

## 10. Expression of Interest (Eoi)

The expression of interest must be written according to the format below, in English. Do not change the layout or sequence of the questions. You may change the space (increase or decrease) as long as the total length does not exceed three A4 size pages.

### 1. ORGANISATION (FURTHER REFERRED TO AS 'REQUESTING ORGANISATION/RO')

#### 1.1. Basic Data

Name of Organisation: <i>Please attach the legal document</i>	Lembaga Kebijakan Pengadaan Pemerintah (LKPP)
Address:	Jl. Epicentrum Tengah Lot 11 B
City:	Jakarta Selatan; Post Code: 12940
Telephone:	(021) 299 12 450
Website	<a href="http://www.lkpp.go.id/v3/">http://www.lkpp.go.id/v3/</a>
Contact Person:	(i) Fajar Hemawan (LKPP); (ii) Richo Wibowo (Law Faculty of Universitas Gadjah Mada/FH UGM)
Position in organisation	(i) Head of the sub directorate for supporting legal enforcement at LKPP; (ii) Senior lecturer and researcher with focus research on government contract & preventing bureau-pathology
Email Contact Person:	(i) fajar.hemawan@lkpp.go.id (ii) richo.wibowo@ugm.ac.id
Mobile Number Contact Person:	(i) 08111204915 (ii) 0812 2758 1020

1.2	Mission of organisation	LKPP is a national public procurement agency of Republic Indonesia with main obligation is to develop strategic policies on public procurement, including to develop human resource and to provide legal assistance.
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## 2. PROPOSED TRAINING

2.1. Training title:

### **Strengthening legal certainty and accountability on law enforcement in public procurement**

2.2. Describe the problem(s) encountered by your organisations and the capacity needs (missing knowledge and skills) related to this.

Directorate for Handling of Legal Affairs plays important roles in providing advice and legal opinions to procurement administrators who are facing problems from the procurement process that has been completed and providing expert information in the field of government procurement of goods / services.

LKPP has monitored that many civil servants are reluctant to be in charged in duties related to public procurement. They do so by resigning from the duties, or they may be wittingly making themselves fail on the public procurement examination test. On the one hand, they are worried because public procurement is one of the most susceptible government activities suffered from corruption. On the other hand, they regard that it is very easy for the legal enforcers to accuse and proceed them under corruption norms. According to them, their administrative and contractual mistakes may have been sufficient to put them into imprisonment.

The following research have been confirming the latter point. Research conducted by academia from FH UGM showed that administrative mistakes and contractual faults may bring a person into the jail through two anti-corruption norms under the classification of "unlawful acts which may be detrimental to the finances of the state". Also, this research has been questioning on some court decisions because the conclusions have been prepared without less convincing evidence and arguments; indicating that the criminal law standard of evidence 'beyond reasonable doubt' has not been exercised (Wibowo: 2017, 2020).

Furthermore, LKPP internal research has shown that 137 out of 147 of the corruption cases on public procurement has been sanctioned through the above norms (Hemawan et all: 2020).

Along with this problems, public participation in oversighting procurement has been increasing. This positive trend is supported by the transparency driven by LKPP's electronic procurement system. However, because of a lack of understanding of the problems and regulations, some civil society organisations (CSOs) may wrongly criticise the procurement processes.

It is relevant to underline that LKPP has been developing the information system for electronic government procurement. LKPP has a strong interest to advocate the availability of human resources in public procurement as well as the digital safety of the electronic procurement system itself. Therefore, LKPP wants to ensure that the process of government spending can be conducted transparently and accountably but without creating unnecessary fear – as what has happened. Hence, although the problems are not situated in LKPP, however LKPP is affected by the problems and has a strong interest to solve the problems. Regarding this training plan, LKPP regards that FH UGM may assist the institution to achieve careful "legal transplantation" from the lesson learned offered by the Netherlands, especially when the transplants need to be adjusted. FH UGM may also help LKPP to explain related problems and solutions to the public.

2.3 Describe the main objective of the training and proposed strategy to achieve this objective.

The training aims to gain knowledge and skills by learning the best practices from the Netherlands on:

- the conceptual demarcation on when and how an action can be responsible under the criminal law, private law, or administrative law;
- handling the effective alternative dispute resolution in public procurement;
- how the Netherlands develop and protect their procurement system through IT

After the training, LKPP together with FH UGM will:

- i. disseminate the training result.
- ii. improve system to promote legal certainty and to boost trust and professionalism of legal enforcers by calling them to "proportionally handle" public procurement cases;
- iii. develop effective administrative and judicial remedies in public procurement to prevent and recover the loss of public money, including to ensure asset recovery;
- iv. promote an effective and accurate oversight made by public (CSOs, Academia).

2.4. Describe the specific target group for the training (proposed number of participants, functions and positions),

20 participants, from the following institutions/sectors:

- LKPP staff
- UGM staff
- Legal enforcers (police officers, public prosecutors, investigators from corruption eradication commissions (KPK), judges) and auditors.

We propose that at least half of the legal enforcers in here are those who serve in centre of education, training and research at their institution. It is hoped that after taking this course, they can modernise their training curriculum to clarify some unclear or grey areas as discussed above.

- Academia;
- Civil Society Organizations (CSOs)

### 3. CONTRIBUTION

What contributions – in terms of personnel, funding, and infrastructure – will your organization provide for the training?	<input type="checkbox"/>	Tuition fee cost
	yes	Participants' cost of living allowance (LKPP)
	yes	Accommodation cost (LKPP)
	yes	(Local) Flight tickets (LKPP)
	yes	Others: Translation services of course materials (LKPP); checking the translation, especially on legal terms, editing, and reformulating materials to be a reference book, providing a road map to adjust the lesson learned to be effectively operationalised in Indonesia (FH UGM).

**Statement by the requesting organisation**

By submitting this application form to Nuffic Neso Indonesia, the requesting organisation declares to endorse the objectives of the StuNed Scholarship Programmes and agrees to follow the StuNed rules and regulations.

I, the undersigned, being the duly authorised representative of the requesting organisation, certify that all the answers in this *training proposal* are correct and complete.

Name authorised representative	Patria Susantosa
Position in organisation	Direktur Penanganan Permasalahan Hukum LKPP Director for Handling of Legal Affair
Place and date	Jakarta, September 18 <sup>th</sup> , 2020
Signature	

