

Responsibilities of Committing Officers in the Implementation of Hospital Construction Auctions in South Sulawesi

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Abstract

Efforts to prevent corruption in the auction of goods and services are carried out by the government in various ways, one of which is by implementing an online system. PPK is an important instrument in the auction process for goods and services. In carrying out their duties, one of the accountable dimensions that a Commitment Making Officer (PPK) must possess is responsibility. Even with the use of an online system, if the organizer is not responsible, it can carry out various modes of cheating. Low responsibility Commitment Making Officer (PPK) is what often causes fraud in the auction of goods and services. Therefore, the purpose of this study is to analyze the responsibilities of the Commitment Making Officer (PPK) in the implementation of the auction for the construction of a hospital in South Sulawesi. Descriptive qualitative research method is used in this study, where the data collection techniques are carried out by in-depth interviews, observation, and documentation methods. Sources of data come from primary data and secondary data. The results showed that the PPK's responsibility in implementing the auction for the construction of a health hospital in South Sulawesi was still not optimal in terms of administrative/legal accountability. This is due to the low ability to carry out tasks as stated in the Presidential Regulation of the Republic of Indonesia Number 12 of 2021. In project planning, maintaining the confidentiality of information and project supervision.

Keywords: Accountability, Corruption, Responsibility

Introduction

Auction of goods and services is one sector that is prone to corruption. This is in line with data from the Corruption Eradication Commission (KPK) in 2020 which shows that the highest level of corruption after bribery is in the auction of goods and services. This is in line with the argument Kaufmann that the procurement of goods/services (PBJ) is a government activity that is considered the most vulnerable to corruption, and this happens anywhere in the world (OECD, 2007).

Efforts to prevent corruption in the auction of goods and services are carried out by the government in various ways, one of which is by implementing an online system. The implementation of the online system begins with the publication of Presidential Decree 54/2010

No. 70/2012. The Presidential Regulation regulates that electronic procurement is divided into two: e-tendering and e-purchasing. E-tendering is an electronic tender system in which providers compete for contracts from public bodies. Several studies have confirmed that electronic tenders prevent corruption (Haryati et al., 2010; Djojosoekarto, 2008; Jasin, et al, 2007). In e-tendering, the public agency will select the tender winner with the following criteria: (i) the lowest bidder who meets the requirements; or (ii) the bidder with the best economic price. Another thing to do is to do changes to the procurement organizational structure. The new organizational structure is effective in preventing corruption if the initiator of corruption is the PPK (which in the previous regulation was called the user of goods/services). However, if the initiative to deviate from procurement starts from the PA/KPA which has the authority to appoint three organ structures under it: PP, PPK, PPHP; then the effort to abuse the procurement can still be coordinated by the PA/KPA. However, it was precisely the case that PA actively ordered PPK and PP to deviate from the rules to win certain tender participants (Wibowo, 2015).

Commitment Making Officials are important instruments in the auction process for goods and services. because various strategic decisions fall under the authority of the PPK as an extension of the budget user (PA). The duties of the Commitment Making Officer (PPK) according to the Presidential Regulation of the Republic of Indonesia Number 12 of 2021 concerning Amendments to the Presidential Regulation Number 16 of 2018 concerning the Procurement of Government Goods/Services Article 11 are to prepare a procurement plan, carry out Consolidation of Procurement of goods/services, establish technical specifications/Terms of Reference (KAK), set contract draft, set your own Estimated Price (HPS), determine the amount of the down payment to be paid to the Provider;, propose changes to the schedule of activities, carry out E-purchasing for a value of at least more than Rp. 200,000,000.00 (two hundred million rupiah), controlling the contract, store and maintain the integrity of all activity documents, report the implementation and completion of activities to PA/KPA, submit the results of the work on the implementation of activities to the PA/KPA with the minutes of delivery;, assessing the performance of the Provider, establishing a support team, establishing a team of experts or experts and establishing a Letter of Appointment for the Provider of Goods/Services.

The current administration of government has entered the era of bureaucratic reform, where the government is obliged to apply the basic principles of good governance, including transparency, participation, accountability and freedom from corruption, collusion and nepotism. The procurement of goods/services which are partially or wholly financed from the APBN/APBD implementation refers to Presidential Regulation Number 12 of 2021 concerning Amendments to Presidential Regulation Number 16 of 2018 concerning Government Procurement of Goods/Services. The purpose of the enactment of this Presidential Regulation is so that the implementation of the procurement of goods/services is carried out efficiently, effectively, transparently, openly, competitively, fairly/non-discriminatoryly, and accountable.

Friedrich emphasizes the internal responsibility of bureaucrats towards professional standards and values, while Finner emphasizes the primacy of responsibility for external political orders. The difference in these two perspectives has caused accountability to experience what is called an ever-expanding concept (Mulgan, 2000) which leads to a general theme to explain various mechanisms so that an institution is responsive to certain publics (Mulgan, 2003). The

accountability of the organizers of the auction of goods and services, especially the Commitment Making Officer (PPK) is very important to realize a corruption-free auction of goods and services.

Koppel (2005) explains that accountability has a number of dimensions, including: First, transparency which refers to the ease of access to information related to the functions and performance of the organization. Second, accountability refers to the practice of ensuring individuals and/or organizations are held accountable for their actions and activities, punishing wrongdoing and rewarding good performance. The third is control, which refers to the situation that the organization does exactly what it is commanded to do. The fourth is the responsibility, which refers to the organization should be limited by the applicable law. Fifth,

In carrying out its duties, one of the accountable dimensions that PPK must possess is responsibility. even with the use of an online system, if the organizer is not responsible, it can carry out various modes of fraud. The low responsibility of the PPK is what causes the frequent occurrence of fraud in the auction of goods and services.

The problem with auctions of goods and services that often occurs is in the health sector. Where the PPK for projects in this sector are mostly held by people who have a health background who incidentally do not have the competence for building specifications. Several cases often occur that the PPK is reported by the recipient of the work that the work has been completed and the work is in accordance with the technical specifications but in fact it has not been completed or does not meet the technical specifications then is accepted by the PPK and 100% payments are made to third parties or implementing contractors. The project for the procurement of goods and services for Medical Devices (Alkes) of the North Toraja Health Office for the 2018 budget year of Rp. 18.2 billion is suspected of violating the rules and having problems in the procurement process. As for the case in the Health sector, there were also problems with the performance of KDP in the hospital/puskesmas project in South Sulawesi. The following is data on problematic cases in South Sulawesi in the last four years.

Table 1. Hospital case data in South Sulawesi

No	Name of Hospital/Puskesmas	Years of Work
1	Batua Health Center, Makassar city	2018
2	Massenrempulu Hospital, Enrekang Regency	2014
3	Labuang Baji Hospital	2017-2018
4	Tenriawaru Regional Hospital, Bone district	2017
5	RSKDIA Fatimah	2016
6	Nene Mallomo Hospital, Sidrap Regency	2018
7	HA Sulthan Hospital Dg. Radja, Bulukumba Regency	2017
8	Sheikh Yusuf Hospital, Gowa . district	2017

Source: South Sulawesi Police Corruption 2020

Literature Review

Accountability

The concept of accountability began to be studied intensively in the public sector along with the development of the concept of reinventing government (Osborne & Gaebler, 1993). In their book, *Reinventing Government: How the Entrepreneurial Spirit is Transforming The Public Sector*, the concept of accountability is mentioned nine times. This shows that Osborne and Gaebler from the beginning wanted to emphasize the importance of understanding and practice for public sector entrepreneurial actors regarding the importance of accountability.

Peters (2010) explains that accountability is a different concept from responsibility (responsibility). Accountability refers to the relationship of the organization as an entity with parties outside the organization. That is, the level of accountability analysis is at the macroorganizational level which emphasizes the sociological aspect of the organization with a focus on the interaction between the organization and related parties in the organization. While responsibility emphasizes more at the individual level as a member of a public organization must demonstrate behavior that is in line with ethical standards that have been set as rules and carry out work properly in accordance with the direction and training he has received. This is further emphasized by Bryner in Peters (2010) who explains that as part of a public sector organization, members of the organization must comply with the law that generally regulates how a policy is administered and in particular the law that specifically regulates the particular program they are currently pursuing. do it. This explanation becomes clearer when we try to map three concepts at once, namely accountability, responsibility, and responsiveness as part of transparency to the public as a whole as presented by (Gortner et al., 2007).

Dimensions of Accountability by Koppel (2005)

The five dimensions of accountability offered are transparency, obligation, control, responsibility, and responsiveness. These categories are not mutually exclusive that is, the organization may be responsible in more than one sense. For each accountability dimension, critical questions are articulated. This question is a practical extension of the concept. That is, for each dimension of accountability there are questions that must be asked of the organization or individual to determine its accountability in that sense.

Table 2. Dimensions of Accountability by Koppel

Accountability Concept	Key Concept
Transparency	Does the organization disclose the facts of its performance?
Obligation	Does the organization face consequences for its performance?
Control	Is the organization doing what the leader wants?
Responsibility	Does the organization follow the rules?
Responsiveness	Does the organization meet substantive expectations (demands/needs)?

Source: Koppel (2005)

Dimensions of Responsibility

Koppel (2005) explains that what is meant by the dimension of responsibility is that the organization should be limited by applicable laws. In the public sector, of course, policy rules become a binder for organizations in carrying out their activities. Therefore, it is important to prioritize compliance in the application of applicable laws. The consistent application of legal rules will help public organizations to overcome the difficulties that may be encountered in carrying out the activities of public organizations. Of course, this will be carried out consistently if the system and the quality of the rules used as a basis can be relied on properly. This means that the rule of law should be structured as well as possible, so that public organizations can carry out their various activities smoothly.

The indicators for the dimensions of responsibility according to Koppel's (2005) definition are: accountability for professionalism/competition and administrative/legal accountability.

Goods and Services Auction

Procurement of goods/services according to Sutedi (2012) which includes an explanation of the entire process from the beginning of planning, preparation, licensing, determining the winner of the auction to the implementation stage and administrative processes in the procurement of goods, work or services such as technical consulting services, services financial consulting, legal consulting services or other services.

Commitment officer

In Presidential Regulation Number 16 of 2018 as amended by Presidential Regulation Number 12 of 2021 concerning Government Procurement of Goods/Services (hereinafter referred to as Presidential Decree No. 12 of 2021), article 1 number 1 states, procurement of goods/services is the activity of procuring goods/services by the ministry. Regional/institutional/departmental apparatus financed by ABPN/APBD whose process starts from identification of needs until handover of work results, (12) submit the results of the work of implementing activities to PA/KPA with minutes of submission, (13) assessing the performance of the Provider, (14) establishing a support team; (15) assign a team of experts or experts; and (16) determine the Letter of Appointment of the Goods/Services Provider.

Methods

This research is a type of descriptive research supported by qualitative data which in this study seeks to reveal the facts of a social phenomenon that occurs as it is and provide an objective picture of the circumstances or problems that may be faced naturally. The location of this research is in the South Sulawesi Provincial Health Office.

The data collection technique was carried out through the interview method and the interviewees were selected through a purposive sampling technique, namely by taking several people involved or knowing about the collaboration that was carried out. The data validity test used is source triangulation technique and technique triangulation. Meanwhile, the data analysis technique uses the data analysis model of Miles & Huberman (1992) which consists of data collection, data reduction, data presentation and drawing conclusions.

Results and Discussion

The responsibility of the Commitment Making Officer (PPK) in the tender for the construction of a hospital in South Sulawesi was then analyzed based on the Koppel (2005) accountability sub-indicator, namely responsibility. Specifically regarding the implementation of the hospital construction auction, the analysis is as follows:

PPK Administrative/Legal Responsibility

Commitment-making officials have the duties and functions as regulated in Presidential Regulation of the Republic of Indonesia Number 12 of 2021. The regulation explains that PPK's duties include planning, setting specifications, setting schedules, storing and maintaining documents, assigning a team of experts and supporters, assessing performance, reporting up to submit the results of the work to the budget user. All these tasks are the responsibility of the PPK.

In carrying out its duties, the PPK must be guided by the existing rules. So it takes the ability of each member of the PPK to understand and carry out their duties. In the case of a hospital construction auction, the PPK must comply with the presidential regulation regarding the auction of goods and services and be aware of the existing standard operating procedures. This begins with making a self-estimated price plan (HPS) for hospital construction equipment and materials must be in accordance with specifications and general prices. In order for the planning to comply with the rules, in its determination, the hospital PPK, which is generally a doctor or health worker, is assisted by a consultant. Likewise in terms of making contracts.

For planning preparation, there are two confidential information, namely the HPS details are confidential, other goods/services are confidential in accordance with the provisions of the legislation and Service Confidential consulting in accordance with the provisions of the legislation. However, in practice, in several cases it was found that KDP leaked information before it was published to the provider who would win. This of course has negative implications because it creates unhealthy competition. Other things in running responsibility for controlling project implementation, starting from the monitoring implementation, field implementation, financial implementation to the implementation of the completion of the work is generally carried out by themselves and some are even waiting for the results because they do not understand the technicalities of the physical development project. In several projects, to overcome the weaknesses of KDP, PA recruited academics to help supervise the work on hospital construction projects.

In accordance with the provisions of the Presidential Regulation of the Republic of Indonesia Number 12 of 2021 Article 82 it is explained that there are two types of sanctions for PPK, namely administrative sanctions imposed for those who fail to perform an act that is their obligation and Penalty sanction light, moderate, or severe discipline is imposed on proven to have violated the integrity pact based on the decision of the Business Competition Supervisory Commission, the General Court, or the State Administrative Court. These two sanctions are given to PPK if they are unable to carry out their responsibilities properly. However, in the implementation of hospital auctions in South Sulawesi, it is still rare to give sanctions like this because the budget user (PA) emphasizes accountability in terms of the quality of performance achievements when the

handover is in the form of minutes to the budget user (PA), in this case the director of the hospital. sick.

Responsibility for Professionalism/Competence Of PPK

Commitment-making officials (PPK) in carrying out their duties must prioritize the principle of professionalism. That is, prioritizing performance according to its main tasks and functions. In the implementation of the hospital auction in South Sulawesi, the obstacles found were the low competence of PPK in terms of planning to supervising physical development. This is because generally the PPK appointed by the hospital director has a medical education background, health and several other scientific disciplines that are less relevant to physical development. So that in carrying out its responsibilities, the work of the PPK must be assisted by a consultant. However, this is rarely done because some KDP cases are just waiting and carrying out PA instructions.

In carrying out its duties, PPK is also required to have strong integrity. However, it was found that the auction process was generally won by the provider (entrepreneur) who had carried out the lobbying process first. Either through budget users (PA), PPK or to Pokja. This is generally due to the integrity of the PPA being more loyal to the leadership than to the professionalism of their work. This happens because they are generally afraid of losing their position when the leadership intervenes. Another integrity constraint is the frequent leakage of confidential information from PPK officials prior to the auction to make it easier for certain providers to win tenders.

Conclusion

The responsibility of the Commitment Making Officer (PPK) in the implementation of the auction for the construction of a hospital in South Sulawesi is still not optimal in terms of administrative/legal accountability. This is due to the low ability to carry out the tasks as stated in the Presidential Regulation of the Republic of Indonesia Number 12 of 2021 which is still weak in terms of project planning, maintaining the confidentiality of information and project supervision. As for the responsibility for professionalism, the Commitment Making Officer (PPK) is still weak in competence because it does not have the same educational background and skills as the project being handled, namely physical development and low integrity because it prioritizes leadership loyalty so that it is easy to intervene and there are still frequent leaks of information. kept secret according to the rules.

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