

# Juridical Review of Medical Equipment Procurement Agreement Based on E-Catalogue with E-Purchasing Procedure at Hospital in Semarang City

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**Abstract.** The use of information technology is intended to simplify and speed up the process of procuring goods and services. Electronic procurement is carried out through an e-tendering or e-purchasing mechanism. E-purchasing is a mechanism for purchasing goods and services through an e-catalog system organized by the Goods and Services Procurement Policy Board (*Lembaga Kebijakan Pengadaan Barang/Jasa* or LKPP). The problem is the procedure for procuring goods by E-purchasing from a normative juridical perspective and how it is implemented. This study aims to explain the e-purchasing procedure in implementing the medical device procurement agreement in the hospital based on the e-catalogue and to describe the agreement's implementation. This study is a descriptive-analytical study using a normative juridical approach. The results showed that the E-Purchasing procedure carried out online on the e-Catalogue of medical materials and consumable medical devices at all health care places was to fulfill buying and selling elements according to the 1320 Civil Code. With e-Purchasing that has complied with Article 1320 of the Civil Code, rights and obligations arise based on the contract agreement between the hospital and the Goods Provider as stated in the contract agreement.

**Keywords:** procurement of medical equipment, e-purchasing, rights and obligations of the parties.

## 1 Introduction

A cooperation agreement begins with differences in interests which are then brought together through an agreement. Through the agreement, differences can be accommodated, the next stage of which is framed through legal instruments to bind the parties. In an agreement, questions regarding aspects of certainty and fairness will be achieved if the differences between the parties are accommodated through an engagement relationship mechanism that works in a balanced manner [1]. The cooperation agreement is a form of anonymous agreement regulated outside the Civil Code but occurs in society. The birth of a cooperation agreement in practice is based on Article 1338 of the Civil Code. This provision says, "All agreements made lawfully apply as law to those who make them" [2].

The word "all" means covering the entire agreement, which applies to those known by name and those not known by the law. The principle of freedom of contract has a relationship with the contents of the agreement, namely the freedom to determine "what" with "who" the agreement is made and has binding power for the parties to the agreement. The principle of

freedom of contract means that “everyone is free to enter into agreements, both agreements regulated by the Civil Code and agreements not regulated by the Civil Code,” but in society. The definition of an agreement in the provisions of Article 1313 of the Civil Code says, “An agreement is an act in which one or more people bind themselves to one or more other people.” The agreement regulated in Article 1313 of the Civil Code can be assessed materially or with money. Agreements based on the principle of freedom of contract cannot simply be executed because they are still limited by law, decency, and public order [3].

In an effort to provide professional, quality, and sustainable health services, hospitals need to be supported by the availability of medical devices that meet standards. The hospital is a health service institution that organizes a complete individual health service by providing several inpatients, outpatient, and emergency services. The health equipment includes medical equipment for emergency, outpatient, inpatient care, intensive care, childbirth, surgery, clinical laboratories, radiology, medical rehabilitation, blood services, medical equipment procurement teams, nutrition installations, and morgues.

The hospital moves its operational activities towards the best possible health service in procuring useful medical equipment. However, there is still insufficient availability of medical equipment, which results in long waiting times to get medical treatment. Hospitals, especially in the city of Semarang, carry out the process of procuring medical equipment to support the provision of health services to the community to the maximum. The method of procuring medical equipment in hospital hospitals in Semarang is carried out electronically or also called e-procurement, according to Presidential decree No. 54 of 2010 concerning Government Procurement of Goods/Services, which took effect in 2015.

The hospital referred to in this legal writing is the Semarang city government hospital that uses the Special Allocation Fund (*Dana Alokasi Khusus/ DAK*) and Local Budget (*Anggaran Pendapatan dan Belanja Daerah/APDB*) to fund health equipment procurement. DAK (Special Allocation Fund) can be understood as an allocation from the State Revenue and Expenditure Budget that is given to certain regions to fund special activities that are regional affairs and in line with national priorities. At the same time, the APBD (Regional Revenue and Expenditure Budget) is an annual regional-level financial plan discussed and approved by the Regional Government and DPRD (Regional People’s Representative Council).

Procurement of medical devices is carried out based on the e-catalog of medical devices with the electronic purchase method (e-purchasing) as stipulated in the e-catalog set by the Head of the Government Goods and Services Procurement Policy Board (*Lembaga Kebijakan Pengadaan Barang/Jasa* or LKPP). The price listed in the e-catalog is the smallest unit, including taxes and distribution costs. Procurement of medical devices contained in the e-catalog is carried out through an e-purchasing mechanism and is a direct appointment by the work unit (Satker or *Satuan Kerja*).

Procurement by electronic mechanism (e-procurement) is the procurement of goods/services carried out through information technology and electronic transactions per the legislation’s provisions. The utilization of information technology in the procurement of goods/services is intended to simplify and speed up the process of procuring goods/services. Procurement by electronic mechanism is carried out through e-tendering, commonly called e-purchasing. E-purchasing is a procedure for purchasing goods/services through the e-catalog system organized by the Government Goods/Services Procurement Policy Institute (LKPP). An e-catalog of medical devices is an electronic information system that includes lists, types, technical specifications, and prices of medical devices from various providers of goods/services. E-catalogue as a basis for Ministries/Institutions/Regional/Agencies (K/L/D/I) to order goods/services through e-purchasing [4].

E-purchasing aims to create a direct process through an electronic catalog system (e-catalog) to allow each Procurement Service Unit (ULP)/ Procurement official to choose goods and services at the best option with consideration of cost and time efficiency in the process of selecting goods/ services and users of goods/services. Inclusion of prices and technical specifications of goods/services based on an agreement between the Government Goods/Services Procurement Policy Institute (LKPP) and providers of goods/services.

E-catalog, called electronic catalog, is an information system that includes lists, types, technical specifications, and prices of certain goods from various providers of government goods/services whose purchase procedures are regulated using e-purchasing to increase accountability and transparency, increasing access to market and fair business competition, improve the efficiency of the procurement process, and fulfill the need for access to real-time information to realize clean and good government in the procurement of government goods/services. Therefore, E-catalogue has made the procurement process of goods/services in the public sector more efficient, with shorter procurement time and healthy competition between partners that can benefit the government in obtaining medical equipment. The e-catalog system for medical devices is an electronic information system that includes a list of device names, types of equipment, device specifications, and the smallest unit price from the provider [5]. The price includes taxes and distribution costs. In addition, the e-catalog system of medical devices can minimize irregularities and make it easier for the government to be more open in choosing products. Based on the description above, the researcher is interested in creating a thesis as an academic work with the title “Juridical Review of Medical Equipment Procurement Agreement Based on E-Catalogue with E-Purchasing Procedure at Hospital in Semarang City.”

## **2 Research Methods**

The approach method used by the author in this study is a normative, empirical juridical approach. In the sociological juridical approach, the law as law in action is described as an empirical social phenomenon. Thus, the law is not only given meaning as an interweaving of values, official decisions, interwoven rules and norms, and written positive law, but can also be given meaning as a teaching system about reality, regular and steady behavior, or law in the sense of law implementation [6]. In this case, it is related to the cooperation agreement in procuring medical devices based on e-catalog with e-purchasing procedures at hospitals in Semarang.

The specification of this research is descriptive-analytical, which describes the applicable laws and regulations related to legal theories and practices of implementing positive law regarding these problems. It is said to be descriptive because it is hoped that a comprehensive and systematic picture will be obtained [7] regarding all matters relating to a legal settlement of violations of the legal consequences of medical device procurement agreements based on e-catalog with e-purchasing procedures at hospitals in the city of Semarang. To obtain data in writing this law using primary data (main data source). This data was obtained by conducting research through field observations regarding the procurement agreement of medical devices based on e-catalog with e-purchasing procedures at hospitals in the city of Semarang and supported or supplemented by secondary legal data from literature studies.

Data refers to authentic information and information obtained in a certain way from the results of data collection. Objectively, the problems and research questions were obtained from the information that became the basis for answering after going through the data

processing and analysis process. In this case, interviews were used with related hospital officials. Data collection is done through secondary data sources [8]. Secondary data is obtained from official government documents, books related to the research theme, and research results in reports, theses, dissertations, and laws and regulations [9]. Data analysis in this study uses a qualitative approach, namely an analysis that is not based on exact data in the form of numbers but in the form of an analysis of legal facts that occur based on positive law. Furthermore, the data are collected and compiled systematically and then analyzed qualitatively based on legal disciplines [10].

### **3 Results and Discussion**

#### **3.1 Purchasing Procedures in Implementing Medical Device Procurement Agreements Based on E-Catalogue**

In the Government Procurement of Goods/Services (*Pengadaan Barang dan Jasa/PBJ*), some principles underlie the implementation of the government's procurement of goods/services. These principles are described in Presidential Decree 54 of 2010 in article 5. There are seven principles: efficiency, effectiveness, openness and competition, transparency, fairness, and accountability.

Regarding the regulations governing e-catalog and e-purchasing, the government has regulated it with the following regulations:

- 1) Government Regulation (*Peraturan Pemerintah/PP*) No. 4 of 2015, while this policy was formulated and developed by LKPP with reference to Presidential Regulation No. 157 of 2014 and Presidential Regulation No. 4 of 2015. Furthermore, e-purchasing is a procedure for purchasing medical device products using an electronic method based on an e-catalog. Implementing e-purchasing is oriented to make it easier for providers of goods and services when carrying out procurement activities for all medical devices. Furthermore, with the use of e-purchasing, goods and service providers, and users are expected to save costs and time because all activities are carried out online. Article 110 is regulated as follows:
  - a) To implement E-Purchasing, the electronic catalog system (E-Catalogue) must at least contain technical information and prices of goods and services.
  - b) As referred to in paragraph (1), the electronic catalog system is administered by LKPP.
  - c) The Head of LKPP determines the goods/services listed in the electronic catalog.
  - d) Removed.
  - e) K/L/D/I is obliged to conduct E-Purchasing of Goods/Services that have been loaded in the electronic catalog system following the needs of K/L/D/I.
  - f) E-Purchasing is carried out by the Procurement Officer/PPK or an official appointed by the Head of the Institution/Institution.
  - g) LKPP shall determine further provisions regarding E-Purchasing.
- 2) Goods/service providers, according to Government Regulation No. 6 of 2016 concerning e-catalog, are business entities/individuals/public service agencies/regional public service agencies/institutions/technical implementing

- units/research agencies/online shops that provide goods/construction works /consulting services/other services in the electronic catalog.
- 3) Electronic catalog, commonly abbreviated as e-catalog, is part of developing the government goods/service procurement system through e-Purchasing. E-catalogue is an electronic information system that contains a list, brand, type, technical specifications, price, and quantity of the availability of certain goods or services from various providers.
  - 4) Including prices and technical specifications of goods/services in the e-Catalogue is based on an umbrella contract between the Government Goods/Services Procurement Policy Agency (LKPP) and providers of goods/services.
  - 5) The electronic catalog consists of three criteria covering national, sectoral, and regional electronic catalogs. The national electronic catalog is compiled and managed by the government procurement policy agency or LKPP, covering goods, construction works, other services, consulting services and/or goods/services published in the online shop. Sectoral electronic catalogs are compiled and managed by the ministry covering goods, construction works, other services, and/or consulting services. At the same time, the regional electronic catalog is compiled and managed by the regional government for goods, construction works (general and particular), other services, and/or consulting services.
  - 6) Based on LKPP Regulation No. 11 of 2018 concerning Electronic Catalogs, it is stated that:
    - a) E-catalog is a category of electronic information system, which as is known contains some important information such as lists, types, technical specifications, level of domestic components, domestic products, national standard products, and some other important information that is closely related to this field..
    - b) It is known that e-purchasing is a mechanism for purchasing goods or services through an e-catalog organized by the LKPP e-catalog and e-purchasing is part of e-procurement which aims to make the procurement of government goods and services run effectively and efficiently.
  - 7) As stated in the LKPP Perlem No. 7 of 2020, the e-catalog is divided into tow which includes:
    - a) Types of general goods or services which are the need for goods or services that have certain standards and the needs are repeated
    - b) Types of goods or services in the innovation category are determined by the authorized official in research, development, study, and innovation.

The presence of e-purchasing in implementing medical equipment procurement agreements at least provides convenience and financial transparency for hospitals. Therefore, a legal basis is needed for hospitals to make policies on e-purchasing because electronic payments are a new thing in the administrative system in Indonesia, which has been prioritizing physical administration. Procurement of medical devices with e-catalog facilities at Government-owned hospitals refers to the government's goods/services procurement regulations. The policy is regulated in Presidential Regulation No. 70 of 2012 concerning the Second Amendment to Presidential Regulation No. 54 of 2010 concerning Government Procurement of Goods/Services. Then in the context of accelerating the implementation of state spending, there were technical changes which later changed to Presidential Regulation

No. 4 of 2015 concerning the Fourth Amendment to Presidential Regulation No. 54 of 2010 concerning Government Procurement of Goods/Services [11].

The legal basis is important because the agreement always has legal consequences. Sudikno Mertokusumo [12] said that a good promise is distinguished from the term agreement. Even if the promise is based on an agreement, the agreement itself will not cause certain legal consequences. In addition, in some contract terms that exist in the common law system, a contract contains several promises, but what is meant is a promise that explicitly has legal consequences and can be brought to court [13].

The e-purchasing procedure is actually an applicative one, an electronic program made by the government based on legislation, only that its implementation is an administrative process committed to financial transparency. The contract can be said no if it conflicts with a certain public policy. Even though no public policy terminology can be generally accepted, the court said that contracts that conflict with a public policy are contracts that have negative implications for the sustainability of society [14].

The emergence of civil rights and obligations due to the agreement of the parties to conduct transactions. An e-purchase agreement is a sale and purchase agreement. E-catalog is just a tool to facilitate digital bidding so that each buyer and seller do not need to meet in person. This is one of the efforts to eliminate mark-up, bribery, and other fraudulent acts.

In principle, the contract has a component in the form of one or a series of certain promises made by the parties listed in the contract, in which the substance of the contract itself is an agreement. Furthermore, Subekti [15] interprets the contract as an event where someone has made a promise with another person, and there is a promise to do something certain. Even though the hospital is an institution, it is personified because it is a "person," so, in the agreement, there will be rights and obligations of buying and selling of the parties in general, where the hospital is a consumer/buyer, so it is protected by the Consumer Law [16].

Furthermore, does the provision apply to only available goods (ready stock), or does it also apply to ordered goods (purchase order)? This is also important to know, considering that currently, many goods are traded using a messaging system, both offline and online. That the provision also applies to buying and selling transactions using a message system, but there are additional provisions specifically for goods and/or services through orders (Article 16 of the Consumer Protection Law), namely that business actors are prohibited from not complying with orders and/or agreed settlement times according to with what was promised and did not keep the promise for a service and/or achievement.

### **3.2 Implementation of Medical Device Procurement Agreements Based on E-Catalogue With E-Purchasing Procedures in Hospitals**

The authority to implement e-procurement in Indonesia is the authority of LKPP, as it is known that LKPP has developed an electronic procurement system (SPSE) to be implemented in all government institutions since 2013. Electronic Procurement System (*Sistem Pengadaan Secara Elektronik/ SPSE*) was built with a free license spirit, which means all government institutions with limited budgets can use SPSE because it does not require a license but only needs internet and a server.

SPSE is operated by Electronic Procurement Board (*Lembaga Pengadaan Secara Elektronik/LPSE*). LPSE, as it is known, is an institution formed to implement SPSE. Initially, LPSE was only an institution formed ad hoc by several institutions to organize procurement. Still, nowadays, LPSE is only a facilitator, considering that the procurement department in an institution has been carried out by the procurement service unit (ULP).

Furthermore, based on SE LKPP No. 3 of 2015, the flow of procurement of medical devices through the e-purchasing mechanism is as follows:

- a. Procurement/Pokja ULP/PPK officials carry out the registration stage to obtain an access code in the form of a user ID and password using the electronic procurement system (SPSE), which is found on the web installed on the Electronic Procurement Service server.
- b. Goods or service providers are required to register in the SPSE application to get an access code and verify with LPSE to obtain a user ID and password
- c. Then, the ULP Working Group/Procurement Officials, PPK, and Goods Providers can enter the SPSE application for further e-Purchasing.

The legal basis for using e-catalogs in Government-owned hospitals refers to the government's goods/services procurement regulations; the policy is regulated in Presidential Regulation No. 70 of 2012 concerning the Second Amendment to Presidential Decree No. 54 of 2010 concerning Government Procurement of Goods/Services. Then in the context of accelerating the implementation of state expenditures, there were technical changes which later changed to Presidential Regulation No. 4 of 2015. Article 106 Paragraph (1) of Presidential Regulation No. 4 of 2015 states, "Government procurement of goods/services is carried out electronically." Article 106 Paragraph (2) of Presidential Regulation No. 4 of 2015 states, "Procurement of goods/services electronically is carried out by means of e-tendering or e-purchasing."

With the policy contained in Presidential Regulation No. 4 of 2015, procuring goods and services with an e-catalog and e-purchasing system is carried out at the Semarang City Hospital. A criterion for goods and services contained in the e-catalog are goods and services that several government agencies need. These goods and services are goods that are needed continuously, while these types can be found on the LKPP website <https://e-katalog.lkpp.go.id> which contains types, specifications, brands, techniques, prices, and supplies; as for the stages, as follows, what is done by Commitment Making Officer (*Pejabat Pembuat Komitmen*/PPK):

- (1) Based on the procurement implementation plan for purchasing goods through the e-catalog determined by the Commitment Making Officer (PPK), then the PPK or procurement official will log into the SPSE and enter the link 'Other e-Procurement Applications.'
- (2) The PPK/procurement official then makes a package of purchasing goods/services through the e-purchasing application according to the information on the technical specifications of goods and HPS provided by the PPK and the goods data contained in the e-catalog.
- (3) The PPK/Procurement Officer then sends a request to purchase goods/services to the provider registered in the e-catalog through the e-purchasing application. This purchase request can be followed by price negotiation or not. The goods/services provider will see the purchase request and then approve the request for the purchase of the goods/services no later than three working days from the date of ordering the goods/services. Approval for the purchase of goods/services from the provider will automatically be notified on the purchase package.
- (4) PPK/Procurement Officer sends a request to purchase goods/services that the provider has approved through the e-purchasing application.
- (5) PPK/Procurement Officer sends an order for the purchase of goods/services to the provider on the e-catalog system through the e-purchasing application

In 2012, the Semarang City Hospital began to use e-purchasing as a way of implementing the procurement of medical devices concerning Article 110 of Presidential Regulation No. 4 of 2015, which reads, “K/L/D/I are required to conduct e-purchasing on goods/services that have been contained in the electronic catalog system following the needs of K/L/D/I.” Medical devices, as for the inputs related to hospital implementation, availability, and quality, have been regulated in Article 15, paragraph 1 of Law No. 44 of 2009, which reads, “The requirements for the team for the procurement of medical devices must ensure the availability of quality, useful, safe and affordable preparations for the procurement team for medical devices and medical devices.”

Medical devices as a supporting tool in hospital health services and the availability of which quality is guaranteed by law must be able to meet the availability at the Semarang City Hospital to meet a need for the medical equipment procurement team. Departing from the interviews that have been conducted, based on the results of the interviews, the procurement of medical equipment at the Semarang City Hospital is carried out by the depot of the medical equipment procurement team, financial staff, and ULP. Medical equipment as a supporting tool in hospital health services and the availability of which quality is guaranteed by law must be able to meet the availability at the Semarang City Hospital to meet a need for the medical equipment procurement team. Departing from the interviews that have been carried out, based on the results of the interviews, the procurement of medical devices at the Semarang City Hospital was carried out by the depot of the medical equipment procurement team, financial staff, and ULP.

The implementation of the procurement of medical devices is based on a contract that has been formed by both parties, namely between the provider of the goods and the user of the goods, in which the contract means, “Agreement between two or more parties regarding certain matters agreed upon by them.” Based on the material in the LKPP information book, the agreement includes “contract administration, contract physical, contract finance and examination of the results of the procurement of medical devices [12]. As for the administration of the contract, it contains the minutes of the handover and the minutes of the handover of the work. Furthermore, in this study, there was also no official report on the process of procuring medical devices at the Semarang City Hospital; the reason the Semarang City Hospital did not make the procurement handover report was that in the agreement it was stated the number of items ordered, specifications and time of order, so it did not need to make a report or minutes.

This is not in line with Article 17 paragraph of Presidential Regulation No. 4 of 2015, which reads, “Procurement officials make reports on the procurement process.” Minutes of handover of work results are documents that explain in detail the chronological sequence of activities or events that occur and can be used as a basis for job accountability; minutes have legal force because they are part of authentic evidence of a job, if not done then if there is an audit or examination of the agency that is not working, it can be used as a basis for further legal proceedings if necessary [17].

The documentation of proof of agreement based on Article 55 paragraph 1 of Presidential Regulation No. 4 of 2015 says, “The proof of agreement consists of proof of purchase, receipts, work orders, agreement letters, and orders.” As is known at the RSUD, there are agreements, receipts, evidence, purchases, and work orders for the procurement of medical devices at the Semarang City Hospital. But there is no order letter as stated in Article 55 paragraph 1 letter e of Presidential Decree No. 4 of 2015. The order letter was not made by the Semarang City Hospital because, in the e-purchasing website application, there was no order



letter menu, and they stated that they had not received socialization related to making an order letter.

The physical definition of a contract in the training module book on the sub-class of procurement of goods or services says, "Has a group of indicators in the form of volume and specifications of medical devices, the number and types of which have been stated in the contract." In relation to the amount of volume assessed from the number of outputs and the realization of volume according to the contract schedule, in this study, it was found that there was a conflict between the realization of the volume and the contract. If it is not empty, there is still a supply of medical equipment stock that is not following the contract; in this case, it is less than the amount stated in the contract. For the specifications of medical devices, what is assessed is the output regarding the realization of specifications following the contract. In this study, the results also stated that the specifications were relevant to the agreement, but the quality was not appropriate. For example, there was an unusual color change in powder injection medical devices at the Semarang City Hospital, and an injection ampoule cracked when the goods were received at the hospital. Semarang city. Concerning the timing of procurement on electronic catalog media, a new provision is made that PPK can terminate the contract unilaterally if, as contained in Article 93 paragraph (1), letters (a) and a.1

The e-catalog system at the Semarang City Hospital began in 2012. Of course, there are advantages and disadvantages to this implementation. When comparing the advantages and disadvantages of implementing medical devices using e-catalogs, the disadvantages are easier to find than the advantages, and the following researchers describe the advantages and disadvantages of procuring medical devices using e-catalog media.:

Advantages of using e-catalog 1) No need to use self-estimated prices (HPS) in planning the procurement of medical devices. 2) Get the best price for medical device products displayed on the e-catalog 3) Time efficient if the provider of the goods made in the e-catalog can provide the ordered goods.

It is in accordance with the theory of the benefits of e-catalog according to Mudjisentosa, namely: 1) Providing convenience to K/L/D/I in carrying out procurement and the needs of their agencies. 2) The mention of the brand is no longer prohibited. 3) Providing certainty of technical specifications and uniform reference and price references, specifications can be directly taken from the e-catalog. 4) Self-Estimated Price for the procurement of medical devices. Disadvantages of using e-catalog for the implementation of the procurement of medical devices to run well, management is needed. According to James, management is the process of planning, organizing, directing, and supervising the efforts of members of the organization and other organizational resources to achieve the goals set [18].

In management, there are several elements. These elements are called "6M": man (human resources), money, materials, machines, methods, and markets. Human Resources, Hasanudin stated that "The human factor is the most decisive, humans make goals and humans also carry out the process to achieve goals" [19]. Constraints in this study related to human resources are LKPP's performance in responding if there is a procurement request it can take 2-3 days, and from the provider, if there is a vacancy of medical equipment, to restock again, it takes up to 2-3 months. If applied to Presidential Regulation No. 70 of 2012 concerning the Second Amendment to Presidential Regulation No. 54 of 2010 concerning Government Procurement of Goods/Services, Article 61 paragraph (1) point (c) states, "Explaining is carried out no later than three days from the date of the announcement." So, this should not be an obstacle in the procurement of medical devices at the Semarang City Hospital, and if there is a vacancy for medical devices, you can add a supplement to the agreement for the procurement of medical devices.

Funds are important to achieve a goal because everything must be calculated rationally. In this study, the obstacle related to funds was that the prices of goods or medical devices contained in the e-catalog often changed, even though the budget year had not yet expired. The rules in Presidential Regulation No. 70 of 2012 concerning the Second Amendment to Presidential Decree No. 54 of 2010 concerning Government Procurement of Goods/Services Article 23 paragraph (1), because it has not changed, states, "Preparing a General Plan for the Procurement of Goods/Services at K/L/D /I for the next fiscal year must be completed in the current fiscal year." If applied to this regulation, it will certainly make it difficult for the committee to procure medical devices if the price changes when the budget year has not been finished because it can cause "over budget."

If there is an over budget, while the funds provided by the Semarang City Hospital are limited, then the result is a reduction in the number of medical devices ordered. This will result in a shortage of medical equipment stock for types of medical devices that have a high level of consumption. The material in this study is medical devices, the obstacle related to medical devices in this study is the guarantee of the availability of medical devices by providers of goods because there are vacancies in stock of medical devices displayed on e-catalog, to restock medical equipment supplies by distributors takes up to 2-3 months, to anticipate the absence of medical equipment, the Semarang City Hospital carries out direct procurement at a price that is more expensive than the e-catalog so that the goods obtained will be less than the plan using the e-catalog, this is not following the benefits of the e-catalog According to Mudjisentosa, that is to provide convenience to K/L/D/I in carrying out procurement and the needs of their agencies.

And it can interfere with the health services of the Semarang City Hospital because one of the sub-systems of health services, according to Notoatmodjo, is in the form of input, namely medical devices that are disrupted so that it will affect the health service system. Quality assurance of the quality of medical devices sent by goods providers, there are often problems in the form of color changes in injection powder medical devices. In this case, the injection of 500 mg Amoxycillin powder, when mixed with aquades, shows an improper color change, and the injection ampoule is cracked and received by the Semarang City Hospital.

This study's machines are e-catalogues expected to bring convenience and create work efficiency related to the system. Several obstacles were found in the use of e-catalogs in the process of procuring medical devices at the Semarang City Hospital. The method used by the Semarang City Hospital for the procurement of medical devices is the e-purchasing method and the direct appointment method [20]. Direct appointments are made if the procurement of e-purchasing experiences obstacles such as a vacancy in the stock of medical devices, the rules for direct appointment are regulated in Article 38 paragraph (1) point (a) Presidential Decree No. 70 of 2012 concerning the Second Amendment to Presidential Decree No. 54 of 2010 concerning the Procurement of Goods/Services because there is no change in policy which states "Direct appointment of a supplier of goods can be made in certain circumstances." What was done by the Semarang City Hospital in direct appointment was following these provisions because it only held direct procurement when there was a shortage of medical equipment stock [21].

The market needs to be built by determining the target market in order to achieve the goal. In this study, the target market is Semarang City Hospital to obtain goods/services at a price that can be accounted for, the appropriate quantity and quality, and timely procurement, but the procurement is often not on time.

Based on the e-purchasing process, there has been an agreement based on 1320 of the Civil Code, where the hospital is the buyer and the provider in the e-catalog as the seller, giving rise to rights and obligations as stated in the contract agreement as follows:

- 1) Proprietary Rights
  - a) PPK has the right to ownership of all goods/materials directly related or provided in connection with the services provided by the provider to PPK. If the PPK requests, the provider is obligated to optimally assist the transfer of the ownership rights to the PPK in accordance with applicable law.
  - b) Ownership rights to the equipment and goods/materials provided by the PPK remain with the PPK, and all such equipment must be returned to the PPK at the end of the SPK or if the provider no longer needs it. All such equipment must be returned in the same condition it was given to the supplier except for wear and tear.
- 2) Quality Defect  
PPK will check every work of the provider and notify the provider in writing of any quality defects. The PPK may instruct the provider to find and disclose quality defects and test the work deemed by the PPK to contain quality defects. The provider is responsible for quality defects for 6 (six) months after the handover of the work.
- 3) Taxation  
The provider must pay all legal taxes, duties, levies, and other levies imposed by applicable law on implementing the SPK. All these tax expenditures are considered included in the SPK price.
- 4) Transfer and/or Subcontract  
Providers are prohibited from transferring and/or subcontracting part or all of the work, except to specialist providers for certain parts of the work. The transfer of all work is only allowed in the case of a change in the provider's name, either as a result of a merger or other consequences.
- 5) Coverage and Risk
  - a. The provider is obliged to protect, release, and bear indefinitely the PPK and its agencies against all forms of claims, responsibilities, obligations, losses, losses, fines, lawsuits or lawsuits, legal examination processes, and costs imposed on PPK and its agencies ( unless the loss that underlies the claim is due to the PPK's gross error or negligence) in connection with claims arising from the following matters starting from the Work Start Date until the date of signing the final report of delivery:
    - Loss or damage to equipment and property of providers and personnel;
    - Bodily injury, illness, or death of personnel;
    - Loss or damage to property and bodily injury, illness, or death of third parties;
  - b. Starting from the date of commencement of work until the date of signing of the minutes of initial delivery, all risks of loss or damage to the results of this work, materials, and equipment are the risk of the provider, unless the loss or damage is caused by the fault or negligence of the PPK.
  - c. The insurance coverage owned by the provider does not limit the liability of the insurance under these terms.

- d. Loss of or damage to the Works or Materials that are integrated with the Works during the Work Commencement Date and the end of the Maintenance Period must be replaced or repaired by the provider at his own expense if such loss or damage occurs as a result of the provider's actions or omissions.

## 4 Conclusions

The results showed that the e-purchasing procedure was carried out online on the e-Catalogue of medical devices and medical consumables at all health care places, which fulfilled the elements of buying and selling according to the 1320 Civil Code. With e-Purchasing that has complied with Article 1320 of the Civil Code, rights and obligations arise based on the contract agreement between the hospital and the Goods Provider as stated in the contract agreement. Procurement of medical goods/devices using e-catalog is almost the same, and the difference is that there is a predetermined list of medical devices. The list of medical devices in this e-catalog is a list of medical devices proposed by all regions in Indonesia. The government carried out reforms through the presence of an e-catalog system of medical devices containing: a price list, specifications, and medical device provider. This policy formulation was developed by a government goods/service procurement policy agency called LKPP as referred to in Presidential Regulation No. 157 of 2014. E-Purchasing is a method of purchasing medical devices electronically based on e-catalog. The purpose of implementing e-Purchasing is to facilitate goods/service providers and users in selecting and procuring medical devices, medical devices, and medical consumables at all health service places. With e-Purchasing, both goods/service providers and users can save costs and time because the system is carried out online on the e-Catalog.

The process of implementing the procurement of medical devices refers to the contract that has been made between the two parties, namely between the user of the goods and the provider of the goods. The implementation of the agreement for the procurement of medical devices based on the e-catalog with the e-purchasing procedure at RSUD Kota Semarang includes "contract administration, physical contracts, contract finance, and examination of the results of the procurement of medical devices. The legal basis for using e-catalogs at the Semarang City Hospital refers to the government procurement regulations. The policy is regulated in Presidential Regulation No. 70 of 2012 concerning the Second Amendment to Presidential Regulation No. 54 of 2010 concerning Government Procurement of Goods/Services.

It is necessary to improve the quality of human resources in the framework related to the procurement of medical devices through e-catalog and e-purchasing, both in the field of digital planning and observation of medical device supplying companies through their websites, so that there are not many returns of medical devices that have been sent with poor quality. Policy-making for the procurement of medical devices should pay attention to the applicable legal rules so that financial auditing does not cause legal problems.

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