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Business Law Analysis of the Value for Money Principle in E-Catalog in Regional Goods and Services Procurement

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ABSTRACT

Local government procurement of goods and services is a strategic activity that contributes directly to the effectiveness of public services and development. The e-catalog system was introduced as a modern instrument to realize a faster, more transparent, and efficient procurement process. This research aims to analyze the application of the 'value for money' principle in the use of e-catalogues for the procurement of goods and services in local government, particularly from a business law perspective. The method employed is a normative and empirical juridical approach, incorporating qualitative analysis techniques through literature studies, laws and regulations, and interviews with relevant parties in the local government procurement environment. The results show that although e-catalogs increase the efficiency of procurement administration, the application of the value-for-money principle is not yet fully optimal. There are still problems related to price disparities between regions, the dominance of certain local providers, and weak supervision of the quality of goods and services purchased through electronic catalogs. This research contributes to the improvement of the regional procurement system to be more accountable and in favor of the efficient use of public funds. Therefore, it is necessary to strengthen e-catalog-based procurement regulations, reasonable price controls, and regular supervision to ensure that the principle of value for money is truly implemented in every procurement process.

KEYWORDS

E-Catalog;
Business
Law;
Procurement
of Goods and
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Local
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Value for
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INTRODUCTION

Procurement of government goods and services is one of the crucial aspects in organizing a clean, transparent, and accountable government. In a modern government system, the procurement process must be carried out professionally, openly, and efficiently to ensure optimal use of the state budget.¹ The Indonesian government, through various regulations such as Presidential Regulation Number 12 of 2021 concerning Amendments to Presidential Regulation Number 16 of 2018 concerning Government Procurement of Goods/Services, has required that the entire procurement process follow the principles of good governance.²

One of the innovations introduced in the procurement system is E-Catalog, an electronic catalog system that contains a list, types, specifications, and prices of certain goods/services that can be purchased directly by the government through providers that have been verified by the Government Procurement Policy Agency (LKPP). E-Catalog is expected to be a solution to various classic problems in the procurement of goods and services, such as the practice of price mark-ups, collusion, and intervention of certain parties.³

E-Catalog not only functions as a government marketplace but also as a legal business instrument that emphasizes efficiency, effectiveness, and accountability in the use of the budget. This is in line with the application of the Value for Money (VfM) principle, which prioritizes three main aspects, namely: Economy, Efficiency, and Effectiveness.⁴

Value for Money is a fundamental principle in public financial management that aims to ensure that every rupiah of state money is spent optimally for the needs, quality, price, and maximum benefits. In the procurement of goods and services, the application of this principle is an indicator of the success of local government administration in using the budget effectively and efficiently. The use of E-Catalog should strengthen the Value for Money principle because the prices of goods and services in the system have gone through a verification and negotiation process between the provider and LKPP. However, in practice, the application of this principle often faces various obstacles, especially at the local government level.⁵

Although normatively, E-Catalog aims to create efficiency and transparency, there are still many problems in its implementation at the regional level, including in North Sumatra. Some of the problems that often arise include that the prices of goods in the E-Catalog are often higher than local market prices. This condition makes local governments hesitant to make purchases through E-Catalog because it is considered uneconomical.⁶ Some limited local providers are included in the E-

¹ Eduard Awang Maha Putra et al, "Aspek Hukum Administrasi dan Hukum Pidana dalam Pengadaan Barang dan Jasa: Peranannya dalam Mewujudkan Pengadaan Barang dan Jasa yang Akuntabel" (2024) 9:1 Lex Renaiss 179–202.

² *Laporan Tahunan Pengadaan Barang/Jasa Pemerintah*, by LKPP (Jakarta: Lembaga Kebijakan Pengadaan Barang/Jasa Pemerintah, 2023).

³ R Simanjuntak, "Evaluasi Penggunaan E-Katalog di Pemerintah Daerah Sumut" (2022) 10:1 J Adm Publik 88–102.

⁴ Keyza Pratama Widiatmika, "IMPLEMENTASI E-KATALOG DALAM PENGADAAN BARANG DAN JASA DI PEMERINTAH KOTA SEMARANG" (2015) 16:2 Etika Jurnalisme Pada Koran Kuning Sebuah Stud Mengenai Koran Lampu Hijau 39–55.

⁵ LKPP, *supra* note 2.

⁶ S Harahap, *Efisiensi Pengadaan Barang Pemerintah di Era Digital* (Medan: USU Press, 2023).



Catalog system. This results in a monopoly by large providers from outside the region, so that the local economy does not develop.⁷ This is also influenced by the lack of competence of human resources in local governments in using the E-Catalog application effectively, which often leads to convoluted processes or technical errors.⁸ In addition, there is a lack of supervision and the potential for abuse of the system, such as price fixing by providers or procurement of goods that are not needed.⁹

North Sumatra, as one of the provinces with the largest APBD outside Java Island, faces great challenges in the efficient procurement of goods and services. Based on data from the National Public Procurement Agency (LKPP) in 2024, more than Rp3.5 trillion of procurement transactions in North Sumatra were conducted through E-Catalog. Unfortunately, audits and inspections show that there are still many discrepancies in the application of the Value for Money principle.¹⁰

The procurement of government goods and services through the E-Catalog should be a tangible manifestation of the application of the Value for Money principle. However, in practice, especially in North Sumatra, there are still various problems that indicate a mismatch between normative objectives and reality in the field. Therefore, the study of business law on the application of the Value for Money principle in the use of E-Catalog is important as an effort to realize good governance, as well as to ensure that public money is used wisely, effectively, and beneficially for the welfare of the community.¹¹

METHOD

This research aims to analyze in depth the application of the value for money principle in the use of e-catalogues in the procurement of goods and services within local governments, especially from the perspective of business law. This research seeks to examine how the principles of efficiency, effectiveness, and economy are applied in the e-catalog mechanism, and examine the extent to which existing regulations are able to realize transparency and accountability in the procurement process. The specification of this research is descriptive-analytical with normative juridical and empirical juridical approaches. The normative juridical approach is used to analyze related laws and regulations, such as Presidential Regulation Number 12 of 2021 concerning Government Procurement of Goods and Services and LKPP technical regulations regarding e-catalogs, while the empirical approach is used to identify problems that arise in the field in the application of e-catalogs in the regions. Data collection methods are conducted through literature studies and interviews with relevant parties such as procurement officials, goods/services providers, and local government auditors. Data analysis is carried out qualitatively by interpreting applicable legal norms associated with the practice of procurement of goods and services in the regions to find the point of problems and provide legal

⁷ T Saragih, "Partisipasi UMKM Lokal dalam E-Katalog" (2023) 8:3 J Ekon dan Bisnis Drh 230–245.

⁸ Simanjuntak, *supra* note 3.

⁹ J Purba, "Masalah Transparansi Pengadaan Barang Pemerintah di Sumatera Utara" (2023) 12:2 J Huk Bisnis dan Publik 145–162.

¹⁰ LKPP, *supra* note 2.

¹¹ Simanjuntak, *supra* note 3.



solutions oriented towards achieving the principle of value for money. This research is expected to contribute to the improvement of e-catalog-based procurement systems to be more effective, efficient, and free from corruption, collusion, and nepotism.

RESULT & DISCUSSION

I. Urgency of Procurement of Regional Goods and Services through E-Catalog Based on Value for Money Principles

Procurement of government goods and services, including in local government, is one of the strategic activities that directly affects the success of development and public services. As part of state financial management, the procurement of goods and services absorbs a large enough budget, so it must be managed with the principles of good governance, transparency, accountability, and ensure the efficiency and effectiveness of the use of state and regional budgets. In this context, the principle of value for money is an important foundation in the entire procurement process, from the planning stage, provider selection, contract implementation, to supervision.¹²

The principle of value for money is not just cost-efficiency jargon, but involves three important aspects: economy, efficiency, and effectiveness. Economy means the ability to get goods or services at the best price according to the specifications needed, not just the cheapest price. Efficiency emphasizes the optimal use of resources, where the procurement process is not long-winded, does not incur high transaction costs, and does not take a long time. Meanwhile, effectiveness relates to the result, namely whether the goods or services purchased provide benefits according to the procurement objectives and meet the needs of the community directly or indirectly. These three aspects are interrelated and must be measured in the process of procuring goods and services, including those carried out by local governments.¹³

The development of information technology has encouraged the government to reform procurement through electronic systems, one of which is the e-catalog. E-catalog is an electronic-based procurement system that provides a list of goods and services that can be directly ordered by government agencies without going through a tender process. This system allows the purchasing process to be carried out more quickly and transparently because prices, specifications, and providers have first gone through a verification process by the government, in this case, the Government Goods / Services Procurement Policy Agency (LKPP). For local governments, the use of e-catalog is a solution to overcome various classic problems in procurement, such as protracted tenders, the intervention of certain parties, and the potential for corruption, collusion, and nepotism (KKN) practices.¹⁴

The urgency of using value for money-based e-catalogs is getting stronger along with the increasing public demand for the quality of public services and accountability for budget use. Local governments as implementers of autonomy

¹² H Muhammad Syarif Nuh, "Hakikat Pertanggungjawaban Pemerintah Daerah Dalam Penyelenggaraan Pemerintah" (2012) 41:4 Masal Huk 50-58.

¹³ Widiatmika, *supra* note 4.

¹⁴ Simanjuntak, *supra* note 3.



have the responsibility to ensure that spending on goods and services really supports the needs of the people in their regions. If the procurement process is carried out conventionally with convoluted manual mechanisms, it will not only hamper development programs but also open up opportunities for budget irregularities.¹⁵

Therefore, e-catalog comes as an instrument that accelerates the procurement process while increasing its efficiency and effectiveness. However, the implementation of e-catalogs within local governments requires special attention so that the principle of value for money is truly realized. In some cases, there is a tendency that procurement through e-catalog is done only as an administrative formality, while control over prices, quality of goods, and diversity of providers is often ignored.¹⁶ This can happen because local catalogs compiled by local governments are sometimes controlled by certain suppliers with close ties to local authorities or procurement officials. As a result, market dominance leads to unreasonable prices, low-quality goods, and limited product choices.¹⁷

E-catalog-based procurement also often faces challenges in terms of price control. In some regions, the price of goods and services in local catalogs is more expensive than the market price in the national catalog. This occurs due to less transparent calculation of logistics costs or uncontrolled mark-ups by the system.¹⁸ This practice contradicts the principle of value for money, where the government should get goods of good quality but at a reasonable and efficient price. In addition, the quality of the products offered in the e-catalog is also an important issue. Many goods are only listed with specifications in the catalog system, but in practice, the quality of goods received by the government is not as promised, while return or complaint mechanisms are often difficult to carry out due to weak supervision.¹⁹

Another urgency relates to the empowerment of local businesses. The government encourages the use of local catalogs to open access for small and medium enterprises (SMEs) to participate in government procurement. However, in practice, not all SMEs can enter the e-catalog due to limited knowledge, capital, and technology. As a result, local catalogs are often filled by established businesses that have networks with local governments, while small businesses only become subcontractors or are not involved at all. This makes it difficult to realize the principles of fairness and equity in the procurement process.²⁰

From a business law perspective, the procurement of government goods and services through e-catalogs is a form of public business transaction that must be subject to the principles of fairness, transparency, and fair competition. Providers of goods and services included in the catalog must go through a clear selection process and avoid unfair competitive practices. Local governments, as budget users, must also ensure that transactions conducted through e-catalogs truly reflect real needs

¹⁵ Yudi Setio Prabowo, "Kajian Literatur: Implementasi E-Catalog Terhadap Efektivitas Dan Transparansi Pelelangan Pekerjaan Konstruksi Bersifat Kompleks Di Indonesia" (2025) 4:4 J Locus Penelit dan Pengabd 1298-1304.

¹⁶ Saragih, *supra* note 7.

¹⁷ *Ibid.*

¹⁸ Harahap, *supra* note 6.

¹⁹ Prabowo, *supra* note 15.

²⁰ M F Aziz, S Handayani & HMAA Nasution, "Telaah yuridis investasi pemerintah dalam menyelamatkan UMKM pariwisata akibat pandemi Covid-19" (2020) Jentera J Huk.



and provide benefits to the community. If irregularities occur, whether in the form of unreasonable pricing, selection of non-competitive providers, or procurement of goods with low quality, then legally, this can be considered a violation of the principle of accountability for the use of state finances.²¹

Within the framework of fiscal decentralization, local governments are given broad authority to manage the procurement of goods and services. However, this authority must be exercised with the principle of prudential governance, because the funds used come from the APBD, which is sourced from taxes and levies from the community and transfer funds from the center. Therefore, procurement of goods and services through e-catalog is very important to ensure that government spending really supports sustainable development and improves people's welfare. Careless procurement or mere administrative formalities will lead to budget waste and undermine public trust in local governments.²²

Another urgency is related to supervision. The e-catalog system makes it easier for auditors, both from the internal government and from supervisory institutions such as BPK and KPK, to conduct electronic supervision. Every procurement transaction made through the e-catalog is recorded in the system, making it easier to track if there are allegations of legal violations. Thus, the e-catalog should be an instrument to prevent corruption because data on prices, purchase amounts, and providers can be accessed transparently. However, if this system is not implemented properly, or if the local catalogue is used as a means of legalizing direct appointment without price and quality control, then the e-catalogue has the potential to become a new loophole in the practice of budget irregularities.²³

Therefore, the procurement of local government goods and services through e-catalogs must be seen as part of value for money-based governance reform. Local governments must ensure that every procurement process creates optimal benefits for the community, with efficient costs and effective quality. To realize this, it is necessary to strengthen regulations, increase the competence of procurement officials, empower local businesses inclusively, and improve technology-based monitoring systems. Only in this way can e-catalog truly become an instrument that encourages the creation of modern, transparent, accountable, and equitable procurement of goods and services.²⁴

II. A Business Law Perspective on the Procurement of Regional Goods and Services through E-Catalogs

Government procurement of goods and services is part of public sector business activities that must be subject to the principles of modern business law, including

²¹ BPK RI Perwakilan Sumut, "Laporan Hasil Pemeriksaan Pengadaan Barang Dan Jasa" (Medan: BPK Perwakilan Sumut, 2023).

²² Mohammad Riduansyah, "Kontribusi pajak daerah dan retribusi daerah Terhadap pendapatan asli daerah (PAD) dan anggaran Pendapatan dan belanja daerah (APBD) guna mendukung Pelaksanaan Otonomi Daerah (Studi Kasus Pemerintah Daerah Kota Bogor)" (2003) 7:2 Makara Hum Behav Stud Asia Hlm.49-57.

²³ Sumut, *supra* note 21.

²⁴ Muhammad Adam Ramadhan, *PENERAPAN PRINSIP-PRINSIP TATA KELOLA PEMERINTAHAN YANG BAIK (GOOD GOVERNANCE) PADA PELAYANAN PUBLIK DI KANTOR DINAS KEPENDUDUKAN DAN PENCATATAN SIPIL KOTA LHOKEUMAWE* UNIVERSITAS MALIKUSSALEH, 2024) [unpublished].



the principles of contractual fairness, transparency, and social responsibility. In the context of business law, an e-catalog is a manifestation of a limited market system facilitated by the government.²⁵

Goods and services providers who want to enter the e-catalog must follow the selection process, price negotiations, and comply with administrative provisions and the law of fair business competition. Presidential Regulation Number 12 of 2021 concerning Amendments to Presidential Regulation Number 16 of 2018 concerning Government Procurement of Goods/Services explicitly regulates the e-catalog mechanism, both national catalogs, sectoral catalogs, and local catalogs. The regulation emphasizes that e-catalogs aim to accelerate procurement while maintaining the principles of accountability and efficiency.²⁶

From a business law perspective, e-catalog should also be seen as a regulated market system with the government as the main facilitator. However, as a regulated market, the government is obliged to guard against irregularities such as monopolistic practices, price rigging, and abuse of market dominance by certain parties.²⁷ Some regions in Indonesia are starting to develop local catalogs to support micro, small, and medium enterprises (MSMEs) to participate in procurement. On the other hand, local catalogs that are not strictly regulated may pose a risk of legal irregularities, such as direct appointments wrapped in an e-catalog system but without a reasonable price control mechanism. This can create a situation where the principle of value for money is not achieved because the price offered is higher than the market price, or the quality of goods and services is not up to standard.²⁸

The principle of value for money in government procurement business law requires the fulfillment of three main aspects, namely economy, efficiency, and effectiveness. Economy relates to the ability to obtain goods and services at the best price without sacrificing quality. Efficiency relates to a procurement process that is fast, easy, and minimizes administrative costs. Meanwhile, effectiveness is related to the achievement of the procurement objectives themselves, namely the optimal fulfillment of public needs.²⁹

Some of the problems that hinder the application of the value for money principle in e-catalogs at the regional level include, first, the problem of price disparities between regions. Providers in local catalogs often charge higher prices than those in national catalogs or other regions, citing logistics or distribution costs. But in reality, not all of these price differences can be justified by business law because they are often based on market dominance by local providers who have connections with regional policy makers.³⁰

Second, the limited number of suppliers included in the local catalog has led to an oligopolistic, even monopolistic market. This leaves local governments with little choice in purchasing goods and services, potentially harming state finances if prices are not strictly controlled. This local monopoly is contrary to the principle of fair

²⁵ Sumut, *supra* note 21.

²⁶ Prabowo, *supra* note 15.

²⁷ H Rasyid, *Value for Money dalam Keuangan Daerah* (Bandung: Refika Aditama, 2022).

²⁸ Saragih, *supra* note 7.

²⁹ LKPP, *supra* note 2.

³⁰ Simanjuntak, *supra* note 3.



business competition as stipulated in Law Number 5 Year 1999 on the Prohibition of Monopolistic Practices and Unfair Business Competition.³¹

Third, there is weak monitoring of the quality of goods and services offered in e-catalogs. E-catalogs often only display specifications and prices, but do not provide a mechanism for continuous quality evaluation. This can have implications for the risk of procuring goods with low quality despite the negotiated price, resulting in low effectiveness in the use of goods/services.³²

III. Legal Analysis of Regional E-Catalog Issues

From a business law perspective, problems in e-catalog implementation need to be analyzed using contract theory and the principles of good corporate governance. In the e-catalog system, the agreement between the provider and the local government is actually a standard contract that is subject to state administrative rules as well as civil law. This creates a potential imbalance in bargaining power, especially for local providers who have certain relationships with local governments, potentially leading to unfair business practices.³³

On the other hand, the implementation of e-catalogs also needs to be linked to the principles of good governance, especially in the aspects of transparency, accountability, and responsibility. If the process of appointing goods/services providers through local catalogs is carried out without a strict supervision mechanism, the potential for abuse of authority by procurement officials will increase. This practice can be qualified as a violation of business ethics as well as a violation of state administrative law.³⁴

As an instrument of government business, e-catalog should be part of procurement reform that prioritizes budget efficiency and fair business empowerment. However, when its implementation leads to the domination of certain parties, the basic principle of value for money is neglected. Therefore, it is necessary to strengthen regulations at the regional level that regulate in more detail the procedures for managing local catalogs, price evaluation mechanisms, and monitoring systems for the quality of goods and services.³⁵

Strengthening the principle of value for money in procurement through e-catalogs in the regions must begin with the harmonization of regulations between the central and regional governments. Local governments need to adopt stricter regulations related to price control in local catalogs by referring to objective and verified market price standards. In addition, strict supervision by the Government Internal Supervisory Apparatus (APIP) is needed to avoid irregularities in the provider selection process and the implementation of procurement.

LKPP, as the procurement authority, also needs to improve the e-catalog system to make it more open and inclusive, for example, by providing an easily accessible platform for new businesses, including MSMEs. This will increase the number of suppliers in the catalog, preventing monopolistic or cartel practices at the

³¹ *Ibid.*

³² Prabowo, *supra* note 15.

³³ H A Kartiwa, "Implementasi Peran dan Fungsi DPRD dalam Rangka Mewujudkan 'Good Governance'" (2006) Pus Inf Proses Legis Indones 1–23.

³⁴ Clader and Plano, *Good Governance oleh Joko Widodo* (Insan cendekia, Surabaya, 2004).

³⁵ Prabowo, *supra* note 15.



local level. The provision of training and assistance for local providers to enter the e-catalog system also needs to be intensified to create healthy business competition.

In addition, from a business law perspective, it is necessary to implement a periodic evaluation system for goods and services providers in the e-catalog. This evaluation includes aspects of compliance with the contract, product quality, and after-sales service. If a provider is found that does not meet the standards, there must be strict sanctions in the form of removal from the catalog list or administrative penalties.

Procurement of goods and services through e-catalog in local government is a strategic step to create a more modern, transparent, and efficient procurement system. However, in order to achieve this goal, the implementation of e-catalogs must still refer to the principle of value for money, which is in line with the principles of modern business law and the principles of good governance. Problems related to price disparity, provider monopoly, and weak quality control must be a serious concern for local governments and LKPP. Through strengthening regulations, increasing business competition, and structured supervision, e-catalog can truly be an effective procurement instrument in supporting regional development optimally and sustainably.

CONCLUSION

Based on the analysis of the application of the value for money principle in the use of e-catalogs in the procurement of goods and services in local governments, it can be concluded that the e-catalog system has a strategic role in accelerating the procurement process, increasing transparency, and encouraging budget efficiency. However, in practice, the application of the value for money principle is not fully optimal because there are still various business law issues related to price imbalances, monopoly of local providers, lack of business competition, and weak supervision of the quality of goods and services procured through electronic catalogs.

Procurement through e-catalogs should be an instrument that encourages efficient, effective, and economical procurement. However, findings in the field show that there are regulatory gaps and administrative practices at the regional level that open up opportunities for irregularities, such as pricing that exceeds reasonable standards, market control by certain business groups, and unaccountable provider selection processes. This has the potential to harm regional finances and is contrary to the basic principles of procurement, which should favor the public interest and community services.

Seeing these conditions, in the future, it is necessary to strengthen regulations on the procurement of goods and services through electronic catalogs, especially related to price control and evaluation mechanisms for goods/services providers periodically. Local governments need to improve the competence of procurement officials, build a more transparent and participatory monitoring system, and expand access for small and medium enterprises to participate fairly in local catalogs. With these steps, e-catalog-based procurement will not only be a formal procedure, but will actually become an instrument to realize regional procurement that is more effective, efficient, accountable, and by the principles of value for money, as was the original purpose of its establishment.



DECLARATION OF CONFLICTING INTERESTS

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