



The Influence of Foreign Loan Lender Guidelines on the Project Consulting Services Tender in Indonesia

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ABSTRACT

This study investigates the influence of the Saudi Fund for Development (SFD) guidelines on the tender process of consultancy services in Indonesia, specifically for foreign loan-financed projects. It investigates the differences between Indonesia's national regulations, laid out in Presidential Decrees, and lender-specific guidelines, which are mandatory when external funding is used. This qualitative research applied interviews with actors holding decision-making authority within the procurement process. The data were examined through a thematic analysis using NVivo 12 software. Two significant differences between the SFD guidelines and Indonesia's national regulations were established. First, a manual process is stipulated by SFD guidelines, yet an electronic platform is preferred by Indonesia's regulations, which triggers extensive delays. Second, obtaining a No Objection Letter (NOL) from a lender for every phase of the tender process is a time-consuming demand that creates bottlenecks situation and prolongs the process. The research emphasizes that critical issues arise when balancing such differing sets of regulations, which are counterproductive for a smooth and timely process. Thus, harmonized national and lender-specific regulations are needed to minimize delays and accelerate a smooth process of service procurements.

Keywords: Consulting Services; No Objection Letter (NOL); Procurement; Tender Process

ABSTRAK

Artikel ini membahas dampak pedoman Saudi Fund for Development (SFD) terhadap proses pengadaan jasa konsultasi di Indonesia, khususnya untuk proyek yang didanai oleh pinjaman luar negeri. Penelitian ini mengkaji perbedaan antara peraturan nasional Indonesia yang ditetapkan dalam Keputusan Presiden dan pedoman khusus pemberi pinjaman yang wajib digunakan dalam proyek berbasis pendanaan eksternal. Data penelitian kualitatif ini diperoleh dari hasil wawancara dengan para pelaku yang memiliki kewenangan pengambilan keputusan dalam proses pengadaan. Data dianalisis secara tematik menggunakan perangkat lunak NVivo 12. Studi ini menemukan dua perbedaan signifikan antara pedoman SFD dan peraturan nasional Indonesia. Pertama, pedoman SFD menetapkan proses manual, tetapi peraturan Indonesia lebih memilih *platform* elektronik sehingga dimungkinkan adanya penundaan yang cukup lama. Kedua, proses pemerolehan Surat Tidak Keberatan (STK) dari pemberi pinjaman untuk setiap fase proses tender juga memakan waktu sehingga dapat menghambat dan memperpanjang proses pengadaan. Penulis melihat adanya persoalan yang muncul saat menyeimbangkan dua perangkat peraturan yang berbeda, yang terkesan kontraproduktif dan menghambat kelancaran proses pengadaan. Penelitian ini menyimpulkan bahwa harmonisasi peraturan nasional dan pemberi pinjaman sangat diperlukan untuk meminimalisasi keterlambatan dan mempercepat proses pengadaan layanan.

Kata Kunci: Layanan Konsultasi; Pengadaan; Proses Tender; Surat Tidak Keberatan (STK)

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INTRODUCTION

A good procurement system (sometimes referred to as the tender process) includes complex and interrelated elements, e.g., professional management, supportive human resources, and up-to-date regulations. The procurement system for goods/services is initially based on Presidential Regulation Number 54 of 2010. Subsequently, Presidential Regulation Number 16 of 2018 on the Procurement of Goods and Services was issued. Three years later, in 2021, the Government of the Republic of Indonesia reissued Presidential Regulation Number 12 of 2021, which is an amendment to the Presidential Regulation Number 16 of 2018 on Government Procurement of Goods/Services.

Procurement of goods/services, according to Presidential Regulation Number 12 of 2021, is an activity of procuring goods/services carried out by the Ministry/Institution/Regional Apparatus and funded by the national or regional budgets. The procurement process begins with identifying the need for goods/services, to the completion stage of work activities (Tanesia, 2016).

In construction work, the most widely known procurement is the procurement of construction services and the procurement of consulting services, both with domestic and foreign funding support. One example of a

consulting service procurement activity funded by foreign loan funds is the procurement of consulting services for the supervision of the XYZ University campus development project (pseudonym) with the Saudi Fund for Development (SFD) lender based in Jeddah, Kingdom of Saudi Arabia.

As with foreign loan-based projects, lenders must have guidelines that serve as a reference for the technical implementation of the loan (SFD Guidelines, 2001). The guidelines contain all matters regarding the process that the loan recipient will carry out. The processes in the guidelines include the procurement process, budget disbursement process, service provider's term, and construction and consulting. In the process, the procurement of consulting services requires a reasonably long time before the final results of the tender winner are announced. Many factors could be identified to cause the length of the tender implementation process.

In response to this tendency, the author tried to collect data from interviews with stakeholders related to the tender process and conducted a literature review for further analysis. This article seeks to examine the extent to which the presence of these lender guidelines has influenced the implementation of Project Consultancy Services Tender in Indonesia, which is still bound by the Presidential Regulation.

THEORETICAL FRAMEWORK

Procurement of Goods/Services Funded by the Government Budgets

Procurement of goods and services is a form of procurement through third parties to obtain goods and services within the governmental scope. Procurement whose financing is partly or entirely derived from the government (national or regional budgets, should aim to provide reliable public goods and services (Faisal et al., 2017).

In Indonesia, the procurement of goods/services is regulated in Presidential Regulation Number 54 of 2010 (Peraturan Presiden RI No. 54, 2010) which was later amended in Presidential Regulation Number 16 of 2018 (Peraturan Presiden RI No. 16, 2018) and Presidential Regulation Number 12 of 2021 (Peraturan Presiden RI No. 12, 2021). The purpose of formulating these regulations is to obtain prospective providers of goods/services of good quality to complete work by conducting selection through several stages. In addition, these regulations are enacted to avoid undesirable things that can cause state losses due to poor stages of obtaining goods/services providers, resulting in less than optimal utilization of the goods/services needed (Hamkah & Purwanto, 2018).

Basically, procurement regulations in Indonesia are not very strong and do not yet represent legal certainty because there are still frequent updates or changes to the procurement regulations for goods/services almost every year. The existence of a law on procurement of goods/services that is more reliable than a Presidential Regulation is expected to provide more legal certainty and can improve the procurement process and, in turn, support the achievement of good governance (Pane, 2017).

Figure 1 below outlines the procurement process according to Presidential Regulation Number 16 of 2018.

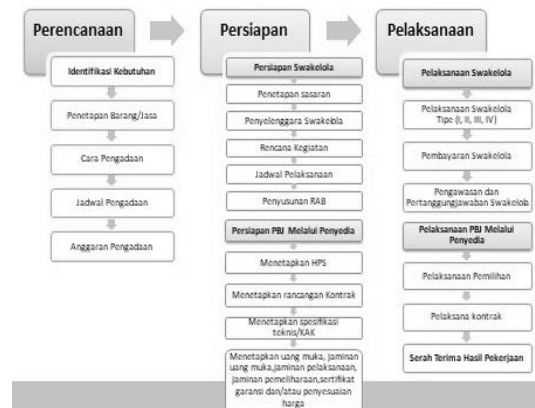


Figure 1. Outline of the Government Goods/Services Procurement Process
(Source: Peraturan Presiden No. 16 Tahun 2018)

In Indonesia, the procurement process of goods/services has been regulated in a guideline called *Standar Dokumen Pengadaan/SDP* (Procurement Document Standard). The document contains information on all activities required in the procurement process. The document was published by the Government Goods/Services Procurement Policy Agency (LKPP), which has the task and authority to develop policies regarding the government goods/services procurement process.

The implementation of this SDP is further supported and refined by the latest procurement regulations. Collectively, these regulations are expected to function as terms of reference (guidelines) for the working group or selection/tender committee when carrying out procurement process. It is in line with the research results of Kohler and Dimancesco (2020) and Relucio and Cruz (2020), which state that document standards are highly required to guarantee professional procurement process of goods/services, from initiation, planning, and implementation to handover of work.

The stages of government auctions for procurement of goods/services based on Presidential Regulation Number 16 of 2018 and LKPP Regulation Number 1 of 2015 can be described as follows.

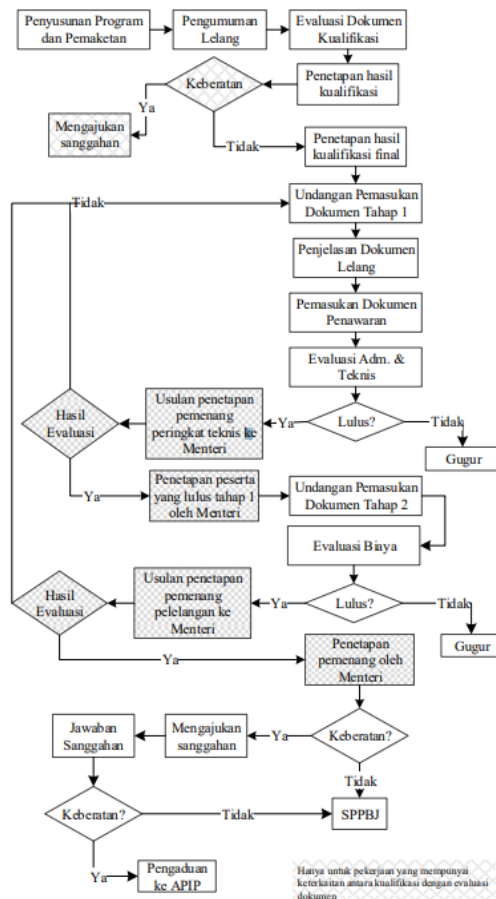


Figure 2. Stages of Government Auction
(Source: Peraturan Presiden No. 16 Tahun 2018
dan Perka LKPP No.1 Tahun 2015)

Procurement of Goods/Services Funded by Foreign Loans

Foreign Loans and Grants (Pinjaman dan/atau Hibah Luar Negeri—PHLN), as defined in the Joint Decree (Surat Keputusan Bersama/SKB) No. 185/KMK.03/1995 and No. KEP.031/KET/5/1995 between the Minister of Finance and Bappenas, are state revenues received in the form of foreign exchange or goods and services that originate

from external borrowing and must be repaid under specific terms. These loans are obtained from foreign countries (bilateral), multilateral institutions, and financial or non-financial institutions operating outside the jurisdiction of the Republic of Indonesia (Fithriyah, 2017).

Given the need to support national development, particularly in the post-COVID-19 recovery period, foreign loans continue to serve as an essential complement to the government budget. As noted by Suryani (2016) and Weerasekara et al. (2023), while foreign loans can have a positive impact, their effect on the budget deficit is generally insignificant. Nevertheless, the continued and cumulative use of foreign loans needs careful consideration to avoid adverse long-term fiscal implications.

The main distinction between procurement financed through government budgets (APBN/APBD) and that financed by foreign loans lies in the procedures. Procurement using APBN/APBD must adhere to national regulations, including Presidential Regulations and technical guidance issued by the LKPP. In contrast, procurement financed by foreign loans must comply with the procurement guidelines established by the respective lenders. These different regulatory frameworks lead to some notable procedural differences and sometimes contribute to project delays.

Studies by Setiawan et al. (2024) and Widjanarko (2021), for example, have identified several regulatory factors contributing to project delays in foreign-funded procurement, including the extended duration of the procurement process. These delays are often triggered by the procedural complexity and overly strict compliance requirements embedded within the lender-specific guidelines.

Procurement of Consulting Services Funded by Foreign Loans

The procurement of consulting services is typically classified into two main categories: construction consulting services and non-construction consulting services. Construction consulting services generally include the planning and supervision aspects of infrastructure projects, while non-construction consulting services often involve the production of scientific studies, legal documents, or other advisory outputs that are not directly related to physical construction activities.

Similar to the procurement of construction works, the procurement of consulting services include pre-qualification assessment mechanisms. The process usually begins with the submission of administrative bidding documents by prospective consultants. Upon successful administrative evaluation, candidates are required to submit technical proposals, which cover a work plan and a financial plan. This two-stage approach is commonly referred to as the two-envelope bidding method.

In foreign loan-funded procurement—such as those financed by the Saudi Fund for Development (SFD)—the procedures closely follow the procurement guidelines set by the respective lenders (SFD Guidelines, 2001), and are generally consistent with those applied by other multilateral and bilateral funding institutions. A distinctive feature of this foreign-funded procurement process is the requirement to obtain a No Objection Letter (NOL) from the lender at each stage of the tender process (Bekli et al., 2010; Leipold et al., 2017). This requirement can introduce additional administrative steps (or, burdens) and potential delays.

Another difference lies in the submission method. While procurement under Indonesia's national system utilizes the Electronic Procurement Service platform, procurement under foreign funding sources still relies on manual submission of documents, as stipulated by lender guidelines. Scholars such as Jumarni (2018) and Nicoletti (2018) emphasize that electronic procurement systems like SPSE are more efficient and transparent than manual processes. However, due to the binding nature of lender procurement frameworks, the application of Indonesia's e-procurement regulations must often be set aside in the context of foreign-funded projects.

All of the stages mentioned above should ideally be incorporated into a comprehensive procurement schedule prepared during the planning phase of consulting services procurement. When properly scheduled and executed based on lender timelines, the duration of tenders funded through foreign loans—such as those from the SFD—need not be protracted, assuming there are no administrative or procedural delays.

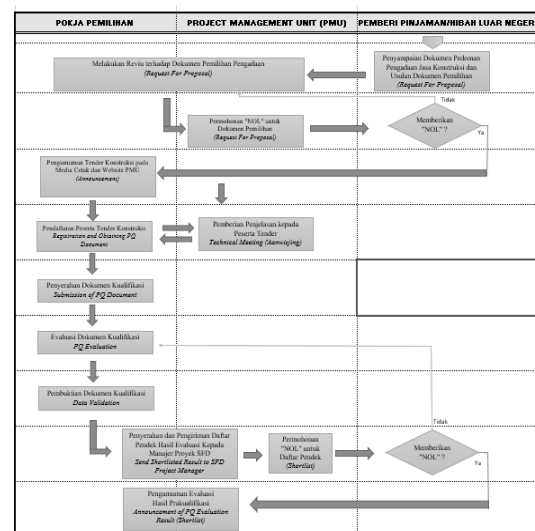


Figure 3. PHLN Tender Process, Pre-Qualification Stage
(Source: SFD Guidelines)

METHODOLOGY

This study applies a qualitative approach through the evaluation of human resource performance during the procurement process of consulting services. The evaluation outcomes serve as the primary basis for the assessment. According to Moha and Sudrajat (2019), a qualitative approach may start with secondary data collection, particularly through a comprehensive literature review. In this research, the data collection process is conducted concurrently with the procurement activities to ensure that the data is both valid and reliable.

The data analysis was performed using NVivo 12 Plus for Windows, a qualitative data analysis software widely used in qualitative and mixed-method research. The software facilitates efficient data management and enables researchers to categorize and code data systematically. It also supports the generation of thematic insights aligned with the study objectives.

The primary data source is field observation, which allows the researcher to directly examine the phenomena occurring

throughout the consulting service tender process. Observation, as defined by Hasanah (2017), is a qualitative data collection method based on empirical evidence and theoretical grounding. The observation period spans from the initial planning of the tender process to the final announcement of the winning bidder. The researcher also collects primary data through semi-structured interviews with key stakeholders involved in the procurement process. They are representatives from the project owner, in this case, the leadership of the unit responsible for managing project implementation at XYZ University.

Additionally, secondary data is collected through a review of relevant literature and Indonesian government procurement regulations. The data is analyzed to identify regulatory frameworks and institutional practices that influence the procurement process and to assess their relevance to the research theme.

FINDINGS

The data processing workflow using NVivo 12 Plus software is illustrated in Figure 4 below.

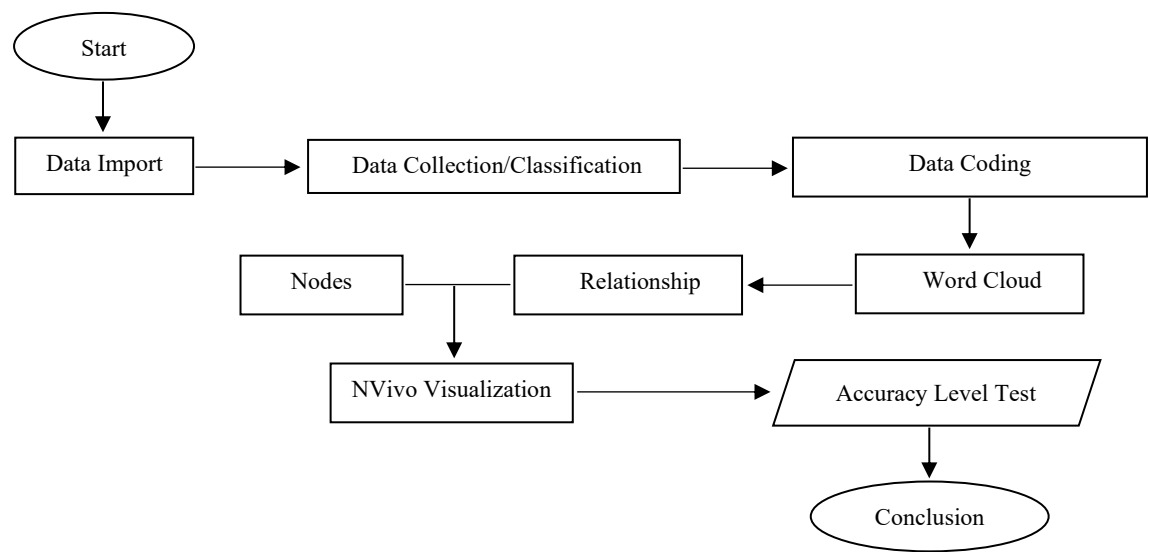


Figure 4. Data Processing Workflow Using Nvivo 12 Plus for Qualitative Analysis

In this study, the most prominent category emerging from the coding process is the regulations governing the consultancy tender process. This main category is further divided into two subcategories: (1) Government Regulations, which cover policies and procedures issued by national procurement frameworks; and (2) SFD Guidelines, which refer to the procurement directives set by foreign lending institutions. All of these processes—node creation, classification, and relationship mapping—are conducted within the NVivo 12 Plus environment.

Name	Address	Created On	Created By	Modified On	Modified By
Acuan Peraturan		01/08/2023 0:22	A	01/08/2023 0:22	A
Peraturan Presiden		01/08/2023 0:22	A	01/08/2023 0:22	A
SFD Guideline		01/08/2023 0:22	A	01/08/2023 0:22	A
Peraturan LKPP		01/08/2023 0:22	A	01/08/2023 0:22	A
Waktu...		01/08/2023 0:22	A	01/08/2023 0:22	A
Memo...		01/08/2023 0:22	A	01/08/2023 0:22	A
Dokumen		01/08/2023 0:22	A	01/08/2023 0:22	A
Syarat Fa...		01/08/2023 0:22	A	01/08/2023 0:22	A
Approval		01/08/2023 0:22	A	01/08/2023 0:22	A
Dokumen yang D...		01/08/2023 0:22	A	01/08/2023 0:22	A
e-procurement		01/08/2023 0:22	A	01/08/2023 0:22	A

Figure 6. Display of Nodes and Relationships between Categories in NVivo 12

Visualization

The data processing stage in NVivo 12 Plus resulted in the classification of regulatory influences into three subcategories: SFD Guidelines, Presidential Regulations, and LKPP Regulations. Given that the consultancy tender process examined in this study is conducted in Indonesia, the Presidential Regulation serves as the primary legal framework governing procurement activities. Complementing this are the LKPP Regulations, which offer technical and procedural guidelines specific to the procurement of consultancy services.

Furthermore, the SFD Guidelines function as a comparative framework. These guidelines are critical in assessing the extent to which international lending rules align or diverge from Indonesia's national regulatory provisions.

The following figure is the visualization results from the NVivo 12 application.

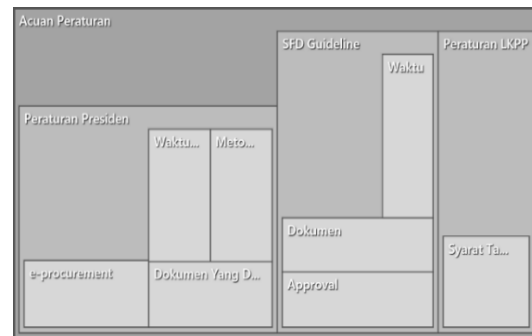


Figure 7. Hierarchy Chart Visualization Using NVivo 12 Application

DISCUSSION

Data processing results show that the most fundamental thing for procuring these consulting services is the regulatory aspect. From the implementation aspect, the manual method required in the lender's guidelines significantly impacts the time difference compared to the tender implementation method with the system stipulated by the Presidential Regulation and LKPP Regulation. It is in line with the study of Guruminda (2019) that the average time required for a pre-qualification tender according to regulations in Indonesia is 61 (sixty-one) days and uses an electronic system. However, the observations indicate that the implementation of this consulting service tender takes more than four months and is also carried out manually.

A fundamental factor contributing to tender delays for foreign-financed projects is the requirement to obtain a No Objection Letter (NOL) at each stage. Typically, a consultancy tender process may involve four to five procedural stages, each necessitating prior approval through NOL. This sequential mechanism introduces a challenge, as the time required to await formal responses from the lender can cause the process to become temporarily stagnant at multiple points.

Faisal et al. (2017) emphasize the importance of synchronizing local and international procurement guidelines to reduce ambiguity and avoid procedural delays. To mitigate the issues, several scholars—Abduh et al. (2022), Firmansyah et al. (2024), Ratnawati et al. (2020), and Relucio and Cruz (2020)—recommend a combination of strategies such as digitalizing procurement stages, providing targeted training on both domestic and lender-specific regulations for procurement officials, and enhancing institutional capacity, particularly in terms of communication skills with international lenders.

Leipold et al. (2017) and Sarlina (2016) further note that international lenders such as the World Bank and the Islamic Development Bank frequently impose rigid procedural standards that often conflict with local practices and lead to inefficiencies and delays. These observations are supported by the findings of this study, which identify manual processes—including paper-based document submission and the requirement for No Objection Letters (NOL) at multiple stages—as significant contributors to procurement delays in Indonesia.

Pane (2017) critiques Indonesia's reliance on Presidential Regulations rather than statutory law for procurement governance. This results in regulatory inconsistency and frequent amendments that hinder legal certainty and enforcement. Thus, there is need for a more stable and unified legal framework, especially to enhance the efficiency of foreign-funded procurement initiatives.

Moreover, Endah and Farista (2018) as well as Kohler and Dimancesco (2020) advocate for the adoption of e-procurement systems, which can streamline procedures, reduce administrative delays, and minimize corruption risks. Nevertheless, as previously discussed, the implementation of such

systems is often constrained by lender requirements that mandate manual procedures and cause tensions between local and international requirements. Guruminda (2019) highlights that although Indonesian law increasingly favors electronic tendering through the SPSE platform, foreign loan-based projects frequently circumvent its use due to restrictive lender's guidelines.

CONCLUSION

The procurement tender process for consulting services studied in this article operates under two regulatory frameworks: the guidelines issued by the foreign lender and the Government regulations. When these two sets of rules intersect, several inconsistencies arise that hinder the effectiveness and timeliness of the tender process. Two issues emerge here:

1. On one hand, national procurement regulations mandate the use of electronic procurement systems, particularly the SPSE (*Sistem Pengadaan Secara Elektronik*). On the other hand, lender guidelines often require the application of manual or face-to-face procedures. This duality leads to procedural inefficiencies, as each tender stage necessitates in-person meetings between the project owner and prospective service providers, which result in a prolonged timeline.
2. In accordance with lender guidelines, each stage of the procurement process must secure a No Objection Letter (NOL) before proceeding. The timeline for completing the tender thus becomes heavily dependent on the lender's responsiveness. The issuance of NOLs can facilitate a more timely process; conversely, delayed responses contribute to the extended duration of the overall tender process.

The procurement of consulting services funded by foreign loans can be optimized through careful preparation. The planning is crucial, particularly for the procurement schedules and the potential challenges of differences between national regulations and lender-specific guidelines. Moreover, procurement stakeholders must possess a comprehensive understanding of both regulatory frameworks. Harmonizing these regulations is vital to fostering a transparent, efficient, and equitable procurement system.

Based on the results of this study, the following recommendations are proposed:

1. **Policy Coordination:** Establish a dedicated task force or governing body to coordinate efforts between national regulatory institutions (e.g., LKPP) and foreign lenders. This body should work toward integrating key elements of lender guidelines into Indonesia's procurement legal framework to reduce regulatory conflicts and procedural delays.
2. **Standardized Documentation:** Develop unified documentation templates that comply with both domestic and foreign regulations, including the provision for No Objection Letters (NOL). This approach can help streamline the approval process and minimize redundancy.
3. **Digitalization of Procurement Processes:** Advocate for the broader application of electronic procurement systems (such as SPSE) even in foreign-funded projects. Where manual submission is mandated by lenders, negotiate for the acceptance of secure digital alternatives to improve efficiency and transparency.
4. **Automated NOL System:** Collaborate with financing agencies to implement an automated NOL tracking and approval system. This system should facilitate faster responses, reduce administrative downtime, and increase accountability.
5. **Specialized Training:** Provide training programs for procurement officers and stakeholders that focus on both national and international (lender) guidelines. The programs should emphasize dual compliance and strategies to handle procedural discrepancies effectively.
6. **Guidelines Mapping Document:** Develop a comparative mapping guide that outlines the intersections and divergences between Indonesia's procurement regulations and those of major international lenders. This resource may ensure procedural alignment at each stage of the tender process.
7. **Review and Reform of the NOL Process:** Work with international lenders to review the necessity and frequency of NOLs. One potential reform is the adoption of a consolidated NOL that covers multiple stages of the procurement process.
8. **Conditional NOLs:** Promote the implementation of conditional NOLs, in which lenders issue pre-approvals based on the fulfillment of predefined criteria. This can help maintain procedural integrity while accelerating project timelines.
9. **National Procurement Manual for Foreign Loan Projects:** Draft a comprehensive national guideline manual specifically for managing procurement processes with foreign loans. This manual should reconcile domestic legal provisions with lender-specific requirements.
10. **Clear Role Definition:** Clearly define the roles and responsibilities of each stakeholder involved in foreign loan-funded procurement projects. Clear duties can foster accountability, reduce role ambiguity, and enhance coordination.

11. Stakeholder Engagement: Institutionalize regular consultative forums between Indonesian procurement authorities (e.g., LKPP) and international lenders. These platforms will facilitate dialogue on policy updates, regulatory interpretations, and operational challenges.

12. Feedback Loops: Develop feedback mechanisms that allow stakeholders of foreign loan-financed projects to share insights and recommendations. This continuous feedback process can help regulatory improvements and ensure that policy revisions are responsive to the existing realities and expectations.

By focusing on these strategic areas, stakeholders can reduce procedural inefficiencies in foreign-funded procurement projects. The recommendations will improve coordination, enhance process predictability, and foster a more transparent and efficient procurement system.

ABOUT THE AUTHOR

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