

**PENERAPAN PRINSIP-PRINSIP GOOD CORPORATE GOVERNANCE
DALAM PENGADAAN BARANG/JASA SECARA ELEKTRONIK
BERDASARKAN PERPRES NO.4 TAHUN 2015 DAN ATURAN
PERUBAHANNYA**

Oleh

Masrina R.N Parhusip¹, Irna Nurhayati, S.H., M.Hum., LL.M.²

INTISARI: Penelitian ini bertujuan untuk mengetahui praktek penerapan prinsip-prinsip *Good Corporate Governance* (GCG) dalam pengadaan barang/jasa secara elektronik berdasarkan Perpres No.4 Tahun 2015 dan aturan perubahannya. Berdasarkan Perpres No.4 Tahun 2015, bahwa Pengadaan secara elektronik adalah Pengadaan Barang/Jasa yang dilaksanakan dengan menggunakan Teknologi informasi dan transaksi elektronik sesuai dengan ketentuan perundang-undangan. Dengan demikian tujuan perubahan dan pembaharuan dalam proses Pengadaan Barang/Jasa ini adalah untuk mengurangi penyimpangan-penyimpangan yang dapat merugikan keuangan negara.

Metode yang dipakai dalam penelitian ini adalah penelitian *juridis empiris* karena dalam penelitian ini bertolak dari aspek-aspek normatif, yang menelaah dan mengkaji data sekunder yang diperoleh dari penelitian kepustakaan dengan menggunakan studi dokumen. Data sekunder didukung dengan data primer yang diperoleh dari penelitian lapangan dengan pedoman wawancara. Analisis data dilakukan dengan metode deskriptif kualitatif.

Hasil penelitian menunjukkan bahwa proses pengadaan barang/jasa di Pemerintah telah memperhatikan prinsip-prinsip GCG yaitu *transparency, accountability, responsibility, independency, fairness*. Berdasarkan Perpres No.4 Tahun 2015, bahwa pelaksanaan proses pengadaan secara elektronik yaitu dengan *E-Tendering* dan *E-Purchasing*. Proses pengadaan secara elektronik berbeda dengan proses pengadaan secara konvensional yang masih memerlukan tatap muka antara para pihak terkait, dimana proses pengadaan sistem elektronik menggunakan teknologi informasi melalui komputer sebagai alat komunikasi. Penerapan prinsip GCG pada proses pengadaan barang/jasa telah terpenuhi dengan sistem pengadaan secara elektronik berdasarkan Perpres No.4 Tahun 2015, dengan demikian penghematan pemakaian anggaran negara semakin meningkat dan waktu proses pengadaan barang/jasa semakin cepat dan terbuka.

Kata Kunci: *Good Corporate Governance*, Pengadaan Barang/Jasa

¹ Mahasiswa Magister Ilmu Hukum, Fakultas Hukum Universitas Gadjah Mada, Yogyakarta

² Dosen Bagian Hukum Dagang, Fakultas Hukum Universitas Gadjah Mada, Yogyakarta

**THE IMPLEMENTATION OF GOOD CORPORATE GOVERNANCE
PRINCIPLES IN THE PROCUREMENT OF GOODS/SERVICES
ELECTRONICALLY BASED ON PRESIDENTIAL DECREE NO.4 YEAR OF
2015 AND IT'S AMENDMENTS**

by

Masrina R.N Parhusip³, Irna Nurhayati, S.H., M.Hum., LL.M.⁴

ABSTRACT: This research is intended to know the implementation of the Good Corporate Governance principles in the procurement of goods / services electronically based on Presidential Decree No.4 of 2015 and its amendments. Based on Presidential Decree No.4 year of 2015, that the electronic procurement for the Goods/Services is conducted by using an information technology and electronic transactions refer to governance regulations. Therefore the purpose of process procurement regulation revision is to reduce any misleading which able to harm the state financial.

This research is conducted in empirical juridical method, which examine and review the secondary data from library research by using the document data. The secondary data is supported by primary data obtained by interviews in the field research. Data were analyzed by descriptive qualitative method.

The result of the research showing that process for procurement of goods / services in Government of Indonesia has been implemented by GCG principles, which are *transparency, accountability, responsibility, independency, fairness*. Based on the Presidential Decree No.4 of 2015, that the implementation process of electronic procurement is through E-Tendering and E-Purchasing. The process of electronic procurement is different with manual procurement that still required face to face process between the parties, in which procurement electronic process system is using an information technology through computer as a communication tool. The implementation of the GCG principles in the procurement of goods / services have been fulfilled with the electronic procurement system based on Presidential Decree No.4 of 2015. Therefore, the efficient use of state budget has increased and the time of procurement process the goods / services is more quickly and transparent.

Keyword: Good Corporate Governance, Procurement

³ Student of Master of Laws, Faculty of Law University of Gadjah Mada, Yogyakarta.

⁴ Lecturer of Trade Law, Faculty of Law University of Gadjah Mada, Yogyakarta.