

Sinkronisasi pengadaan barang/jasa di Lembaga Pengelola Dana dan Usaha Keolahragaan Kementerian Pemuda Dan Olahraga = Synchronization of the procurement of goods/ services at the Fund Management And Sports Business Institution Of The Ministry Of Youth And Sports

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Abstrak

Penelitian ini menganalisis sinkronisasi vertikal dari peraturan perundangundangan yang mengatur tentang Pengadaan Barang/Jasa serta implikasinya. Penelitian ini dilakukan dengan pendekatan doktriner/normatif dengan melakukan analisis isi dilanjutkan analisis sinkronisasi vertikal. Bahan hukum primernya berupa peraturan perundang-undangan yang mengatur dan berkaitan dengan pengadaan barang/jasa. Hasil penelitian diketahui bahwa taraf sinkronisasi asas hukum tidak selalu sejalan antara prinsip dasar dalam konstitusi dengan peraturan perundangan sebagai aturan pelaksana. Pelaksanaan pengadaan barang atau jasa di lingkungan LPDUK masih secara konvensional belum menggunakan SPSE serta terdapat beberapa hal yang tidak sesuai dalam pelaksanaannya. Dalam ketentuan Peraturan Direktur LPDUK banyak mengadopsi ketentuan dari Peraturan Presiden Nomor 16 Tahun 2018 tentang Pengadaan Barang/Jasa Pemerintah. Implikasi dari ketidaksinkronan adalah terjadinya conflict of norm, solusinya digunakan asas hierarki untuk vertikal, sedangkan untuk horizontal digunakan asas "lex posteriori derogate lex priori" dan asas "lex specialis derogate lex generalis". Akibat nyata dari conflict of norm tersebut menimbulkan interpretasi hukum dalam pengadaan barang/jasa sesuai dengan kepentingan sektor masing-masing.

.....This study analyzes the vertical synchronization of laws and regulations concerning the Procurement of Goods / Services management and their implications. This research was conducted with a doctrinal / normative approach by conducting content analysis followed by vertical synchronization analysis. The primary legal material is in the form of statutory regulations that regulate and relate to the procurement of goods / services. The results showed that the level of synchronization of legal principles is not always in line between the basic principles in the constitution and the statutory regulations as implementing regulations. In the implementation of procurement of goods or services, LPDUK (Sports and Business Fund Management Institution) has not conventionally used SPSE and there are several things that are not appropriate in their implementation. In the provisions of the LPDUK (Sports and Business Fund Management Institution) regulations, many have adopted the provisions of Presidential Regulation Number 16 of 2018 concerning Government Procurement of Goods / Services. The implication of the unsynchronization is the occurrence of a conflict of norm, the solution is to use the hierarchy principle for vertical, while for horizontal use the principle of "lex posteriori derogate lex priori" and the principle of "lex specialis derogate lex generalis". The real impact of the conflict of norms has led to legal interpretations

in the procurement of goods / services in accordance with the interests of each sector.