

Provision of Goods and Services within the Indonesian National Army Organization

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Abstract. Regulation of the Minister of Defense of the Republic of Indonesia Number 10 of 2022 is essential in overseeing the acquisition of confidential items and services within the Ministry of Defense and the Indonesian National Army (TNI). It aims to ensure that the procurement of secret goods/services is accomplished with high caution and security to support TNI operations. Procuring confidential goods and services is of utmost importance in the context of national defense and security. This regulation plays a crucial role in maintaining the security of sensitive information and materials and serves as a foundation for it. With clear guidelines, potential risks can be minimized, allowing TNI to obtain goods/services by established security standards. The implementation of Minister of Defense Regulation Number 10 of 2022 shows the Indonesian government's commitment to ensuring that the procurement process within the TNI is performed with high integrity and prudence. By attaining a comprehensive understanding of these regulations, it is anticipated that each unit within the TNI will be proficient in executing the procurement process for confidential goods and services in compliance with the law, upholding the confidentiality of information, and making a substantial contribution to the preservation of state sovereignty and security. This regulation is a crucial basis for increasing efficiency, effectiveness, and security in the procurement of goods/services within the TNI organization.

Keywords: Provision, Goods and Services, Indonesian National Army.

1 Introduction

The ongoing guard arrangement of the Republic of Indonesia is a general protection framework (Sishankamrata) which includes every Indonesian resident and their public assets. The tactical protection pose was created to confront military dangers that utilization coordinated military that jeopardize state power, the regional respectability of the state, and the security of the whole country.[1] Military defense is implemented by placing the Indonesian National Army as the main component through an integrated tridimensional concept. One way to improve military defense posture is through the modernization of *Alutsista* and compliance with MEF (Minimum Essential Force) standards which are intended to translate operational needs into real operational capabilities.

Procurement of goods and services is significant for the functioning of an organization, including the Indonesian National Army (TNI). As a national defense institution, the TNI assumes the weighty responsibility of ensuring the availability of necessary goods and services to support its strategic tasks. The procurement process within the TNI plays a pivotal role in upholding military operational readiness and effectiveness. In the context of procuring goods

and services within the TNI, several factors warrant consideration to ensure an efficient and legally compliant process. These factors encompass meticulous planning, transparency, adherence to relevant regulations, and thorough evaluation of the quality of goods and services procured [2].

The significance of effective procurement of goods and services within the TNI is not only related to operational aspects but also reflects the ethical obligations and legality of the organization in carrying out its duties.[3]. In this case, integrity and accountability in every stage of the procurement process cannot be ignored. Openness to the community and related parties is also a key element in ensuring that every decision regarding the acquirement of labor and products in the TNI is performed straightforwardly and mindfully. Aside from that, the acquirement of labor and products within the TNI also includes collaboration with various parties, both on a national and international scale. It shows the complexity of the procurement process which must be managed well to ensure the availability of adequate resources to support various TNI operational activities.

Alluding to Article 1 Point 1 of the Guideline of the Clergyman of Safeguard of the Republic of Indonesia Number 10 of 2022 concerning the Acquisition of Private Products/Administrations Inside the Service of Guard and Indonesian National Army, the accompanying clarification is acquired:

"Procurement of Secret Goods/Services is the activity of Procurement of Secret Goods/Services by the Ministry of Defense and the Indonesian National Army which is financed by the state revenue and expenditure budget, the process from identification of needs to handover of results work."

Procurement of goods and services, process requires collaboration with several parties. The parties referred to are explained in Article 1 points 6 and 7, namely:

"Providers of goods/services, hereinafter referred to as providers, are business actors who provide goods/services based on contracts."

"Business Actor is any individual or business entity, whether in the form of a legal entity or non-legal entity, which is established and domiciled or carries out activities within the jurisdiction of the Republic of Indonesia, either individually or jointly through an agreement to carry out business activities in various economic fields."

The process of procuring goods and services within the Indonesian National Army (TNI) in Indonesia involves a series of stages that are strictly regulated to ensure transparency, efficiency, and compliance with applicable regulations. The following are the main stages in the procurement process within the TNI:

1. Procurement Planning.
This stage involves identifying the need for goods or services required by each unit in the TNI. Planning must be carried out carefully by considering the available budget and specifications by established standards.
2. Job Announcement.
After planning, a job announcement is made to invite providers of goods or services to submit bids. Announcements are made openly and transparently to provide equal opportunities for providers of goods or services.
3. Bid Evaluation.
Providers of goods or services that meet the requirements will be evaluated based on predetermined criteria. The evaluation is carried out objectively to ensure the selection of providers that best suit the TNI's needs.
4. Determination of Winners.

After evaluation, the procurement winner will be determined based on the results of the best bid that meets the requirements. The decision to determine the winner must be based on clear and transparent criteria.

5. Procurement of Goods or Services.

After determining the winner, the process of procuring goods or services is carried out by the agreed contract. Procurement must be carried out by paying attention to quality, quantity, and time to the TNI's needs.

6. Evaluation of Provider Performance.

After the acquirement is finished, an assessment is completed on the exhibition of the labor and products supplier to guarantee consistence with the agreement and the nature of the administrations gave. This assessment frames the reason for future supplier choice.

The process of procuring goods and services within the TNI in Indonesia must be carried out with full integrity, transparency, and professionalism. Compliance with applicable regulations and strict supervision are the main keys to maintaining success and trust in the procurement process. By implementing a good procurement process, the TNI can ensure the availability of goods and services needed to support its duties effectively and efficiently. However, one of the main keys to the procurement of goods and services within the Indonesian National Army (TNI) organization is that it is strictly confidential.

The issue in this paper is what the Techniques for Obtainment of Labor and products inside the TNI Association, and what the Purposes and Phases of Acquirement of confidential Goods/Services in light of Guideline of the Pastor of Safeguard of the Republic of Indonesia Number 10 of 2022 concerning Acquisition of confidential Goods/Services inside the Provision and Indonesian National Army?

2 Method

2.1 Method

In drafting this academic paper, the researchers employed a descriptive-analytical method to collect data pertinent to real-world issues within the field. Subsequently, they analyzed the collected data and formulated conclusions to address these issues. To solve the problems presented in the paper, the researchers gathered information through systematic observation and a comprehensive literature review. In line with the research objectives, this study adopted a subjective methodology technique, necessitating the application of a qualitative approach. As stated by Soerjowinoto et al., the subjective methodology technique prioritizes the researcher's ability to interpret the problem statement to produce a detailed and exhaustive analysis. Moreover, this approach ensures that the findings are contextually relevant and legally sound. The rigor of the qualitative analysis enhances the reliability and validity of the study, thereby fortifying its contribution to the academic discourse and legal scholarship.[4] [5] [6]

2.2 Approach

The normative juridical methodology pertains specifically to explicit legal guidelines and written regulations regarding the Procurement System for Goods and Services within the TNI Organization. It encompasses the Objectives and Stages of Procurement for Classified

Goods/Services as delineated by Regulation Number 10 of 2022, issued by the Minister of Defense of the Republic of Indonesia, concerning the Procurement of Confidential Goods/Services within the Ministry of Defense and the Indonesian National Armed Forces [7] [8]. This research elucidates the current state of the subject under investigation, with a particular emphasis on the Procurement System for Goods and Services within the TNI Organization, and the Objectives and Stages of Procurement for Classified Goods/Services by the aforementioned regulation.

3 Result and Discussion

3.1 Uses and Stages of Procurement of Secret Goods/Services based on Regulation of the Minister of Defense of the Republic of Indonesia Number 10 of 2022 concerning Procurement of Secret Goods/Services within the Ministry of Defense and the Indonesian National Army

Public safeguard is a vital viewpoint in keeping up with state sway, the regional trustworthiness of the Unitary Condition of the Republic of Indonesia, and the wellbeing of the whole country from the numerous dangers that can disturb the honesty of the country and state (Regulation Number 3 of 2002 concerning Public Defense) [9]. Connected with obtainment administration, acquisition administration is additionally essential for store network the executives which deliberately and decisively processes the acquirement of products from the beginning of the merchandise to the objective regarding quality, amount, value, time, beginning, and proper put to meet client expectations.[10].

In light of the Guideline of the Clergyman of Safeguard of the Republic of Indonesia Number 10 of 2022 concerning the Acquirement of Private Merchandise/Administrations inside the Service of Guard and Indonesian National Army, contained in Article 2, it tends to be communicated as follows:

Article 2

- (1) The rules for executing the acquirement of merchandise/administrations in this Pastoral Guideline are utilized for carrying out the confidential Goods/Services to serve public safeguard.
- (2) The procurement of confidential goods/services as intended in paragraph (1) is carried out with the criteria of goods/construction work/other services and consultancy services for certain circumstances.
- (3) Criteria for goods/construction work/other services and consultancy services for certain circumstances as intended in paragraph (2) include:
 - a. military bases which include coastal infrastructure facilities, air infrastructure facilities, and land defense infrastructure facilities;
 - b. defense education and training facilities;
 - c. research and development facilities for the TNI's main weapons systems, research and development facilities in the nuclear, biological and chemical fields;
 - d. command, control, interchanges, PCs, knowledge, observation and surveillance offices or order, control, correspondences, PCs insight, observation and observation; or

- e. goods/services for national defense purposes that are not directly related to the main equipment of the TNI weapons system are determined to be secret by the PA/KPA.
- (4) Determination of goods/services for indirect national defense purposes as intended in paragraph (3) letter e, with the following conditions:
- a. for the Ministry of Defense organizational unit, the determination is carried out by PA/KPA after receiving a recommendation from the Defense Strategy Information Center, Defense Strategy Installation Agency, Ministry of Defense; And
 - b. for organizational units at TNI Headquarters/Forces, the determination is made by the KPA after receiving a recommendation from the Intelligence Staff/Force Security Service/Work Unit/Sub-Work Unit which has authority in the field of security following statutory regulations.
- (5) Determination of goods/services for indirect national defense purposes as intended in paragraph (3) letter e is carried out by the provisions of statutory regulations.

Due to its confidential nature, it can be explained in accordance with Article 3 as follows:

Article 3

Procurement of Confidential Goods/Services as intended in Article 2 is carried out through the following stages:

- a. planning for procurement of confidential goods/services;
- b. preparation for Procurement of Confidential Goods/Services;
- c. preparation for selection of Confidential Goods/Services Procurement Provider;
- d. implementation of the selection of Confidential Goods/Services Procurement Providers;
- e. implementation of Confidential Goods/Services Procurement contracts; And
- f. handover of work results for Procurement of Confidential Goods/Services.

3.2 Procedures for Procurement of Goods and Services within the TNI Organization based on Regulation of the Minister of Defense of the Republic of Indonesia Number 10 of 2022 concerning Procurement of Confidential Goods/Services within the Ministry of Defense and the Indonesian National Army

Alutsista governance starts from the process of procurement, use, maintenance, care, and repair. Acquisition of safeguard hardware as a component of endeavors to modernize and fortify Indonesia's protection pose is extremely vital. So, good governance and procurement principles need to be implemented. In practice, the defense equipment procurement process often deviates from defense posture development policies and is prone to the risk of budget overruns[11].

The clarification of the technique can be concentrated on beginning from Articles 4 to 11 of the Guideline of the Clergyman of Guard of the Republic of Indonesia Number 10 of 2022 concerning the Acquisition of Private Merchandise/Administrations inside the Service of Safeguard and Indonesian National Army, so it very well may be depicted as follows:

The second part Confidential Goods/Services Procurement Planning Article 4

- (1) Planning for the Procurement of Secret Goods/Services as intended in Article 3 letter a, is prepared by the PPK by the needs of the Ministry of Defense and the TNI for the next budget year before the end of the current budget year.
- (2) Planning for Procurement of Confidential Goods/Services as intended in paragraph (1) takes the form of:
 - a. identification of needs;
 - b. determining the type of goods/services including determining confidential goods/services;
 - c. time for utilization of goods/services; And
 - d. budget for procurement of goods/services.
- (3) Preparation of needs identification, determination of types of goods/services including determination of confidential goods/services, timing of utilization of goods/services, and budget for procurement of goods/services as intended in paragraph (2) is carried out by the provisions of statutory regulations.
- (4) Planning for the procurement of confidential goods/services as intended in paragraph (1) is not announced in the general procurement plan.

Part Three

Preparation for Procurement of Confidential Goods/Services

Article 5

- (1) Preparation for the procurement of confidential goods/services as intended in Article 3 letter b is carried out by PPK with the following activities:
 - a. determination of technical specifications/work terms of reference with military standards;
 - b. self-estimated pricing;
 - c. determination of contract design; and/or
 - d. determination of down payment, down payment guarantee, performance guarantee, maintenance guarantee, and/or price adjustment.
- (2) If the PPK has carried out the preparation stage for the Procurement of Confidential Goods/Services as intended in paragraph (1), the PPK can determine a procurement implementation plan document which is an endorsement of the output.

Part Four

Preparation for Selection of Providers for Procurement of Confidential Goods/Services

Article 6

- (1) Preparations for the selection of Providers for the Procurement of Confidential Goods/Services as intended in Article 3 letter c are carried out by the PPK by submitting a request for the selection of Providers through direct appointment to the head of the work unit in charge of procurement of goods/services within the Ministry of Defense and TNI.
- (2) The head of the work unit in charge of procurement of goods/services within the Ministry of Defense and TNI as referred to in paragraph (1) shall determine the Election Working Group.
- (3) The Selection Working Group as referred to in paragraph (2) carries out preparations for the selection of Confidential Goods/Services Procurement Providers with the following activities:
 - a. review of procurement preparation documents;
 - b. determination of the direct appointment method in selecting Providers;

- c. determination of Provider requirements;
 - d. determining bid evaluation methods through technical and price evaluation with clarification and negotiation;
 - e. establishment of a single file method in submitting bid documents;
 - f. preparing and determining election schedules; and g. preparation of election documents.
- (4) If the Selection Working Group has made preparations for the selection of Providers as intended in paragraph (3), the Selection Working Group may invite and submit qualification documents for appointment directly to Business Actors.

Part Five

Implementation of the Selection of Confidential Goods/Services Procurement Providers

Article 7

- (1) The selection of Secret Goods/Services Procurement Providers as intended in Article 3 letter d is carried out by the Selection Working Group using the direct appointment method.
- (2) The direct appointment method as intended in paragraph (1) is implemented under the provisions of statutory regulations.

Part Six

Implementation of Confidential Goods/Services Procurement Contracts

Article 8

- (1) The implementation of the contract for the Procurement of Confidential Goods/Services as intended in Article 3 letter e is carried out by the parties in accordance with the provisions contained in the contract.
- (2) Implementation of contracts for the Procurement of Confidential Goods/Services as intended in paragraph (1) through:
 - a. review of Provider selection results reports;
 - b. determination of appointment letter as provider of goods/services;
 - c. contract signing preparation meeting;
 - d. contract signing;
 - e. handover of work locations and personnel;
 - f. issuance of work start order/delivery order;
 - g. providing advance payments;
 - h. preparation of quality programs;
 - i. contract implementation preparation meeting;
 - j. mobilization;
 - k. joint examination;
 - l. contract control;
 - m. manufacturing inspection (if required);
 - n. payment for work performance;
 - o. contract changes;
 - p. price adjustments (if necessary);
 - q. force majeure;
 - r. termination of the contract or expiration of the contract;
 - s. termination of contract;
 - t. providing opportunities; And
 - u. fines and compensation.

- (3) The implementation of contracts for the procurement of confidential goods/services as intended in paragraph (1) and paragraph (2) is carried out by the provisions of statutory regulations.

Part Seven

Handover of Confidential Goods/Services Procurement Work Results

Article 9

- (1) Handover of the consequences of work on the obtainment of private products/administrations as expected in Article 3 letter f is done after the work is finished by the arrangements contained in the agreement.
- (2) The handover of the results of work for the procurement of confidential goods/services as intended in paragraph (1) is carried out by the Supplier by submitting a written request to the contract signing official for the handover of the work results of goods/consultancy services and the results of work for construction work/other services that require maintenance period.
- (3) Delivery of work results of consultancy goods/services as intended in paragraph (2) takes the form of handover of work results.
- (4) Delivery of the results of construction work/other services that require a maintenance period as intended in paragraph (2) in the form of:
 - a. first handover of work results (provisional hand-over);
 - b. construction work maintenance period; And
 - c. final handover of work results (final handover).
- (5) Submission of work results as intended in paragraph (3) and paragraph (4) is carried out by the provisions of statutory regulations.

CHAPTER III SUPERVISION

Article 10

Management of the execution of the Acquirement of confidential Goods/Services as alluded to in Articles 3 to Article 9 is completed by Examiners of the Service of Safeguard/TNI and the Powers by their separate specialists.

Article 11

The findings from the oversight of the Procurement of Secret Goods/Services, conducted by Inspectors from the Ministry of Defense/TNI and the respective Forces as stipulated in Article 10, are duly reported to the Minister/Commander of the TNI and the Chiefs of Staff of the respective Forces by the designated authorities.

4 Conclusion

Regulation of the Minister of Defense of the Republic of Indonesia Number 10 of 2022 concerning the Procurement of Secret Goods/Services within the Ministry of Defense and the Indonesian National Army provides clear and detailed guidance regarding the process of procuring goods and services that are secret in the context of national defense and security. This article has explained in depth the implications of this regulation for the procurement process within the TNI organization. With the regulations that have been established, the process of procuring goods and services in the TNI has become more structured, transparent, and controlled. This regulation provides clear guidance regarding the stages that must be passed, the

criteria for selecting providers, as well as evaluation mechanisms that must be complied with by each unit in the TNI. It aims to ensure that the procurement of confidential goods/services is conducted with high precision and security by TNI operational needs.

With regards to public safety, the obtainment of private merchandise/administrations assumes a significant part in supporting the preparation and adequacy of the TNI in completing its obligations. With the presence of guidelines administering the acquisition of classified products/administrations, it is trusted that the security of touchy data and materials can be all around kept up with, and potential dangers that might emerge can be limited. The execution of Pastor of Safeguard Guideline Number 10 of 2022 in the obtainment of merchandise/administrations inside the TNI affirms the Indonesian government's obligation to keeping up with public safety and guaranteeing that each acquirement cycle is done with the standards of high honesty and reasonability. Along these lines, the TNI can get products/benefits that conform to laid out security guidelines so it can ideally uphold public protection errands. Through a profound comprehension of this guideline, it is trusted that every unit in the TNI can complete the most common way of getting private merchandise/benefits appropriately, keep up with the classification of data, and make a huge commitment to keeping up with the power and security of the country. This guideline is a significant reason for expanding productivity, viability, and security in the acquisition of merchandise/administrations inside the TNI association.

References

- [1] E. Satoto and B. Nurdin, "Authority Of The Indonesian National Army To Guarantee The Sovereignty Of The United States Of The Republic Of Indonesia," in *Proceedings of the 3rd International Conference on Law, Social Science, Economics, and Education, ICLSSEE 2023, 6 May 2023, Salatiga, Central Java, Indonesia*, EAI, 2023. doi: 10.4108/eai.6-5-2023.2333599.
- [2] Silmy. Karim, *Membangun Kemandirian Industri Pertahanan Indonesia*. Jakarta: Gramedia Pustaka Utama, 2014.
- [3] K. P. R. Indonesia., *Buku Putih Pertahanan Indonesia*. Jakarta: Kementerian Pertahanan Republik Indonesia, 2015.
- [4] Dkk. Petrus Soerjowinoto, *Buku Panduan Metode Penulisan Karya Hukum (MPKH) dan Skripsi*. Semarang: Fakultas Hukum, UNIKA Soegijapranata, 2006.
- [5] CR. Semiawan, *Metode Penelitian Kualitatif*. Jakarta: Gramedia Widiasarana Indonesia, 2010.
- [6] Sugiyono, *Metode penelitian kuantitatif, kualitatif, dan R&D*. Bandung: ALFABETA, 2017.
- [7] R. H. Soemitro, *Metodologi Penelitian Hukum dan Jurimetri*. Jakarta : Ghalia Indonesia, 1988.
- [8] Sandu Siyoto & M Ali Sodik, *Dasar Metodologi Penelitian*. Yogyakarta: Literasi Media Publishing, 2015.
- [9] S. Puspita, R. Oktovianus Bura, and I. Nengah Putra, "Analisis Tata Kelola Pengadaan Alat Peralatan Pertahanan Dan Keamanan Pada Peralatan Huru-Hara Korps Pasukan Khas Tentara Nasional Indonesia Angkatan Udara Analysis of Defense and Security Equipment'S Acquisition Management in Riot'S Equipment'S of Indonesian Specialized Air Force Corps," *Jurnal Industri Pertahanan*, vol. 3, no. 1, pp. 12–27, 2022.
- [10] Willem. Siahaya, *Manajemen Pengadaan (Procurement Management)*. Jakarta: Alfabeta, 2013.
- [11] Kasim, W. Dwiwicaksopturo, and H. Alrasyid, "Struktur Pengadaan Alutsista Dalam Metode Berpikir Sistem," *Jurnal Kewarganegaraan*, vol. 6, no. 1, pp. 1089–1102, 2022.