

**POLITIK HUKUM PENGADAAN LANGSUNG
SECARA ELEKTRONIK
(TINJAUAN UPAYA MENINGKATKAN EFEKTIVITAS
PENERAPAN HUKUM BERDASARKAN
TEORI EFEKTIVITAS HUKUM)**

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Abstrak

Politik hukum pengadaan barang/jasa pemerintah, baik secara global maupun dalam tatanan nasional, pada saat ini mengedepankan pengadaan secara elektronik, namun dalam penerapannya terutama dalam metode pengadaan langsung, masih belum sepenuhnya efektif diterapkan. Hal ini disebabkan karena masih dimungkinkannya pelaksanaan pengadaan langsung secara manual, walaupun seharusnya tetap dilakukan pencatatan secara elektronik. Namun pada kenyataannya, sebagian besar pelaksanaan pengadaan langsung masih belum dicatatkan secara elektronik. Menganalisis fenomena tersebut dengan Teori Efektivitas Hukum Anthony Allott dan Soerjono Soekanto, maka didapat beberapa faktor penyebab yang mendasari hal tersebut, diantaranya faktor budaya hukum masyarakat Indonesia yang belum terlalu lama memasuki masa demokrasi sehingga penerapan pengadaan barang/jasa yang sepenuhnya elektronik belum optimal mengingat masih terpengaruh budaya hukum pengadaan barang/jasa pada masa orde baru yang masih manual dan lebih tertutup. Selanjutnya faktor sumber daya manusia berkaitan dengan kurangnya sumber daya manusia pelaksana pengadaan barang/jasa tersebut seperti Pejabat Pengadaan yang belum merata, dan terakhir adalah faktor peraturan perundang-undangan yang masih berupa Peraturan Presiden sehingga belum mampu mendorong sepenuhnya pengadaan barang/jasa secara elektronik mengingat daya ikat perundang-undangan ini masih kurang kuat. Berkaitan dengan keadaan tersebut, kami menyarankan pendekatan sanksi/*reward* administratif, penguatan regulasi, dan pengintegrasian pengadaan barang/jasa dalam program-program nasional lainnya.

Kata Kunci: Pengadaan Barang/Jasa Pemerintah, Efektivitas Hukum.

**ELECTRONIC DIRECT PROCUREMENT LEGAL POLITICS
(REVIEW OF EFFORT TO IMPROVE EFFECTIVENESS
OF LAW IMPLEMENTATION BASED ON
THEORY OF LEGAL EFFECTIVENESS)**

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Abstract

The legal politics of government procurement, both globally and nationally, currently prioritizes electronic procurement, but in its application, especially in the direct procurement method, it is still not fully implemented. This is because it is still possible to carry out direct procurement manually, even though the recording should still be done electronically. However, in reality, most of the implementation of direct procurement is still not recorded electronically. Analyzing this phenomenon with the Legal Effectiveness Theory of Anthony Allott and Soerjono Soekanto, several causal factors are obtained that underlie this, including the legal cultural factors of Indonesian society who have recently entered the democratic period so that the implementation of fully electronic procurement is not optimal considering that they are still influenced by culture of the law on the goods/services procurement during the Orde Baru era which was still manual and more closed. Furthermore, the human resource factor is related to the lack of human resource for implementing the goods/services procurement, such as the uneven procurement officer, and lastly, the factor of statutory regulation that are still in the form of Presidential Regulation has not been able to fully encourage the goods/services procurement electronically considering that the binding power of these regulations is still not strong enough. In this regard, we recommend an approach of administrative sanctions/rewards, strengthening regulations, and integration of goods/services procurement in other national programs.

Keyword: Government Procurement, Legal Effectiveness.