

ABSTRACT

Fathul Anwar Fauji : Procurement of E-KTP Using a Tender System Judging from Sharia Economic Law.

The procurement of blank E-KTP is a program of the Ministry of Home Affairs. Procurement of E-KTP is an effort to tidy up population data and prevent misuse of identity. Another benefit of E-KTP Procurement, makes it easier for police to find and prevent corruptors who will flee abroad because they cannot have multiple passports. In fact, the procurement of E-KTP is one of the procurement that is detrimental to state finances. Procurement of E-KTP is very contrary to the principles and ethics in procurement as stated in Article 5 and Article 6 of Presidential Regulation Number 16 of 2018 concerning Procurement of Government Goods and Services.

This study aims to find out and examine 1) the process of procuring government goods and services according to Presidential Regulation Number 35 of 2010 concerning Procurement of Government Goods and Services. 2) technical procedures for procuring electronic identity cards (E-KTP) using a tender system. 3) legal status of the procurement of electronic identity cards (E-KTP) using a tender system in sharia economic law perspective.

The concept of thought in this study, more focused on article 3 paragraph 3 points (b) regarding the procurement of goods and / or services through the selection of providers between regulations and practices goes accordingly or no, then in terms of practice this research uses a theory of legal effectiveness approach to how the law can work according to the content and purpose of the law established, *maslahah* theory as an ingredient to read whether the practice in procurement contains elements of benefit, and in practice procurement is in accordance with the principles in *muamalah* and the principle in *muamalah*.

This research was conducted using a normative juridical method. The method of using literature studies is supported by field research through interviews with the head of the procurement service unit of the Ministry of Home Affairs regarding the process of selecting providers of E-KTP blanks.

Based on the results of the study 1) the selection of providers according to Presidential Regulation Number 54 of 2010 concerning the procurement of goods and / or services is divided into 6 stage processes, starting with procurement planning, procurement preparation, election preparation, selection process, contract implementation ending with job handover. 2) the procurement of E-KTP forms in 2011 is not in accordance with the provider selection procedure because it combines two manual and electronic selection methods, while procurement in 2018 is in accordance with election procedures, with procurement planning commencing until the handover of the contract. 3) the procurement of valid E-KTP documents is carried out on condition that it does not conflict with the principles and principles of conducting transactions according to sharia economic law wherein every transaction carried out must not contain *gharar*, ill, elements may not contain elements of coercion, may not take the rights of others.

Keywords: *Procurement, E-KTP Forms, and Sharia Economic Law*

مُلخَص

إنَّ شِراءَ E-KTP الفارغِ هُوَ بَرنامِجٌ مِنْ وَزارَةِ الدّاخِليَّةِ. يُمَثَلُ شِراءَ E-KTP مُحاوَلَةً لِترتيب البَياناتِ السُّكّانيَّةِ وَمَنَعِ إِساءةِ اسْتِخْدامِ الهُويَّةِ. فائِدةٌ أُخرى مِنْ E-KTP Procurement ، تسهِّلُ على الشرطَةِ العثورَ على الفاسدين الذين سيهربون إلى الخارج ومنعهم لأنَّه لا يمكنهم الحصولَ على جوازات سفرٍ متعدِّدةٍ



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