

Indonesia's Transparency Obligations for Public Procurement Blacklist Sanctions under UNCAC: Lessons from the World Bank's Suspension and Debarment System

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ABSTRACT

Public procurement is central to government spending and service delivery but remains highly vulnerable to corruption, often influenced by favouritism and collusion rather than merit-based evaluation. In Indonesia, nearly half of state financial losses arise from procurement irregularities, prompting the adoption of a sanctions regime through Presidential Regulations and LKPP blacklist rules. However, limited disclosure of sanction reasons, weak appeal mechanisms, and inconsistent enforcement continue to undermine transparency. As a State Party to the United Nations Convention against Corruption (UNCAC), Indonesia is obliged under Article 9 to ensure transparent and objective procurement practices. The World Bank's Suspension and Debarment model—known for codified procedures, publication of decisions, and proportional sanctions—offers a comparative benchmark for institutionalizing transparency.

This research employs comparative legal and policy analysis to assess how, and to what extent, the World Bank's model can help Indonesia achieve fuller alignment with UNCAC's transparency standards. Three dimensions are evaluated: accessibility of rules and information, reliance on objective and predetermined criteria, and the availability of review and appeal mechanisms.

Findings show that Indonesia meets UNCAC standards formally but only partially in practice. Drawing from the World Bank's approach, this study recommends establishing an independent review body, adopting standardized sanction criteria, and publishing reasoned decisions to improve fairness, predictability, and accountability in Indonesia's procurement sanctions system.

Keywords: *Public Procurement Sanctions, Blacklist, Suspension and Debarment, Transparency.*

Kewajiban Indonesia terhadap Transparansi dalam Sanksi Daftar Hitam Pengadaan Barang/Jasa Pemerintah berdasarkan UNCAC: Pelajaran dari Sistem Suspensi dan Debarment Bank Dunia

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INTISARI

Pengadaan barang/jasa pemerintah merupakan komponen penting dalam pengeluaran negara dan layanan publik, namun tetap sangat rentan terhadap korupsi yang dipicu oleh kolusi dan favoritisme. Di Indonesia, hampir separuh kerugian keuangan negara berasal dari penyimpangan pengadaan, mendorong penerapan rezim sanksi melalui Peraturan Presiden dan aturan daftar hitam LKPP. Meski demikian, keterbatasan pengungkapan alasan sanksi, lemahnya mekanisme banding, dan ketidakkonsistenan penegakan hukum masih menimbulkan masalah transparansi. Sebagai Negara Pihak UNCAC, Indonesia berkewajiban memastikan sistem pengadaan yang transparan dan objektif berdasarkan Pasal 9. Model Suspension and Debarment Bank Dunia—dengan prosedur terkodifikasi, publikasi keputusan disertai alasan, dan sanksi proporsional—menjadi tolok ukur penting bagi institusionalisasi transparansi.

Melalui analisis hukum dan kebijakan secara komparatif, penelitian ini mengkaji bagaimana dan sejauh mana model Bank Dunia dapat membantu Indonesia memenuhi standar transparansi UNCAC. Kajian mencakup tiga dimensi: aksesibilitas aturan dan informasi, penggunaan kriteria objektif dan terstandar, serta ketersediaan mekanisme peninjauan dan banding.

Hasil penelitian menunjukkan bahwa Indonesia baru mencapai kepatuhan formal namun belum sepenuhnya efektif. Meski kerangka hukum dan sistem digital telah tersedia, masih terdapat celah prosedural dan kelembagaan. Mengacu pada pendekatan Bank Dunia, penelitian ini merekomendasikan pembentukan lembaga peninjauan internal yang independen, adopsi kriteria sanksi terstandarisasi, serta publikasi keputusan beserta alasan hukumnya guna memperkuat keadilan, prediktabilitas, dan akuntabilitas dalam penegakan sanksi pengadaan.

Kata Kunci: Sanksi Pengadaan Barang/Jasa, Daftar Hitam, Suspension and Debarment, Transparansi.