

Pelaksanaan pengadaan barang dan jasa pada PT. Perkebunan Nusantara XII Persero berdasarkan peraturan Menteri BUMN nomor per 05 mbu 2008 juncto nomor per 15 mbu 2012 dalam kaitannya dengan hukum persaingan usaha di Indonesia = The implementation of the procurement in pt perkebunan nusantara xii persero based on regulation of the minister of state owned enterprise number per 05 mbu 2008 juncto number per 15 mbu 2012 in relation with business competition law in Indonesia / Bunkarni

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Abstrak

**ABSTRAK**

Ketentuan pengadaan barang dan jasa pada badan usaha milik negara terlepas dari aturan pengadaan barang/jasa pemerintah, dimana BUMN diberikan kebebasan dan wewenang untuk membuat tata cara pelaksanaan pengadaannya sendiri berdasarkan kebutuhan kegiatan usaha dan kondisi dari masing-masing perusahaan. Prinsip-prinsip pengadaan BUMN diatur dalam Peraturan Menteri Badan Usaha Milik Negara Nomor PER-05/MBU/2008 Juncto Nomor PER-15/MBU/2012 tentang Pedoman Umum Pengadaan Barang Dan Jasa Badan Usaha Milik Negara, yaitu efisien, efektif, transparan, adil dan wajar, serta akuntabel. Pedoman pengadaan barang dan jasa pada BUMN yang dituangkan dalam bentuk surat keputusan Direksi sangat rawan terhadap resiko-resiko penyimpangan terutama tindak pidana dan korupsi, serta tidak melanggar prinsip-prinsip persaingan usaha yang sehat berdasarkan Undang-Undang Nomor 5 Tahun 1999 tentang Larangan Praktek Monopoli Dan Persaingan Usaha Tidak Sehat. Proses dan pelaksanaan pengadaan barang dan jasa tentunya sangat berpengaruh terhadap kinerja BUMN terutama perusahaan persero sebagai badan usaha yang mencari keuntungan, contohnya pada PT Perkebunan Nusantara XII (Persero). Aturan pengadaan yang terlalu rumit seringkali menimbulkan banyak kendala dalam pelaksanaannya dan menjadikan pengadaan yang tidak efisien dan efektif.

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**ABSTRACT**

Provisions of procurement goods and services in State-Owned Enterprises are not subject to the rules of government procurement, which every State-Owned Enterprises has granted its freedom and authority to make its own procurement procedures of business activities depend on the needs and conditions of each company. The procurement principles of State-Owned Enterprises stipulated in the Regulation of the Minister of State-Owned Enterprises Number PER-05/MBU/2008 Juncto Number PER-15/MBU/2012 on General Procedures Of Procurement Goods And Services At State-Owned Enterprise. The principles are efficient, effective, transparent, fair and reasonable, and accountable. Procedures of the procurement as formed by the Decision of the Board of Director from each State-Owned Enterprises has the risks of criminal and corruption acts, and should not violate any principles of the fair

competition regulation based on Law Number 5 Year 1999 on Anti Monopoly Practice And Unfair Business Competition. Process and implementation of the Procedures of Procurement can affect to the business performance of state-owned enterprises, especially a profit oriented state-owned enterprises (Persero), example in PT Perkebunan Nusantara XII (Persero). Procurement rules which are too complicated often cause a lot of problems in implementation and make inefficient and effective procurement.