used as a development guideline of a building. Until the end of the inspection period, the planning work was not continued with the construction of building constructions.

Based on the description of the above background then the scope of this problem can be formulated that, what forms of legal liability of the Electoral Working Group (POKJA) in criminal acts of the corruption of goods/services government.

II. RESEARCH METHODS

The study of thesis using empirical research is research on the role of law enforcement in carrying out its function, which discusses how the law operates in government agencies i.e. law enforcement (Ali, 2011: 31). The approach to the problem in this research is conducted using the empirical method of empirical which is research conducted by reviewing the applicability of legislation on the legal liability of the Electoral Working Group (Pokja) in the Corruption criminal act of procurement of Government goods/services.

The sample determination in this thesis study was conducted using purposive sampling, in which the overall research was taken by several people as samples that were expected to represent the entire population. Primary data retrieval by conducting interviews with various parties involved in the implementation of e-

tendering, the location that the author took is the province of Aceh, while the population includes the ULP, Pokja, prosecutors, and police, and the Financial Audit Board (BPK) which can provide answers and explanations related to the writing of this scientific work.

Data analysis is an activity in the study that is conducting a study or the results of data management assisted by theories that have been obtained previously. The nature of this research is qualitative descriptive, then the data collected is naturalistic data that is based on words that are not processed into numbers, because the data is hard to measure with numbers and is monographic or tangible cases so that it cannot be compiled into the structure of the classification, the variable relationship is unclear, the sample is non-probability and data collection using the interview guidelines in the study.

III. LITERATURE REVIEW

There are various expert views on the procurement of goods/services that are better known by the procurement of goods and services or commonly called Public Procurement. Referring to the general definition of procurement, the public procurement can be understood from the viewpoint of procurement objects, procurement executor, and the source of funds to hold.

Understanding the procurement of goods and services literally according to the Great Dictionary of Bahasa Indonesia (KBBI), namely means an offer to propose prices and to provide work on the provision of goods/services. This is where there is growing understanding that there are two interested parties. The first party is a government agency, BUMN, or private company that conducts a supply of goods and services. The second party is a personal or contractor company that offers to fulfill the demand for the procurement of goods and services is the procurement of goods and services identical with the existence of various new facilities, various buildings, roads, hospitals, office buildings, stationery, to English courses conducted in a government agency. In essence, procurement of goods and services is made to fulfill the needs of companies or government agencies will goods and/or services that can support their performance and performances (Susanti, 2012: 3).

Definition and meaning of the word procurement of goods/services is an activity to obtain goods/services that start from the planning needs until the completion of all activities to obtain goods/services. According to Adrian Sutedi, procurement of goods and services is essentially an effort by the user to obtain or realize the goods and services that he wants, using certain methods and processes to be achieved in terms of price, time and other agreements (Sutedi, 2014: 3).

According to Edquist et al, Public Procurement is a process of acquisition conducted by the Government and public institutions to obtain goods (goods), buildings (works), and services (services) transparently, effectively and efficiently according to the needs and wishes of its users. In this case, users can be individuals (officers), organizational units (Dinas, faculties, etc.), or public groups (Edquist, 2000).

According to presidential Regulation No. 16 year 2018 on the procurement of goods/Services Government article 1 paragraph (1) "procurement of goods/services is the activity of procurement of goods/services by the Ministry/Institution/regional device financed by the APBN/APBD which process since the identification of the needs, up to the handover of the results of the work".

Procedure of procurement of government goods and services as stipulated in the Presidential Regulation No. 16 year 2018 concerning the procurement of goods/services Government becomes the legal basis for the parties in the procurement of goods/services to carry out the process of procurement of government goods and services.

The rules and procedures used in the procurement of government goods and services is an effort to ensure that out-of-put goods or services are obtained in a competitive and transparent way to get the best price (economically profitable). Everything is done solely to maximize the welfare of the people. In this research, the procurement of goods and services is the procurement of goods and services of the public sector or government sector.

In the Presidential Decree No. 16 of 2018 on the procurement of goods/services Government in article 87 paragraph (1) stated that "LKPP develops the system and policy of procurement of goods/services in accordance with the development and needs, taking into consideration the objectives, policies, principles, and ethics of goods/services procurement". Further also stated in Article 87 paragraph (2) of presidential Regulation No. 16 year 2018 that "the result of system development and policy is stipulated in the regulation of the head of board", then based on the mandate of the Agency for procurement of goods/services of the Government of Indonesia (LKPP RI) has published 13 (thirteen) rules of the Board as technical guidance and become a regulation derived from presidential Regulation number 16 year 2018 concerning the procurement of goods/services Government, namely consist of:

- a. LKPP Institution Regulation Number 7 year 2018 about the guidelines for procurement of goods/services;
- b. Regulation of LKPP Board number 8 year 2018 concerning guidelines of Swakelola;
- c. Regulation of LKPP Board Number 9 year 2018 concerning the implementation guidelines of goods/services procurement;

- d. LKPP Board Regulation Number 10 year 2018 about international Tender/selection implementation guideline;
- e. LKPP Board Regulation Number 11 year 2018 about electronic catalogue;
- f. Regulation of LKPP Board number 12 year 2018 about procurement guideline of goods/services excluded on procurement of government goods/services;
- g. LKPP Board Regulation Number 13 year 2018 concerning procurement of goods/services in emergency management;
- h. LKPP Institution Regulation Number 14 year 2018 about the work Unit of goods/services procurement;
- i. LKPP Institution Regulation Number 15 year 2018 about the perpetrators of goods/services procurement;
- j. Regulation of LKPP Institution number 16 year 2018 concerning procurement agent;
- k. LKPP Institution Regulation Number 17 year 2018 on black list sanctions on procurement of goods/services;
- l. Regulation of LKPP Institution Number 18 year 2018 about the dispute resolution services contracts for procurement of goods/services government;
- m. Regulation of LKPP Institution Number 19 year 2018 on system development and policy on procurement of goods/services.

The scope of the types of government goods and services procurement includes (Penyusun, 2010: 8):

- a. Goods, is any object both tangible and intangible, moving or not moving, which can be traded, used, used or utilized by users of goods;
- b. Construction work, is a whole or part of activities that include the development, operation, maintenance, demolition, and rebuilding of a building;
- c. Consultancy services, is a professional service that requires certain expertise in various areas of science that prioritizes the existence of thought;
- d. Other services, is a non-consulting service or service that requires equipment, special methodology, and/or skills in a governance system that has been widely known in the business world to complete a job.

In the Presidential Regulation No. 16 of 2018 concerning the procurement of goods/services of the Government, mentioned that the procurement of goods/services aims to:

- a. Produce the appropriate goods/services of any money spent, measured from the aspects of quality, amount, time, cost, location, and provider;
- b. Increase the use of domestic products;
- c. Improving the participation of micro enterprises, small business, and medium enterprises;
- d. Enhancing the role of national business actors;
- e. Support the implementation of research and utilization of goods/services research results;
- f. Improving the participation of creative industries;
- g. Promoting Economorni equalization;
- h. Encouraging sustainable procurement.

General policy of goods procurement/Government services aims to synergize the provisions of the procurement of goods/services with other policies. The policy steps that the Government will take in the procurement of this Government goods/services, including (Penyusun, 2010: 7):

- a. Increased use of domestic goods/services production which aims to expand employment opportunities and domestic industry bases in order to increase economic resilience and national competitiveness;
- b. The independence of the defence industry, the main equipment industry of the weapons System (Alutsista) and the special material equipment Industry (Almatsus) in the country;
- c. Increased participation of micro enterprises, small businesses, small cooperatives and community groups in the procurement of goods/services;
- d. Attention to the aspect of the utilization of natural resources and to ensure the preservation of environmental functions is expedient to guarantee the implementation of sustainable development;
- e. Increased use of information technology and electronic transactional;
- f. Simplification of provisions and ordinances to accelerate the decision making process in the procurement of goods/services;
- g. Increased professionalism, independence, responsibility of the parties involved in the planning and process of procurement of goods/services;
- h. Increase of State acceptance through taxation sector;
- i. Grower-Role of national enterprises;
- j. Utilize the facilities/infrastructure of domestic research and development;
- k. Implementation of goods/services procurement in the territory of the unitary Republic of Indonesia, including in the Representative Office of the Republic of Indonesia;
- l. Open announcement Plan and implementation of goods/services procurement in each ministry/institution/working unit of regional government/other institutions to the wider community.

The implementation of goods/service procurement can be achieved when done with good planning. Procurement planning includes identification of needs, determination of goods/services, manner, schedule, and budget procurement of goods/services. Procurement planning is economical, efficient and effective is an essential process of overall procurement activity because it saves time and cost in execution compared to lack of planning. Good procurement planning can make it easy for organizations to achieve organizational objectives and good procurement planning can improve compliance with applicable procurement rules.

IV. FORM OF LEGAL LIABILITY ELECTION WORKING GROUP (POKJA) IN THE CORRUPTION CRIMINAL ACT PROCUREMENT OF GOODS/GOVERNMENT SERVICES

The existence of e-procurement opportunities for direct contact between the provider of goods/services with the Procurement Committee becomes increasingly lower, so that the procurement process can be more transparent, save time and cost and easy in the financial responsibility. To improve the efficiency of the country's financial usage spent through the process of procurement of Government goods/services, it is necessary to create openness, transparency, accountability as well as a healthy competition/competition principle in the process of procurement of Government goods/services financed by APBN/APBD. The effort is needed to obtain affordable and quality goods/services and accountable both in terms of physical, financial and beneficial for the smooth tasks of government and community services.

By applying the principle of transparent, accountability, openness, competing, fair/not discriminatory in the process of procurement of goods/services will increase public confidence in the process of procurement of goods/services, because the results can be accountable to the community in terms of administration, technical and finance. The procurement of government goods and services that are performed in a transparency, accountable, open and competitive will also impact the improvement of public services.

Procedures in the provider of goods/services, through the process of planning activities selection of goods/services providers, selection of procurement systems, determination of the method of qualification assessment, preparation of the selection of goods providers/services, preparation of documents procurement of goods/services and determination of HPS. ULP Working Group/procurement Office to arrange and set the method of selection of goods provider/construction work/other services. The selection of goods providers is carried out with general auctions, limited auctions, simple auctions, direct designation or direct procurement (Fakhrurrazi, 2020).

The selection of other service providers is done with general auctions, simple auctions, direct designation, direct procurement and contests. Contest/Competition is done specifically for the selection of other goods/services providers which are the result of creative, innovative and domestic culture industries. In practice, the implementation of goods/services procurement even though it has been issued a presidential regulation that specifically governs the procurement of goods/services government, but often there are still violations, both violations committed by users and providers.

Violations identified in the implementation of goods procurement/services is a criminal offence, tort in the Procurement agreement of goods/services and acts against the law or procedural violations conducted by the organization of the procurement of goods/services. Sometimes it ends in cases of corruption, ranging from suspects, defendants and convicted. Not a few of these violations were done by officials who ended up in the iron bars, because of the breach of corruption crimes and criminal acts of money Laundering (TPPU) that resulted in the loss of state.

Regarding the conduct prohibited in the implementation of goods procurement/service as contained in the Presidential decree No. 16 year 2018 about the procurement of goods/services The Government explained that in conducting the packaging of goods/services, PA/KPA prohibited: (a) Unite or concentrate some activities scattered in several locations/areas that according to the nature of work and its efficiency level should be done in several locations (b) Unite some procurement packages that according to the nature and type of work can be separated and/or the magnitude of the value should be done by micro enterprises and small businesses and small cooperatives; (c) Break up the procurement of goods/services into several packages with the intention of avoiding auctions; and/or; (d) Determine any discriminatory criteria, requirements or procedures of procurement and/or with unobjective consideration.

On the indicator "the Committee to compose and announce the news of the auction results (BAHP) through the application" get the average value higher than the dimension of accountability, is in a highly accountable category. This is because the respondent agrees that after the qualification evaluation, Pokja ULP Sabang City to compile and announce news of auction results (BAHP). The BAHP was announced through the website of Sabang city government and aired in SPSE.

Among the requirements of the prospective provider listed in the procurement document is the expert personnel as much as 46 (forty six) people consisting of 1 Team Leader, 8 main personnel, 22 main personnel assistants, and 15 people of supporting personnel. These personnel requirements are assigned based on KAK

documents signed by PPK. On the other hand, the schedule of selection of providers is very strict. The chairman of the Pokja explained that PPK provided a limitation for the contract to be signed on 4 December 2015. Therefore, the preparation of the schedule is done regardless of the rules applicable in the auction process related to the determination of date and sufficiency of time to prospective providers to be able to fulfill all requirements.

Based on the above the form of responsibility of the Pokja can be categorized among (Fakhrurrazi, 2020):

- a. Responsible for irregularities in the budget planning phase of the activities
In the planning phase of the budget activities, the KPA set a revised budget document in the form of POK from the original activities that continued building development was transformed into an office building development planning activities. The building's advanced development activities are aimed at the building that has been awakened, while the development Planning office building is for the building that has never woke up. Changing the budget allocation of advanced activities of building construction into the planning activities of the Office building was not suitable to the needs at the time and did not consider the provisions of the moratorium on construction of new office buildings.
- b. Responsibility for irregularities at the preparation stage and implementation of the provider selection
The process of selecting the provider is engineered to appoint a company of harvesting as job executor, among others:
 1. The ULP chairman appoint a Pokja personnel who are not independent. One of the designated personnel is listed as the company's expert.
 2. PPK establishes the work Reference framework (KAK) and the approximate price (HPS) which is not drafted in a skill based on the responsible data.
 3. In drafting the procurement document, the Pokja conducts the timeframe and qualification requirements to restrict other participants.
 4. The company enters incorrect data in its offering document.
 5. Pokja to conduct evaluation and clarification in pro forma.
 6. Pokja appointed PT SJM as the winner of the auction and PPK issued a letter of appointment of goods/services provider (SPPBJ) before the auction period ended.It is not in accordance with article 5 Presidential Decree No. 54 of 2010 and its changes that read, procurement of goods/services apply the following principles: (e) compete, means procurement of goods/services must be done through healthy competition among as many providers of goods/services equivalent and meet the requirements, so that can be obtained goods/services offered in a competitive and no intervention that interfere with the creation of a market mechanism in the procurement of goods/services; (f) Fair/not discriminatory, means to provide the same treatment for all prospective providers of goods/services and does not lead to profit to a particular party, while still paying attention to national interests.
- c. Responsibility for irregularities at the job execution stage
Construction planning work of the building of Kanwil Kemenag Aceh Province TA 2015 is implemented not by personnel with the number, name, and qualifications in accordance with the contract agreement. The work was carried out without a soil investigation in the form of topographical survey and boring test so that technically the result of work is not feasible to be used as building guidance and results can be utilized. It does not comply with:
 1. Article 1 paragraph (16) Presidential decree 54 year 2010, consultancy services are professional services that require certain skills in various areas of science that prioritizes the existence of Brainware.
 2. Article 5 letter B Presidential Decree No. 54 year 2010. And its explanation: procurement of goods/services implementing the effective principle that is the procurement of goods/services must be in accordance with the needs and objectives that have been established and provide maximum benefit.
- d. Responsibilities of irregularities at the acceptance and payment stage of the work
 1. KPA designates PPHP team that does not meet the technical qualifications at the time of payment submission.
 2. PPHP signed the Job Inspection News (BAPP) and news handover ceremony (BASTP) at the request of PPK, without conducting work checks.
 3. The company collect the full payment of the work that is not in accordance with the contract with incorrect documents.
 4. PPK enters SPP along with its supporting documents for full payment of the work that is not in accordance with the contract.

5. PPSPM (trapped by the FTC) signs a pay warrant (SPM) for full payment of the work that is not in line with the contract.

V. CONCLUSION

First, the form of legal liability of the Electoral Working Group (POKJA) in the Corruption criminal act of procurement of Government goods/services, the responsibility of implementing the procurement of ACEH government goods in the job of procurement of review design of the port of the crossing of the harbor Balohan-Sabang is a company to support one company to win the procurement. As for the Working Group should be responsible in the institutions where members of the group work and feared there will be problems arising from the framework of the position between the ULP Working Group and the Agency where the staff is working in the sense that the Procurement Service Unit is an organization that is still attached to a development section and because it is still ad-hoc (while) ULP does not have its own independent members until the ULP employs ASN SKPD which has certification and experience in the field of procurement of goods and services.

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