



Challenges Criminal Acts of Corruption in the Procurement of Outsourcing Services for Government Officials

Muhammad Yusril Irza^{1*}, Arif Awaludin², Mochamad Syamsudin³

¹²³ Faculty of Law Study Program, Wijayakusuma University, Purwokerto, Indonesia

ARTICLE INFO



History :

Submit on 3 July 2026

Review on 17 July 2026

Accepted on 31 July 2026

Keyword :

Corruption, Government Procurement, Outsourcing Services, Abuse of Authority, Criminal Liability.

ABSTRACT

Government procurement of outsourcing services plays a strategic role in supporting the effectiveness of public services, but is also vulnerable to corruption, particularly through abuse of authority by authorized officials. This study aims to analyze the forms of abuse of authority in the procurement of outsourcing services that can be qualified as corruption and to examine the criminal liability of the perpetrators. The method used is normative juridical legal research with a statutory and conceptual approach through literature study. The results of the study indicate that irregularities in the procurement of outsourcing services include tender manipulation, budget inflation, appointment of service providers that do not comply with procedures, and acceptance of bribes or gratuities. These actions fulfill the elements of corruption as stipulated in laws and regulations, particularly regarding abuse of authority that harms state finances. Criminal liability can be imposed if the elements of a criminal act, fault, and ability to be responsible are met. This study is expected to contribute to the development of criminal law and serve as a reference in efforts to prevent corruption in the government procurement sector.

© 2026 Author

The copyright of this article belongs entirely to the author

Corresponding Author: muhammadyusrilirza@gmail.com





INTRODUCTION

Government procurement of goods and services is a strategic instrument in supporting governance and national development. Through this mechanism, the government strives to meet public needs effectively, efficiently, transparently, and accountably. One rapidly growing form of procurement is outsourcing, which involves the involvement of third parties to provide support staff, such as cleaning, security, administration, and other technical services. This model is considered capable of increasing the efficiency of government agencies by shifting some operational burdens to professional service providers.

However, the practice of outsourcing procurement is not without its share of problems, particularly related to the potential for corruption. The complexity of the procurement process, which involves various stages, from planning to contract execution, opens up room for irregularities by officials in positions of authority. In many cases, abuse of authority is the primary mode of corruption, such as tender manipulation, budget mark-ups, improper appointment of service providers, and even bribery and gratuity practices. This situation not only harms state finances but also hinders the establishment of good governance.

Normatively, acts of abuse of authority in the procurement of outsourcing services can be classified as a criminal act of corruption, as stipulated in the Corruption Eradication Law. This provision stipulates that any unlawful act or abuse of authority that harms state finances is subject to criminal sanctions. Therefore, government officials with authority in the procurement process are required to act in accordance with the principles of legality and general principles of good governance. Any deviation has the potential to result in legal consequences in the form of criminal liability.¹

Although various regulations have detailed government procurement of goods and services, corrupt practices in this sector still frequently occur. This indicates a gap between legal norms and their implementation in the field. Furthermore, studies on corruption in the procurement of outsourcing services are relatively limited, particularly those that specifically highlight the abuse of authority by government officials and its implications for criminal liability. Therefore, this research is crucial in providing a comprehensive legal analysis of the forms of irregularities in the procurement of outsourcing services and the construction of criminal liability for perpetrators.

The concept of abuse of authority (*détournement de pouvoir*) is an important basis for classifying acts of corruption by government officials. Philipus M. Hadjon explains that abuse of authority occurs when an official uses their authority inconsistently with the purpose for which it was granted, either by exceeding the limits of authority, mixing up authority, or acting arbitrarily. In the context of

¹ Irza, M. Y., Periani, A., & Triana, I. D. S. Paradigma Modern KUHP Nasional Terhadap Tindak Pidana Korupsi dalam Sektor Swasta dan Korporasi. *Journal Evidence of Law*, Vol. 4, No. 2, (2025), p. 829-839.



outsourcing procurement, this abuse often occurs during the tender process, awarding the award, and executing the contract.²

Furthermore, the theory of criminal liability is a crucial instrument for determining whether an official can be held accountable for their actions. Moeljatno emphasized that criminal liability requires a criminal act (*actus reus*) and fault (*mens rea*), as well as the capacity to be responsible without any excuse. Therefore, in corruption, a government official can be held accountable if legally and convincingly proven to have abused their authority with intent or negligence, resulting in state losses.

Several previous studies have also examined corruption in government procurement of goods and services. Research by Mahrus Ali emphasized that corruption in the procurement sector generally occurs due to weak oversight and the wide scope of discretion afforded to officials. Meanwhile, Nur Basuki Minarno highlighted the importance of proving the element of abuse of authority in corruption cases, particularly in relation to the interpretation of Article 3 of the Corruption Eradication Law. Other research by Suhariyanto shows that corrupt practices in procurement often involve collusion between officials and service providers.

However, most of this research focuses on the procurement of goods and services in general. Studies specifically addressing outsourcing procurement as an object of analysis in corruption crimes are still relatively limited, particularly those that comprehensively link abuse of authority and the construction of criminal liability.

Based on this description, the problems examined in this study are: (1) what forms of abuse of authority by government officials in outsourcing procurement can be qualified as criminal acts of corruption; and (2) how criminal liability is imposed on government officials who abuse their authority in outsourcing procurement. This study aims to analyze these two issues from a normative juridical perspective. It is hoped that this research will contribute to the development of criminal law, particularly in the field of eradicating corruption, and serve as a reference for prevention and law enforcement efforts in the government procurement sector.

METHOD

This research is normative juridical legal research which aims to analyze abuse of authority in the procurement of outsourcing services as a criminal act of corruption and criminal liability of government officials. The approaches used are a statutory approach and a conceptual approach.³ The legislative approach is carried out by examining regulations related to the eradication of criminal acts of corruption and the

² Bustanul, A. S. *Pertanggungjawaban Hukum Pengadaan Barang dan Jasa Melalui Sistem E-Procurement*, Doctoral Dissertation, Universitas Lampung, (2026).

³ Irza, M. Y., Awaludin, A., & Rusito, R. Implementasi Penegakan Hukum Terhadap Judi Online di Indonesia: Pencegahan dan Pemberantasan. *PALAR (Pakuan Law review)*, Vol. 10, No. 4, (2024), p. 215-229.



procurement of government goods/services, while the conceptual approach is used to examine legal doctrine and theory related to abuse of authority and criminal responsibility.

RESULT & DISCUSSION

A. Forms of Abuse of Authority by Government Officials in the Procurement of Outsourcing Services that can be classified as Criminal Acts of Corruption

Outsourcing is a form of government procurement to meet specific labor needs without appointing workers as civil servants. In practice, outsourcing involves the use of state funds, so any official who abuses their authority in the procurement process can lead to corruption.

Normatively, the concept of abuse of authority is regulated in Article 3 of Law Number 31 of 1999, as amended by Law Number 20 of 2001 concerning the Eradication of Corruption (the Corruption Law), which states:⁴

"Any person who, with the aim of benefiting himself or another person or a corporation, abuses the authority, opportunities or means available to him due to his position or position which could be detrimental to state finances or the state economy."

In the context of outsourcing service procurement, abuse of authority does not only take the form of actions that are formally contrary to the law, but can also take the form of deviations from the principles of government goods/services procurement as regulated in Presidential Regulation Number 16 of 2018 as amended by Presidential Regulation Number 12 of 2021.

1. Modus Operandi of Corruption in the Procurement of Outsourcing Services

Outsourcing procurement within the government is a sector vulnerable to corruption due to the significant use of state funds and the often opaque selection process for service providers. In 2026, despite the development of electronic procurement systems, irregularities remain potential to occur through various methods.

Common methods include bid rigging, mark-up of labor costs, wage cuts for outsourced workers, fictitious procurement, and the payment of commissions or bribes to officials authorized to select service providers. In practice, government officials may collaborate with certain outsourcing companies to win procurement contracts in exchange for personal benefits.⁵

Furthermore, abuse of authority occurs through the preparation of technical specifications that favor certain companies, thus stifling fair competition. As a result, the state must pay for services at a higher price than

⁴ Irza, M. Y., & Jaya, N. S. P. (2020). Urgensi Pengaturan Trading in Influence sebagai Tindak Pidana Korupsi dalam Tatanan Hukum Pidana Indonesia. *Halu Oleo Law Review*, Vol. 4, No. 2, (2020), p. 219-238.

⁵ Hadikusuma, W. *Mitigasi Risiko Tindak Pidana Korupsi Dalam Pengadaan Barang/Jasa Pemerintah Sektor Jasa Konstruksi*, Doctoral Dissertation, Universitas Andalas, (2025).



the actual value, while the quality of the services provided does not meet the contractual requirements.

From a modern criminal law perspective, corruption in outsourcing procurement is not only viewed as a crime that harms state finances but also as a form of abuse of power. Therefore, the eradication approach is not limited to criminalizing perpetrators, but also requires reforming procurement governance, strengthening the integrity of public officials, and implementing good governance principles.⁶

By 2026, the primary challenge in eradicating corruption in outsourcing procurement will be the increasingly complex relationships between government officials and corporate service providers. Therefore, law enforcement must be directed not only at individual perpetrators but also at the corporations that benefit from these crimes, so that the goals of recovering state losses and preventing corruption can be optimally achieved.

2. The Concept of Abuse of Authority in Corruption Law

According to administrative law doctrine, abuse of authority (*détournement de pouvoir*) occurs when an official uses their authority for a purpose other than that for which the authority was granted. Abuse of authority can take the following forms:⁷

- a. Excess of power;
- b. Misuse of power;
- c. Arbitrary action.

If such actions are carried out with the intention of gaining personal, group, or corporate gain and result in state financial losses, then such actions constitute a criminal act of corruption.

Abuse of authority in the procurement of outsourcing services can be classified as a criminal act of corruption if a government official misuses the authority inherent in their position to benefit themselves, others, or corporations and result in state financial losses. Examples include fixing tender winners, conflicts of interest, contract mark-ups, fictitious labor payments, engineering procurement requirements, splitting procurement packages, accepting bribes, manipulating contract implementation, and collusion with service providers. Legally, these actions can be prosecuted, especially under Article 2 and Article 3 of the Corruption Law, as well as provisions on bribery and gratuities in the Corruption Law, thus giving rise to criminal liability for officials who abuse their authority in the procurement of outsourcing services.

⁶ Marbun, P. *Pertanggungjawaban Pejabat Pengguna Anggaran Dalam Pengadaan Barang Dan Jasa Pemerintah Terhadap Tindak Pidana Korupsi*, Doctoral Dissertation, Universitas Kristen Indonesia, (2025).

⁷ Nasution, R. P., & Calvin, C. Keterlibatan Sektor Swasta dalam Praktik Korupsi Pengadaan Barang dan Jasa Pemerintah Daerah: Tinjauan Hukum dan Etika Bisnis. *JPeHI (Jurnal Penelitian Hukum Indonesia)*, Vol. 6, No. 01, (2025), p. 1-15.



3. The Phenomenon of Corruption in the Procurement of Outsourcing Services

Procurement of outsourcing services is a sector that has a high risk of corruption because it involves ongoing service contracts, regular payments from the APBN/APBD, and close relationships between officials using the budget and companies providing labor. Common corruption modes include:

- a. Arrangement of tender winners (bid rigging);
- b. Conflict of interest between officials and provider companies;
- c. Mark-up on contract value;
- d. Procurement of fictitious labor;
- e. Cutting wages for outsourcing workers;
- f. Giving bribes or gratuities to procurement officials.

Legally, this action can fulfill the elements of Article 2 paragraph (1), Article 3, Article 5, Article 11, Article 12 and Article 13 of the Corruption Eradication Law.

B. Criminal liability for government officials who abuse their authority in the procurement of outsourcing services

1. The Concept of Abuse of Authority in the Procurement of Outsourcing Services

The procurement of outsourcing services by government agencies is part of the government procurement of goods/services, which must be implemented based on the principles of efficiency, effectiveness, transparency, openness, competition, fairness, and accountability.⁸ Abuse of authority occurs when officials with authority in the procurement process use their positions for purposes contrary to the law, the public interest, or the purpose for which they were granted that authority. In the context of outsourcing procurement, forms of abuse of authority include:

- a. Directing tender winners to specific companies.
- b. Conducting fictitious procurement or budget markups.
- c. Splitting work packages to circumvent the tender process.
- d. Directly appointing suppliers without legal basis.
- e. Accepting bribes, gratuities, or commissions from outsourcing companies.
- f. Preparing specifications that benefit specific companies.
- g. Approving companies that do not meet administrative or technical requirements.

These actions can result in state financial losses and could potentially be classified as criminal acts of corruption.

⁸ Triana, I. D. S., Irza, M. Y., & Awaludin, A. Reformasi KUHAP dalam Membangun Sistem Peradilan Pidana yang Berkeadilan dan Perlindungan Hak Asasi Manusia. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, Vol. 3, No. 6, (2025), p. 8293-8304.



2. The Concept of Criminal Responsibility

Criminal liability is a legal mechanism for imposing criminal sanctions on individuals who commit acts that meet the elements of a crime and are blameworthy. In the context of outsourcing procurement, criminal liability arises when government officials abuse the authority inherent in their positions, resulting in financial losses to the state or benefiting themselves, others, or corporations.⁹

According to criminal law theory, a person can be held criminally liable if they meet the following elements:

- a. Committing an act prohibited by law;
- b. Having the capacity to assume responsibility;
- c. There is fault (*mens rea*) in the form of intent or negligence;
- d. There is no justification or excuse.

In cases of corruption in government procurement of goods/services, including outsourcing procurement, criminal liability is generally based on the abuse of authority by public officials in their official capacity.

3. Corporate Accountability

Developments in corporate criminal law allow outsourcing companies to be held criminally liable if proven to have:¹⁰

- a. Knowledge of tender fixing;
- b. Providing bribes or gratuities;
- c. Being a means of obtaining profits from corruption;
- d. Submitting fictitious documents or reports.

In the Pekalongan case, the aspect of corporate accountability is crucial because the company suspected of benefiting is the family business of a regional official. The most prominent case in 2026 was the alleged corruption case involving the procurement of outsourcing services within the Pekalongan Regency Government, handled by the Corruption Eradication Commission (KPK). In March 2026, the KPK named Pekalongan Regent Fadia Arafik as a suspect in alleged corruption involving the procurement of outsourcing services and other procurement within the Pekalongan Regency Government for the 2023–2026 Fiscal Year.

According to the KPK, the suspect's family company, PT Raja Nusantara Berdaya (PT RNB), obtained outsourcing procurement projects for various Pekalongan Regency Government agencies. The contract value received by the company reached approximately IDR 46 billion during the 2023–2026 period. Of this amount, approximately IDR 22 billion was used to pay outsourced workers, while the remainder is suspected to be the company's profit, with

⁹ Syamsuddin, A. R. Pembuktian Penyalahgunaan Wewenang Dalam Perkara Tindak Pidana Korupsi Pengadaan Barang dan Jasa. *Jambura Law Review*, Vol. 2, No. 2, (2020), p. 161-181.

¹⁰ Rahman, A., & Sinaga, L. D. B. Pertanggungjawaban Pidana Korupsi Pengadaan Barang Dan Jasa Pemerintah Menggunakan Perusahaan Orang Lain. *Judge: Jurnal Hukum*, Vol. 6, No. 04, (2025), p. 1246-1259.



some going to the family and related parties. The Corruption Eradication Commission (KPK) also revealed that throughout 2025, the company dominated outsourcing projects in 21 regional government agencies (SKPD) within the Pekalongan Regency Government, comprising 17 agencies, three regional hospitals, and one sub-district.

As regional head, the suspect holds a strategic position that could influence the procurement process for goods and services. If proven guilty of using his position to direct projects to his family's company, the element of "abuse of authority" as stipulated in Article 3 of the Corruption Eradication Law could be satisfied. This case indicates a conflict of interest, as the company awarded the project is affiliated with the family of a public official. From a good governance perspective, this situation contradicts the principles of transparency and accountability. The KPK suspects that the suspect's family enjoyed economic benefits from these outsourcing projects. If proven guilty, the element of enriching oneself or others could be satisfied.

The Pekalongan Regency Government case demonstrates that procurement digitalization cannot fully prevent corruption if officials still dominate the procurement process. This case serves as a clear example of:

- a. Tender transparency is insufficient without effective oversight;
- b. Conflicts of interest among public officials remain a potential avenue for corruption;
- c. Outsourcing procurement carries high risks due to the involvement of recurring contracts and large budgets;
- d. Internal oversight within local governments needs to be strengthened.

Criminal liability for government officials who abuse their authority in the procurement of outsourcing services is essentially based on the Corruption Eradication Law, specifically Articles 2 and 3. Officials can be punished if proven to have intentionally used their authority to benefit themselves, others, or corporations, thereby causing state financial losses. Criminal liability can be imposed not only on Budget Users, Budget User Authorizations, Commitment Making Officials, and Selection Working Groups, but also on outsourcing service providers who also benefit from such corrupt practices.¹¹ Therefore, law enforcement must pay attention to the difference between administrative errors and corrupt abuse of authority so that the application of criminal law remains in accordance with the principles of legal certainty and justice.

CONCLUSIONS

Abuse of authority by government officials in the procurement of outsourcing services can be classified as a criminal act of corruption if it involves exploiting their official authority to benefit themselves, others, or a specific corporation, resulting in state financial losses. Forms of such abuse include bid rigging, direct appointments

¹¹ Irza, M. Y., Periani, A., & Triana, I. D. S., Paradigma Modern KUHP Nasional Terhadap Tindak Pidana Korupsi dalam Sektor Swasta dan Korporasi, *Loc.Cit.*



that violate procedures, budget markups, the procurement of fictitious workers, splitting work packages to circumvent the tender process, conflicts of interest, and accepting bribes and gratuities from outsourcing service providers. These acts fulfill the elements of a criminal act of corruption as stipulated in Law Number 31 of 1999, as amended by Law Number 20 of 2001 concerning the Eradication of Corruption.

Criminal liability for government officials who abuse their authority in the procurement of outsourcing services can be imposed if the elements of a criminal act are met, there is a fault in the form of intent or negligence, the capacity to take responsibility, and the absence of justification or excuse. This accountability can be imposed not only on officials directly involved, such as Budget Users, Budget User Authorizations, Commitment Making Officials, and Selection Working Groups, but also on corporations providing outsourcing services that also benefit from or play a role in the occurrence of corruption. Therefore, preventing and eradicating corruption in the procurement of outsourcing services requires strengthening the oversight system, transparency in the procurement process, enforcement of good governance principles, and firm law enforcement to ensure accountability in the management of state finances and realize clean and corruption-free governance.

REFERENCE

- Al Kautsar, Izzy, and Danang Wahyu Muhammad. "Sistem hukum modern Lawrance M. Friedman: Budaya hukum dan perubahan sosial masyarakat dari industrial ke digital." *Sapientia Et Virtus*, Vol. 7, No. 2, (2022), 84-93.
- Bustanul, A. S. *Pertanggungjawaban Hukum Pengadaan Barang dan Jasa Melalui Sistem E-Procurement*, Doctoral Dissertation, Universitas Lampung, (2026).
- Hadikusuma, W. *Mitigasi Risiko Tindak Pidana Korupsi Dalam Pengadaan Barang/Jasa Pemerintah Sektor Jasa Konstruksi*, Doctoral Dissertation, Universitas Andalas, (2025).
- Irza, M. Y., & Jaya, N. S. P. (2020). Urgensi Pengaturan Trading in Influence sebagai Tindak Pidana Korupsi dalam Tatanan Hukum Pidana Indonesia. *Halu Oleo Law Review*, Vol. 4, No. 2, (2020), p. 219-238.
- Irza, M. Y., Awaludin, A., & Rusito, R. Implementasi Penegakan Hukum Terhadap Judi Online di Indonesia: Pencegahan dan Pemberantasan. *PALAR (Pakuan Law review)*, Vol. 10, No. 4, (2024), p. 215-229.
- Irza, M. Y., Periani, A., & Triana, I. D. S. Paradigma Modern KUHP Nasional Terhadap Tindak Pidana Korupsi dalam Sektor Swasta dan Korporasi. *Journal Evidence of Law*, Vol. 4, No. 2, (2025), p. 829-839.



- Marbun, P. *Pertanggungjawaban Pejabat Pengguna Anggaran Dalam Pengadaan Barang Dan Jasa Pemerintah Terhadap Tindak Pidana Korupsi*, Doctoral Dissertation, Universitas Kristen Indonesia, (2025).
- Nasution, R. P., & Calvin, C. Keterlibatan Sektor Swasta dalam Praktik Korupsi Pengadaan Barang dan Jasa Pemerintah Daerah: Tinjauan Hukum dan Etika Bisnis. *JPeHI (Jurnal Penelitian Hukum Indonesia)*, Vol. 6, No. 01, (2025), p. 1-15.
- Rahman, A., & Sinaga, L. D. B. Pertanggungjawaban Pidana Korupsi Pengadaan Barang Dan Jasa Pemerintah Menggunakan Perusahaan Orang Lain. *Judge: Jurnal Hukum*, Vol. 6, No. 04, (2025), p. 1246-1259.
- Syamsuddin, A. R. Pembuktian Penyalahgunaan Wewenang Dalam Perkara Tindak Pidana Korupsi Pengadaan Barang dan Jasa. *Jambura Law Review*, Vol. 2, No. 2, (2020), p. 161-181.
- Triana, I. D. S., Irza, M. Y., & Awaludin, A. Reformasi KUHAP dalam Membangun Sistem Peradilan Pidana yang Berkeadilan dan Perlindungan Hak Asasi Manusia. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, Vol. 3, No. 6, (2025), p. 8293-8304.