

ABSTRAK

Status peraturan pimpinan Badan Layanan Umum (BLU) yang dikecualikan dalam ketentuan pengadaan barang dan jasa. Fokus utama penelitian ini adalah menelaah kedudukan hukum peraturan internal BLU, khususnya peraturan rektor di lingkungan Perguruan Tinggi Negeri Badan Layanan Umum (PTN BLU), serta dampaknya terhadap pelaksanaan pengadaan barang/jasa (PBJ). Permasalahan timbul karena peraturan internal BLU sering dijadikan dasar pelaksanaan PBJ, padahal secara hierarkis tidak diakui dalam Undang-Undang Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-Undangan. Hal ini menimbulkan potensi conflict of norm dengan Peraturan Presiden Nomor 16 Tahun 2018 tentang PBJ dan regulasi turunannya, yang dapat berimplikasi pada ketidakpastian hukum, lemahnya akuntabilitas, dan risiko penyalahgunaan kewenangan.

Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan (*statute approach*) dan pendekatan konseptual (*conceptual approach*). Bahan hukum yang digunakan terdiri atas bahan hukum primer berupa peraturan perundang-undangan terkait, serta bahan hukum sekunder berupa literatur, jurnal, dan pendapat ahli hukum. Analisis dilakukan secara deskriptif-kualitatif untuk mengkaji kesesuaian antara aturan hukum yang berlaku dengan praktik penyusunan dan pelaksanaan peraturan internal BLU.

Penelitian ini menunjukkan bahwa peraturan pimpinan BLU hanya memiliki kedudukan sebagai aturan internal yang bersifat teknis-operasional dan tidak dapat menggantikan peraturan perundang-undangan yang lebih tinggi. Penggunaan peraturan internal sebagai dasar utama PBJ berpotensi menimbulkan ketidakpastian hukum (*legal uncertainty*), dualisme norma, serta melemahkan prinsip good governance dalam pengelolaan keuangan negara. Oleh karena itu, diperlukan harmonisasi regulasi antara kebijakan internal BLU dengan peraturan perundang-undangan nasional melalui revisi Peraturan LKPP, penyusunan pedoman nasional PBJ khusus BLU, serta penguatan mekanisme pengawasan regulatif.

Kata Kunci: Badan Layanan Umum, Pengadaan Barang dan Jasa, Conflict of Norm.

ABSTRACT

The status of Public Service Agency (PSA) leadership regulations that are exempted from provisions on the procurement of goods and services. The main focus of this study is to examine the legal position of PSA internal regulations, particularly rector regulations within State Public Service Agency Universities (PTN BLU), and their impact on the implementation of goods and services procurement (PBJ). The problem arises because BLU internal regulations are often used as the basis for PBJ implementation, even though they are not recognized hierarchically in Law Number 12 of 2011 concerning the Formation of Legislation. This creates the potential for a conflict of norms with Presidential Regulation No. 16 of 2018 concerning PBJ and its derivative regulations, which can lead to legal uncertainty, weak accountability, and the risk of abuse of authority.

This study uses a normative juridical method with a statute approach and a conceptual approach. The legal materials used consist of primary legal materials in the form of relevant laws and regulations, as well as secondary legal materials in the form of literature, journals, and expert legal opinions. The analysis is conducted descriptively and qualitatively to examine the conformity between the applicable legal rules and the practice of drafting and implementing BLU internal regulations.

position as internal rules that are technical and operational in nature and cannot replace higher laws and regulations. The use of internal regulations as the main basis for PBJ has the potential to cause legal uncertainty, dualism of norms, and weaken the principle of good governance in state financial management. Therefore, regulatory harmonization between BLU internal policies and national laws and regulations is needed through the revision of LKPP Regulations, the formulation of national PBJ guidelines specifically for BLUs, and the strengthening of regulatory oversight mechanisms.

Keywords: *Public Service Agency, Goods and Services Procurement, Conflict of Norms.*