



Administrative Justice in E-Purchasing Mini-Competitions: Legal Protection for Business Actors Against Performance-Based Specification Disputes

***Anggara Rawijayadi**

Universitas Negeri Semarang,
Indonesia

Martitah

Universitas Negeri Semarang,
Indonesia

Ristina Yudhanti

Universitas Negeri Semarang,
Indonesia

***Corresponding author:**

Anggara Rawijayadi, Universitas Negeri
Semarang, Indonesia.

✉ anggararawijayadi@students.unnes.ac.id

Article Info:

Article history:

Received: August 10, 2026

Revised: September 15, 2026

Accepted: September 17, 2026

Keywords:

Administrative Justice;

Digital Public Procurement;

E-Procurement;

Mini-Competition;

Performance-Based Specification



This is an open access article under the CC
BY-SA license.

Copyright © 2026 by Author. Published by
Politeknik Siber Cerdika International

Abstract

Background: Performance-based specifications in e-purchasing mini-competitions can broaden technical evaluation discretion, while the studied 2025 workflow did not provide a dedicated, structured administrative objection channel for unsuccessful business actors.

Objective: This study examines the absence of a formal administrative objection mechanism in Indonesia's e-procurement mini-competition scheme and its implications for administrative justice in digital public procurement. Although electronic catalogs aim to improve efficiency and transparency, practices within the Ministry of Law in 2025 revealed procedural gaps, particularly in procurements involving performance-based specifications.

Methods: This study employs a socio-legal empirical approach using grounded theory analysis, through semi-structured interviews with three Commitment-Making Officials (PPKs) and two business entities that filed objections, together with observation of administrative practices and review of official mini-competition documents from August to November 2025.

Results: The findings indicate that performance-based specifications expand the CMOs' technical discretion. At the same time, the lack of formal objection channels encourages unsuccessful participants to submit informal objections via the system's messaging feature. This practice reflects an unmet need for structured administrative safeguards within the digital procurement framework. Conceptually, this study introduces the "missing objection mechanism" to describe the structural imbalance between technological efficiency and procedural safeguards. In practice, the study's findings recommend strengthening administrative objection mechanisms in mini-competitions with performance-based specifications.

Conclusion: Within the Ministry of Law mini-competitions examined, procedural legitimacy was strengthened when system traceability was accompanied by a clear opportunity for affected business actors to seek administrative correction; this case-specific finding requires validation in other procurement settings.

To cite this article: Rawijayadi, A., Martitah, Yudhanti, R. (2026) Administrative Justice in E-Purchasing Mini-Competitions: Legal Protection for Business Actors Against Performance-Based Specification Disputes. *Journal of Law & Social Politics*, 4 (4), 1110-1124. <https://doi.org/10.59261/jlsp.v4i4.269>

INTRODUCTION

The digitization of public goods and services procurement through e-purchasing schemes based on electronic catalogs has been positioned as a key instrument in national bureaucratic reform. This transformation is intended to accelerate procurement processes, enhance transparency, and strengthen accountability through an electronically documented, 1110 | Journal of Law & Social Politics

systematically traceable system (Amalia et al., 2023). Several studies indicate that implementing e-procurement can reduce the risk of irregularities and improve governance quality when supported by adequate regulatory design and oversight (Jiménez et al., 2022). However, the experiences of various countries, including Indonesia, demonstrate that digitization does not automatically eliminate opportunities for abuse of authority if oversight institutions are not functioning effectively (Cobbe, 2019). In the empirical corpus used here, the analysis covers 16 mini-competition packages implemented within the Ministry of Law in 2025; this figure is treated as the study denominator and not as evidence that e-purchasing dominates all ministry procurement methods.

In practice, electronic catalogs still leave loopholes that invite administrative deviations. Weak substantive controls, disparities in legal literacy among business actors, and unequal access to technical information are factors that affect the quality of competition (Bayrashev, 2024). Procurement governance literature emphasizes that electronic systems are merely neutral instruments; their effectiveness depends on the integrity of procedural design and the capacity of the institutions managing them (Arrowsmith, 2014). In this context, e-purchasing that does not involve open competition or relies solely on negotiations with a single business entity often creates the perception that the procurement process is closed off (Wibowo, 2023).

In response to these dynamics, the government is promoting the adoption of mini-competition mechanisms in e-purchasing to strengthen healthy and proportional competition. This reformulation marks a shift in policy orientation from mere administrative efficiency toward strengthening governance based on accountability and fairness (Anto et al., 2023). Empirical studies on the impact of e-procurement indicate that a more open competition design is associated with reduced corruption risks and improved public contract quality (Puspita & Gultom, 2024). Thus, mini-competitions are projected as an instrument capable of maintaining a balance between the efficiency of electronic systems and the principles of healthy competition.

Within the Ministry/Agency (M/A) environment as users of the State Revenue and Expenditure Budget, this policy holds strategic significance. Mini-competitions are designed to bring together registered suppliers in the electronic catalog to compete based on similar specifications within a measurable procedural framework (Permata, 2024). However, its implementation in the field reveals more complex dynamics, particularly in procurements with performance-based specifications that do not specify particular brands. In such circumstances, the Commitment-Making Official (PPK) plays a central role in determining compliance with technical parameters and selecting the winner (Lumaing et al., 2023).

The PPK's discretion in assessing specification compliance is often not balanced by adequate clarification or objection mechanisms for unsuccessful bidders. Modern administrative law literature emphasizes that any expansion of discretion must be accompanied by clear accountability mechanisms and administrative controls to maintain the legitimacy of public decisions (Bovens, 2007). Without explicit procedural safeguards, suppliers' dissatisfaction can escalate into administrative disputes that lack a definitive forum for redress (Sukri & Erliyana, 2022).

Several recent studies also indicate that mini-competitions in e-procurement often become trapped in a price-oriented approach, with price as the primary evaluation parameter (Wibawa, 2024). This approach is indeed effective in reducing budgets, but it risks shifting focus away from technical quality and the sustainability of suppliers' operations. Within the Ministry of Law, pressure to meet spending targets and achieve annual performance goals also influences decision-making patterns that prioritize administrative efficiency over procedural safeguards (Gunawan & Mutaqin, 2024).

From an administrative law perspective, any decision by a government official that produces legal consequences for citizens or private legal entities must, in principle, be subject to administrative correction mechanisms. Law No. 30 of 2014 on Government Administration emphasizes the importance of administrative objections and appeals as forms of non-judicial legal protection before disputes are brought before the Administrative Court (UU No. 30 Tahun 2014 Tentang Administrasi Pemerintahan). However, empirical studies show that the effectiveness of administrative remedies is often hampered by the lack of detailed, consistent procedural designs (Safitri & Sa'adah, 2021).

In the context of digital procurement within the Ministry of Law's organizational units in 2025, these challenges take on a new dimension. Digitalization accelerates the provider selection process and reduces direct interaction, but it also has the potential to narrow the space for administrative dialogue between government administrative bodies and business actors (Halachmi & Greiling, 2013). The literature on digital accountability emphasizes that the mere existence of formal channels does not automatically guarantee procedural justice without institutional commitment and consistent follow-up mechanisms (Welinder, 2024).

Although several studies have addressed e-purchasing, the existing literature has not yet specifically examined administrative legal protection for businesses engaged in e-purchasing through mini-competitions. Studies on e-purchasing in Indonesia have so far tended to focus on regulations, budget efficiency, and business competition (Utami et al., 2024). Some studies highlight the relatively permissive and optional nature of e-procurement regulations, as there are no clear provisions regarding the criteria for determining the method (negotiation or mini-competition). Meanwhile, administrative law literature mostly discusses general administrative efforts without specifically linking them to digital procurement practices at the ministry/agency level. Consequently, there is a research gap in understanding: (i) how PPK within the Ministry of Law interpret their authority in mini-competitions; (ii) how business actors experience the absence of an appeal mechanism; and (iii) how these practices shape the patterns of administrative legal protection that actually occur in the field.

Based on these issues, the primary focus of this study is to analyze the absence of formal appeal mechanisms in e-purchasing mini-competitions within the Ministry of Law and to conceptually formulate a design for administrative legal protection that balances technical discretion with procedural justice guarantees for business actors. The study contributes theoretically by specifying a procedural-safeguard problem in digital administrative law and practically by identifying design issues relevant to LKPP and e-catalog governance, especially the need for reviewable technical reasons and a structured correction channel in performance-based mini-competitions.

METHODS

This study employed a juridical-empirical method with a socio-legal approach to analyze the interrelationship between procurement law norms and administrative practices in e-purchasing mini-competitions within the Ministry of Law in 2025. This approach was chosen because it allows law to be understood not only as a normative text but also as a living social practice influenced by institutional dynamics and administrative power relations (Pradhani, 2023). The research is qualitative in nature, employing a grounded theory design to develop an inductive conceptual understanding of the phenomenon, formulated in this study as the "missing objection mechanism," in line with developments in empirical legal research that emphasize integrating normative data and practical realities (Noor, 2023).

Data collection was conducted through semi-structured interviews with three PPKs and two business entities that filed objections, observation of administrative practices, and a review of official documents from the mini-competition held from August to November 2025. Respondents were selected using purposive sampling based on direct involvement and relevance to performance-based specification disputes, and further developed through theoretical sampling to deepen the conceptual categories that emerged during the analysis (Foley et al., 2021). Data were systematically analyzed through open, axial, and selective coding stages to identify patterns of inter-category relationships until an integrated theoretical construct emerged, as recommended in contemporary qualitative methodology (Denzin & Lincoln, 2011).

The validity of the findings was ensured through triangulation of data sources: interviews, observations, and documents, so that the resulting interpretations have an empirical foundation that is academically accountable (H. Morgan, 2024). The normative problem of absent formal objections guided case selection, but the label "missing objection mechanism" was not used as an a priori coding category; it was formulated after open and axial coding repeatedly linked expanded technical discretion, informal messaging-based objections, and the absence of a structured corrective step. Participation was voluntary, interview material was anonymized by role, and commercially sensitive procurement information was reported only in aggregated or non-

identifying form.

RESULTS AND DISCUSSION

Result

Administrative Discretion in E-Purchasing Mini-Competitions

The implementation of goods and services procurement within the Ministry of Law in 2025 included the e-purchasing mini-competition packages analyzed in this study. This situation marks a gradual shift away from other selection methods, such as direct procurement, direct appointment, tendering, and selection, toward digitalization via electronic catalog platforms. However, there is an imbalance in the utilization of electronic catalog features. The e-purchasing scheme involving single-source negotiation with a single business entity appears to be used more frequently than the mini-competition scheme ([Lembaga Kebijakan Pengadaan Barang/Jasa Pemerintah \(LKPP\), 2025](#)). Based on the summary of the 2025 mini-competition packages in Table 1, of the 16 procurement packages using the mini-competition scheme, 14 used brand/type-based specifications, while only 2 used performance-based specifications. Because the dataset does not provide a denominator for all Ministry of Law procurement packages and methods in 2025, no claim is made here that e-purchasing was the dominant procurement method overall.

Table 1

List of Ministry of Law 2025 E-Procurement Packages Using the Mini-Competition Scheme

Procurement Package Name Goods/Services	Approach Specifications	Mini-Competition Participants	Objections
Security Software	Brand/Model	3	-
Security Hardware	Brand/Type	3	-
License Extension	Brand/Model	2	-
Integrator Software License			
Firewall License Renewal	Brand/Model	3	-
Server, Network &	Brand/Model	2	-
Security Device License	Brand/Model	2	-
Renewal	Performance-Based	6	2
Containment Hardware License Renewal			
Storage Hardware			
Electronic Equipment	Brand/Type	2	-
Office Furniture and Supplies	Brand/Type	7	-
Server Core App and	Performance-Based	10	-
VMware Licenses	Brand/Type	6	-
Adobe Creative Cloud Pro	Brand/Type	3	-
for Teams License	Brand/Model	2	-
Renewal	Brand/Model	3	-
Checkpoint License Renewal			
Harmony Advance Endpoint Antivirus Licenses			
Backup Software Licenses			
Adobe Acrobat Pro for Enterprise License	Brand/Type	4	-
Renewal	Brand/Type	3	-
Cisco Smarnet ATS License Renewal			

Source: <https://sirup.inaproc.id/sirup/rekap/klpd/K55> and the Goods and Services Procurement

Unit of the Ministry of Law, January 19, 2026 (processed)

These limited quantitative findings have important methodological implications. The dominance of brand/type specifications indicates that in most cases, the scope for technical interpretation is relatively narrow because the parameters for proof have been defined deterministically. Conversely, one of the performance-based packages became the locus of objections and differing interpretations.

Thus, Table 1 not only presents the distribution of specification methods but also shows a descriptive pattern in which the observed objection cases occurred in the small subset of performance-based packages. This pattern supports the analytical category that greater specification openness appears associated with greater procedural uncertainty in the cases observed, without establishing a statistical or generalizable relationship (Ard & Crotoof, 2023).

The objection practices carried out by PT SIP and PT SIS through the messaging feature in the electronic catalog demonstrate that although the e-procurement system does not provide a formal objection mechanism, business entities still seek avenues for administrative correction when they feel aggrieved. This phenomenon indicates that participants understand mini-competition decisions as administrative decisions with legal and economic consequences and thus as normatively worthy of challenge. In the context of procurement law, such objections can be understood as a form of administrative appeal (administrative review), namely a response from interested parties to public officials' decisions deemed to have negative implications, particularly during the evaluation stage that determines the winner (Sinaga & Erliyana, 2022).

The differing nature of the objections between PT SIP and PT SIS reveals two distinct dimensions of evaluation: an administrative aspect based on a pass-or-fail criterion and a technical, performance-based aspect that allows for interpretive leeway. The rejection of PT SIP falls within the realm of objective minimum compliance. In contrast, the dispute involving PT SIS arises from differing interpretations regarding the standard of proof for meeting performance-based specifications (generic/performance approach). Although LKPP Regulation No. 9 of 2021 has legitimized mini-competitions as a tool for price efficiency in e-procurement, its implementation has instead triggered differing interpretations and increased complexity in the technical evaluation stage among procurement stakeholders. In this context, the PPK's discretion becomes increasingly significant, as the final decision depends not only on price figures but also on the legitimacy of the technical evidence.

The dispute over the use of public datasheets versus power sizers as evidence underscores that the main issue lies not solely in performance metrics, but in technical clarification standards that are administratively accountable. The PPK's emphasis on publicly accessible information sources reflects efforts to maintain transparency and accountability in evaluations, in line with digital governance principles that require data openness as a prerequisite for the legitimacy of decisions (OECD, 2024). However, the literature on e-procurement also indicates that a focus on formal transparency does not always resolve substantive issues without detailed and uniform evaluation guidelines (OECD, 2024). It is this inconsistency in proof standards that expands the potential for procedural uncertainty in performance-based mini-competitions.

The PPK's obligation to conduct substantive reviews of all participants' technical documents, including brochures, certificates, and other supporting information, constitutes an inherent administrative responsibility of the position. In studies of administrative law and public procurement, this responsibility is viewed as an instrument to ensure the quality of procurement outcomes while safeguarding the state's interests (Brien, 2023). However, the broad authority to determine evaluation standards and select the winner also places the PPK in a central position, making it vulnerable to criticism if not balanced by clear corrective mechanisms. Recent research on procurement accountability emphasizes that the concentration of authority, without an effective grievance system, can weaken the principle of checks and balances in public administration (Brunjes et al., 2023).

The comprehensive review conducted by the PPK of bid documents and all technical attachments confirms that evaluation in mini-competitions is not merely an administrative verification, but a substantive assessment process that determines the legitimacy of procurement outcomes. This evaluation aims to ensure that bids align with user needs and the technical

specifications established during the planning stage. Current literature on electronic procurement indicates that the quality of evaluation is largely determined by the consistency of evidentiary standards and the capacity of officials to integrate formal and substantive aspects proportionally (Boechat et al., 2023). When non-compliance with established requirements is found, the normative consequence is the participant's disqualification, and the continuation of the evaluation to the next participant reflects the principle of legal certainty in administrative procedures (Darmawan, 2022). However, in the context of digital governance, the concentration of evaluative authority in a single administrative actor still requires adequate oversight design to prevent the blurring of accountability principles and the balance of power (Langer, 2024).

Table 2

History of Regulations and Objection Mechanisms in Government Procurement of Goods and Services (specifically Procurement of Other Goods or Services, 2010–present)

Period	Regulatory Regime in Effect	Procurement Selection Method for Other Goods and Services	Objection Mechanism
2010–2018 (E-Purchasing Not Yet in Use)	Presidential Regulation No. 54 of 2010		- Qualification Objection
2010–2018 (E-Purchasing Introduced and Progressively Regulated)	Presidential Regulation No. 70 of 2012	Tender:	- Objection
	Presidential Regulation No. 172 of 2014	- Public Tender	- Appeal (auctions only)
	Presidential Regulation No. 4 of 2015	- Simplified Tender	
		Direct Award	
		Direct Procurement	
		Contest/Competition	
2018–2021 (Known as E-Purchasing, Negotiations Only)	Presidential Regulation No. 16 of 2018	E-Purchasing	Objection (Tender only)
		Direct Procurement	
		Direct Appointment	
		Fast Tender	
		Tender)*	
2021–2025 (E-Procurement Typically Involves Negotiation, Known as Mini-Competition 2025)	Presidential Regulation No. 12 of 2021	E-Procurement:	Objection (Tender only)
		- Negotiation	
		- Mini-Competition)*	
		- Competitive Catalog	
		Direct Procurement	
		Direct Award	
		Fast Tender	
		Tender)*	
2025 – present (Optional E-Procurement: Negotiation and Mini-Competition)	Presidential Regulation No. 46 of 2025	E-Purchasing:	Objection (Tenders only)
	Ministry of Finance Regulation No. 93 of 2025	- Direct Purchase	No objection mechanism in mini-competitions (direct complaint)
		- Negotiation	
		- Mini-Competition	
		Direct Procurement	
		Direct Award	
		Fast Tender	
		Tender	

Source: Government Goods and Services Procurement Policy Agency, jdih

Research findings indicate that, despite the technical mechanisms of the e-procurement system, there remains significant administrative discretion in implementing mini-competitions within the Ministry of Law in 2025. Mini-competitions do not merely function as mechanical digital procedures but serve as an institutional arena where the professional judgment of the

Procurement Planning Committee (PPK) interacts with the limitations of the electronic system. Out of the 16 procurement packages analyzed, a consistent pattern emerged: packages with brand/type-based specifications tended to proceed more smoothly because their proof standards were clear and easily verifiable, whereas performance-based packages, such as storage procurement, were more prone to objections due to the broad scope for interpretation of performance indicators. This aligns with recent studies confirming that procurement digitization does not eliminate discretion but shifts it to the technical evaluation stage, which requires more complex professional justifications (Hoekman & Onur Taş, 2024).

From an administrative law perspective, objections to the results of mini-competitions should be understood as a form of administrative effort to test the legality and rationality of government officials' decisions. Such administrative efforts serve as an internal corrective mechanism to maintain the balance between bureaucratic effectiveness and the protection of business operators' rights (Nida, 2022). However, in performance-based procurement such as the PT SIS case, the flexibility of technical specifications broadens the scope of interpretation for the Contracting Authority (PPK), particularly regarding clarification standards; for example, the debate between the obligation to attach a publicly accessible datasheet and the use of an internal sizing tool. When specification clarification standards are not explicitly formulated from the outset, normatively legitimate discretion can become a source of friction and procedural uncertainty.

These conditions indicate that the primary issue with performance-based mini-competitions is not merely technical, but rather the gap between the complexity of evaluation and the availability of administrative correction mechanisms. Without clarity on evaluation parameters and the reinforcement of checks and balances, disputes are triggered not only by the outcome but also by the perception of a lack of transparency in the process. Current literature on electronic procurement confirms that open specifications can indeed expand market participation, but without clear evaluation guidelines, they actually increase the risk of administrative disputes (Gorgun et al., 2025). Therefore, the PPK's discretion must remain governed by the General Principles of Good Governance (AUPB), particularly the principles of legal certainty, objectivity, and transparency, so that administrative decisions remain proportional and accountable (Hakim & Amnesti, 2022).

Based on the results of interviews, observations, and a review of documents from the 2025 mini-competition, it was found that the use of performance-based specifications was perceived to expand substantially the scope for technical interpretation in evaluations. Unlike brand- or type-based specifications, which are determinative, generic specifications allow for various methods of proof that are not always uniform. This situation underscores that in digital procurement systems, discretion does not disappear but shifts to a more complex realm of technical interpretation, requiring more detailed procedural regulations to ensure administrative fairness.

Procedural Uncertainty and the Absence of an Objection Mechanism

Upon comparative analysis, no administrative objections were found for the 14 brand/type-based packages recorded in the mini-competition documents. Conversely, objections only arose in performance-based packages (see Table 1). This data reinforces the argument that the issues with mini-competitions do not lie solely in the digital mechanism itself, but rather in the design of specifications that leave room for technical interpretation without structured evaluation guidelines.

Procuring storage hardware through a performance-based specification approach demonstrates that market openness and expanded business participation do not necessarily lead to procedural certainty. Performance-based specifications are designed to avoid restrictions on specific brands or models, thereby fostering broader, more inclusive competition and preventing the process from being steered toward particular products. However, in practice, when various brands offer different system architectures, technical configurations, and performance verification methods, the evaluation process is no longer a simple administrative verification. Technical evaluation instead shifts to an interpretive process requiring professional judgment regarding functional equivalence and performance adequacy.

In this context, the lack of uniformity in the forms of proof becomes a crucial issue. Some

participants rely on official datasheets published by manufacturers and accessible to the public, while others use internal computational sizing tools that require special authentication. This discrepancy raises a fundamental question regarding the standards of evidence legitimacy: what kind of evidence can be considered valid, transparent, and verifiable by all parties? This situation places the PPK in a position that is not only administrative but also normative, as it must determine the most accountable evaluation standards within the applicable legal framework.

Under such conditions, the PPK generally adheres to the General Principles of Good Governance (AUPB) as a normative reference to maintain the integrity of decision-making. The GPGP serves as an ethical and legal framework that ensures that every action and policy of government officials is grounded in rational, proportional, and accountable considerations. Through the GPGP, discretion is not exercised freely, but is directed to remain within the bounds of lawful authority and to avoid potential abuse of power (Kunarti & Kartono, 2018).

The relevant principles in this context include legal certainty, which requires clear and consistent standards; objectivity or impartiality, which requires that evaluations be based on justifiable technical criteria; and openness or transparency, which requires that the reasons and basis for decisions be accessible and understandable to interested parties. Thus, in performance-based procurement, the AUPB serves as a normative framework to bridge the tension between technical flexibility and the need for procedural certainty.

Conceptually, this situation indicates a shift from normative certainty rooted in detailed, uniform written rules toward certainty that relies more heavily on the quality of professional justifications offered by decision-making officials. Evaluation standards and procedures, such as those in the mini-competition mechanism using a brand-and-type approach, have been clearly defined in LKPP Head Decision No. 93 of 2025 on the Implementation of E-Purchasing via the Electronic Catalog Using the Mini-Competition Method, thereby limiting the scope for interpretation. Conversely, in the context of performance-based specifications and high-tech procurement, certainty is more a function of the official's ability to rationally explain the basis for their considerations, including the technical reasons underlying a decision. In other words, the legitimacy of a decision is no longer measured solely by its conformity with the text of the regulations, but also by the quality of the accompanying professional arguments.

In modern public administration, particularly in policies involving complex technologies, government officials are required to balance accountability demands with the technical complexity of the policy subject matter (Eriksen, 2021). Decision-making cannot be fully standardized because it requires evaluating context-specific technical data, system performance, and functional equivalence. However, in the practice of e-procurement through mini-competitions, this transformation is not always accompanied by the design of procedures that provide clear direction and boundaries for the exercise of such discretion. When standards of proof and evaluation methods are not explicitly and transparently formulated, the scope for interpretation widens without firm guidance.

Consequently, uncertainty that is initially technical in nature, such as differences in how compliance with performance-based specifications is demonstrated, can evolve into legal uncertainty. Business entities lack adequate guidance on which standards will be used to evaluate their bids, how evidence will be verified, and the extent to which opportunities for clarification are available. This situation risks undermining perceptions of procedural fairness because participants cannot predict evaluation parameters with certainty.

Various studies on electronic procurement in developing countries during the 2021–2026 period indicate that the use of performance-based specifications indeed broadens competition and drives product innovation (Gunawan & Mutaqin, 2024). However, other literature emphasizes that such expanded competition risks triggering disputes if not accompanied by clear evaluation guidelines and transparent, accountable clarification mechanisms (Wang, 2020). The findings of this study reinforce this trend by showing that the issue does not lie in the openness of the specifications themselves, but rather in the absence of structured normative references regarding standards of proof and evaluation methods in mini-competitions. Without such clarity, the shift toward certainty grounded in professional justification can create legal ambiguity that directly affects the position and legal certainty of business actors.

In the realm of public procurement law, the principles of fairness and healthy competition

require not only market openness but also guarantees of an accountable evaluation process (Morais & Santos, 2024); therefore, the lack of clarity regarding technical standards of proof in performance-based specifications has the potential to erode that balance.

Conversely, in the e-procurement scheme, particularly through the mini-competition mechanism, equivalent objection provisions are not explicitly found in the applicable regulations. Although the mini-competition process still results in an administrative decision in the form of the selection of a winning supplier, which has tangible legal and economic implications for participants, the system does not provide a structured formal objection channel as in traditional tenders. The absence of such a mechanism creates an imbalance in procedural protections, as mini-competition participants lack clear administrative remedies to challenge or seek review of the decision.

This gap highlights a disparity in legal protection standards between selection methods that essentially both result in binding administrative decisions. In the context of public procurement, where the decision to select a winner can significantly affect the rights and interests of business entities, the absence of an explicit appeal mechanism in mini-competitions may undermine the principle of administrative justice. This comparison also underscores that the digitization of procurement methods has not yet been fully accompanied by the harmonization of administrative correction mechanisms equivalent to those in the conventional tender regime.

One of the most significant findings in this study is that mini-competition participants used the electronic-catalog messaging feature to submit objections because no dedicated formal objection channel was available in the observed workflow in the electronic catalog, even though it was not designed as a formal appeal mechanism. Objections submitted through this communication channel indicate a real need for a space for administrative redress that is not accommodated in the system's design. Instead of using structured procedures with legal certainty, business actors must take an informal route that depends on the responses and internal policies of the authorized officials.

The observed expansion of technical discretion, when not accompanied by sufficiently detailed evaluation criteria, was associated with procedural uncertainty in the studied performance-based mini-competitions. Article 50 of the procurement framework provides an objection stage for Tenders/Selections, while appeals are specifically regulated for Construction Works; it does not establish a general right to objection and appeal before PTUN for every procurement category. The absence identified here concerns the lack of an equivalent structured objection channel within the mini-competition workflow examined.

Conversely, in mini-competitions, such provisions are not explicitly found. Under these circumstances, business entities still submit objections through the messaging feature on the electronic catalog. Although this feature is not designed as an official objection mechanism, this practice indicates a need for administrative corrections that have not yet been institutionalized within the system.

Conceptual Formulation of the "Missing Appeal Mechanism"

The analysis of the data in Table 1 was conducted using a comparative-qualitative approach, linking the specification approach to the occurrence or absence of administrative disputes. This approach allows for the identification of relational patterns between the technical design of procurement and the dynamics of administrative legal protection in mini-competitions.

This practice reveals a gap in the design of administrative remedies in mini-competitions. The absence of an explicit appeal mechanism leaves businesses operating in a procedurally uncertain space, without guarantees regarding resolution timelines, review standards, or the obligation to provide a measured response. Under such conditions, the protection of procedural rights is suboptimal because there is no certainty about how objections will be processed or whether they will have normative consequences for decisions already made.

Furthermore, this situation indicates that business actors do not view the outcome of the mini-competition merely as a technical output of an administrative routine electronic system. Instead, they interpret it as an administrative decision carrying tangible legal and economic implications for their business positions and interests. Therefore, such a decision is normatively deemed worthy of being questioned, reviewed, and even having its legitimacy and rationality

tested.

The phenomenon of the “missing appeal mechanism” in mini-competitions demonstrates that digitalization does not eliminate administrative discretion but rather transforms it into technical parameters legitimized by the system, a condition referred to in the literature as the reconfiguration of power within algorithmic governance (Alshallaqi, 2024).

From the perspective of legal consciousness, the actions of business actors who continue to file objections despite the absence of a formal mechanism reflect a sufficiently developed level of legal awareness. They perceive themselves as legal subjects entitled to fair treatment in procedural terms. This attitude reflects a normative expectation that any decision affecting their interests should be accompanied by an opportunity to seek clarification and reconsideration through legitimate and accountable channels.

For small business owners, this situation highlights a more tangible dimension of structural inequality. They face administrative decisions based on high-level technical discretion, yet lack equal access to corrective measures or formal instruments to counterbalance them. When formal avenues are unavailable, informal objections via messaging features become both a survival strategy and a form of “procedural resistance.” Such actions are not merely expressions of dissatisfaction but efforts to fill institutional gaps and maintain their position within structurally unequal relationships. Thus, this experience reveals a social dimension of procurement disputes rarely explored in normative studies: how businesses actively respond to systemic limitations to advocate for their procedural rights.

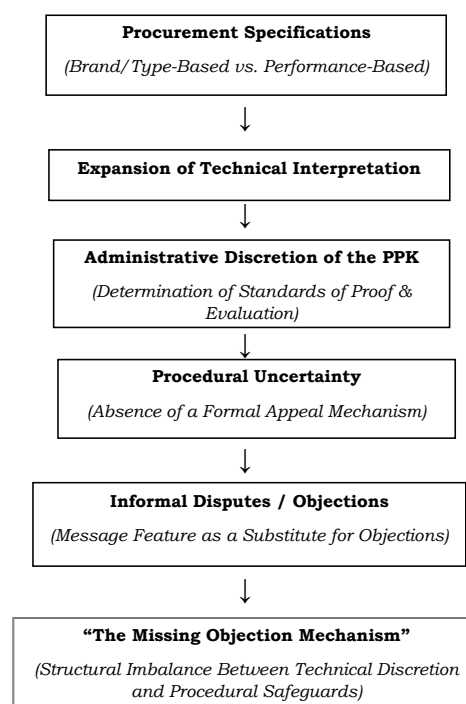


Figure 1. The Flow of Procedural Uncertainty in E-Purchasing

Source: Author’s analysis. Description: This chart illustrates how a shift in specifications toward performance without a formal control system creates a deficit in legal protection for providers.

The conceptual model of the “missing challenge mechanism” gains empirical validity through the concrete experiences of informants, while also finding theoretical justification in the literature on administrative justice and public accountability. A PPK stated that in performance-based specifications, the scope for discretion becomes broader because the standards of proof are not entirely determinative:

“If it is performance-based, we have to assess whether those parameters can actually be proven. That is where the scope for discretion becomes greater.” (PPK-1, 2025)

This statement confirms that administrative discretion does not diminish in a digital system but rather shifts toward technical evaluations requiring professional interpretation. A fair bureaucratic design requires internal corrective mechanisms to balance broad administrative

authority (Bertelli & Busuioc, 2021). When discretion is expanded without clear corrective mechanisms, the legitimacy of decisions becomes dependent solely on officials' authority, rather than on a procedural architecture that ensures balance.

From the business operators' perspective, the uncertainty regarding proof standards is perceived as procedural ambiguity:

"We do not know the benchmark. Do we need a public datasheet, or can official tools also be used? There are no clear rules." (Vendor-2, 2025)

This finding aligns with procedural justice theory, which emphasizes that perceptions of rule clarity heavily influence the legitimacy of public decisions, the opportunity to be heard, and the transparency of decision-making rationale (Ruder & Woods, 2020). When standards of proof are not explicitly formulated, business actors question not only the outcome but also the fairness of the process.

Furthermore, the use of the messaging feature as an informal channel for objections indicates a need for accountability that is not formally institutionalized. Public accountability requires mechanisms through which decisions can be held accountable, challenged, and evaluated by those affected (Han, 2023). When the mini-competition lacks an official appeal mechanism, the system loses one of the key elements of that accountability cycle. The practice of lodging objections via the messaging feature serves as a spontaneous substitute for that structural void.

Thus, these empirical findings not only reveal local dynamics in storage procurement but also enrich the international discourse on how the digitalization of administration can expand discretion without simultaneously strengthening the design of administrative checks and balances. The concept of the "missing appeal mechanism" represents the intersection of the expansion of technical discretion and procedural deficits, while affirming that the legitimacy of digital procurement depends on integrating system efficiency with tangible guarantees of procedural justice.

Based on the results of empirical analysis, the relationship between technical specifications, administrative discretion, and the emergence of disputes in mini-competitions can be understood as a progressive causal chain. The use of performance-based specifications broadens the scope of technical interpretation because the parameters of proof are not entirely determinative, unlike those in specifications based on specific brands or types. This expansion of the scope of interpretation implies a strengthening of the administrative discretion of the Commitment-Making Official (CMO), particularly in determining technical proof standards and evaluation methods deemed valid and accountable.

When a structured administrative objection mechanism does not balance this discretion, procedural uncertainty arises for business actors. The absence of a formal objection mechanism in mini-competitions encourages participants who feel aggrieved to use informal channels, such as the messaging feature in the electronic catalog system, as a substitute for administrative recourse. Conceptually, this pattern leads to the emergence of a phenomenon, formulated in this study as the "missing appeal mechanism," a structural imbalance between the expansion of technical discretion and the absence of procedural safeguards in digital procurement.

The integration of these empirical findings results in a conceptual formulation referred to in this study as the "missing appeal mechanism." This concept describes the structural conditions in e-purchasing mini-competitions where:

- a. the decision to select a provider has tangible legal and economic implications;
- b. performance-based specifications expand the PPK's scope of technical discretion;
- c. the system does not provide an explicit and structured administrative objection mechanism.

In the context of digital administrative law, this phenomenon reflects the paradox of digital bureaucracy: digitization enhances document efficiency and traceability. However, it does not automatically guarantee the availability of procedural correction mechanisms (Halachmi & Greiling, 2013). Various recent studies on electronic procurement governance also indicate that digital systems tend to prioritize quantitative indicators such as price. At the same time, quality assessments remain dependent on officials' professional interpretation (Winata & Samangun, 2024).

Thus, digitization does not eliminate administrative discretion but shifts it into the realm of technical evaluation based on electronic systems. When administrative correction mechanisms

are not adequately designed, technical uncertainty evolves into legal uncertainty. In this context, the main problem with mini-competitions lies not solely in efficiency or price competition, but in the imbalance between the technical complexity of procurement and the design of administrative and legal safeguards.

CONCLUSION

The findings of this study indicate that digital transformation in public procurement does not automatically strengthen the rule of law, despite promising procedural efficiency and transparency. In e-procurement mini-competitions, the expansion of technical discretion that arises from the use of performance-based specifications is not offset by an adequate design of administrative remedies. This situation highlights a tension between technocratic rationality and constitutional guarantees of fair legal protection. Within a normative framework, every administrative decision with legal and economic implications should be subject to the principles of accountability and access to administrative remedies as manifestations of non-judicial legal protection. The absence of formal appeal mechanisms in mini-competitions raises fundamental questions about the alignment of the system's design with due process principles in modern administration. These conclusions are limited to one institutional setting and a small number of performance-based packages and objection cases; they therefore identify a socio-legal pattern rather than a general causal property of all digital procurement systems.

Theoretically, this study expands the discourse on digital administrative law by demonstrating that digitalization does not eliminate discretion but rather transforms it into a more technical and less visible form. While in conventional administrative models' discretion can be challenged through objection or appeal procedures, in digital architectures discretion tends to be concealed within system evaluation parameters and professional justifications. The concept of the "missing objection mechanism" formulated in this study offers an analytical framework for understanding how digital efficiency can run parallel to a reduction in administrative corrective space. From a comparative perspective, this phenomenon aligns with the global debate on algorithmic governance, in which systemic rationality often takes precedence over procedural safeguards when not deliberately designed. In practical terms, these findings are relevant for policymakers, particularly the LKPP, in designing administrative objection features within mini-competition systems, establishing standards for presenting technical justifications for decisions, and clarifying the boundaries and forms of the PPK's discretion. In a broader context, the research results also imply the need to enhance procedural literacy among business actors to help them understand their rights and positions within the digital procurement ecosystem. The "missing objection mechanism" is proposed as a case-derived socio-legal analytical concept rather than a settled general theory and should be tested in other ministries, procurement categories, and digital-platform settings.

The practical implications are both constitutional and policy-oriented. Technology-based procurement reform must be understood as part of the state's obligation to ensure legal certainty and to protect citizens' procedural rights, including those of business actors. Strengthening administrative objection mechanisms, requiring structured justifications for decisions, and standardizing technical evaluation parameters are crucial to maintaining a balance between efficiency and fairness. Further comparative research across jurisdictions is needed to assess how various legal systems integrate administrative correction mechanisms into digital procurement, so that national reforms are not merely technical modernization but are rooted in constitutional principles of administrative justice. Future validation should compare settings with different procurement methods and formally regulated objection routes so that the scope conditions of the proposed concept can be established.

ACKNOWLEDGEMENT

The authors would like to express their gratitude to Universitas Negeri Semarang for providing academic support and research facilities throughout the completion of this study. The authors also sincerely appreciate the assistance of all informants and relevant parties who contributed valuable insights and information regarding e-purchasing mini-competition practices within the public procurement environment. Their participation greatly supported the empirical

analysis and the development of this research.

AUTHOR CONTRIBUTION STATEMENT

All authors contributed substantially to the development of this article. Anggara Rawijayadi contributed to the conceptualization, research design, data collection, data analysis, and preparation of the initial manuscript draft. Martitah contributed to theoretical development, critical review, and refinement of the legal analysis. Ristina Yudhanti contributed to methodological validation, interpretation of findings, and manuscript revision. All authors reviewed and approved the final version of the manuscript and agreed to be accountable for all aspects of the research.

REFERENCES

- Alshallaqi, M. (2024). The complexities of digitization and street-level discretion: a socio-materiality perspective. *Public Management Review*, 26(1), 25–47. <https://doi.org/10.1080/14719037.2022.2042726>
- Amalia, R., Amirul Alfian, M., Aliefia, M., Radzi, M. S. N. bin M., & Kurniawan, F. (2023). Digitalization of the Public Procurement System in Indonesia: Challenges and Problems. *Yuridika*, 38(3), 499–518. <https://doi.org/10.20473/ydk.v38i3.51874>
- Anto, D., Lubis, M., Abdurrahman, L., Mardoyo, E., & Safitra, M. F. (2023). Elevating Data Quality in University Procurement: Unveiling the Potential of e-Procurement Processes – A Case Study of Open University. *Proceedings of the 2023 9th International Conference on Industrial and Business Engineering*, 40–47. <https://doi.org/10.1145/3629378.3629436>
- Ard, B., & Crotoft, R. (2023). Legal responses to techlaw uncertainties. In *Research Handbook on Law and Technology* (pp. 28–44). Edward Elgar Publishing. <https://doi.org/10.4337/9781803921327.00010>
- Arrowsmith, S. (2014). *The Law of Public and Utilities Procurement Volume 1 & 2: Regulation in the EU and the UK*. Sweet and Maxwell.
- Bayrashev, V. (2024). Cataloguing Procurement Items As A Key Condition For Successful Transition To Digital Government Contracts. *Public Administration Issues*, 3, 137–161. <https://doi.org/10.17323/1999-5431-2024-0-3-137-161>
- Bertelli, A. M., & Busuioc, M. (2021). <scp>Reputation-Sourced</scp> Authority and the Prospect of Unchecked Bureaucratic Power. *Public Administration Review*, 81(1), 38–48. <https://doi.org/10.1111/puar.13281>
- Boechat, G., Cunha, M. A., & Gasser, U. (2023). Public procurement and technology: a research agenda. *Proceedings of the 16th International Conference on Theory and Practice of Electronic Governance*, 167–175. <https://doi.org/10.1145/3614321.3614341>
- Bovens, M. (2007). Analysing and Assessing Accountability: A Conceptual Framework 1. *European Law Journal*, 13(4), 447–468. <https://doi.org/10.1111/j.1468-0386.2007.00378.x>
- Brien, S. T. (2023). Foundations of public procurement. In *Research Handbook on Public Financial Management* (pp. 326–340). Edward Elgar Publishing. <https://doi.org/10.4337/9781800379718.00033>
- Brunjes, B. M., Abutabenjeh, S., Anguelov, L. G., Dimand, A.-M., & Rodriguez-Plesa, E. (2023). Future directions for research in public procurement and contract management. In *Research Handbook on Public Financial Management* (pp. 341–367). Edward Elgar Publishing. <https://doi.org/10.4337/9781800379718.00034>
- Cobbe, J. (2019). Administrative law and the machines of government: judicial review of automated public-sector decision-making. *Legal Studies*, 39(4), 636–655. <https://doi.org/10.1017/lst.2019.9>
- Darmawan, S. A. (2022). Mendeteksi Persekongkolan dari Pola Penawaran Harga. *Jurnal Pengadaan Barang/Jasa*, 1(1), 1–9. <https://doi.org/10.55961/jpbj.v1i1.6>
- Denzin, N. K., & Lincoln, Y. S. (2011). *The Sage handbook of qualitative research*. sage.
- Eriksen, A. (2021). Accountability and the Multidimensional Mandate. *Political Research Quarterly*, 74(2), 364–376. <https://doi.org/10.1177/1065912920906880>
- Foley, G., Timonen, V., Conlon, C., & O'Dare, C. E. (2021). Interviewing as a Vehicle for Theoretical Sampling in Grounded Theory. *International Journal of Qualitative Methods*, 20.

- <https://doi.org/10.1177/1609406920980957>
- Gorgun, M. K., Kutlu, M., & Tas, B. K. O. (2025). Information is essential for competitive and cost-effective public procurement. *Journal of Information Science*, 51(2), 445–454. <https://doi.org/10.1177/01655515221141042>
- Gunawan, E., & Mutaqin, M. I. (2024). Strategic Initiatives for Digital Transformation in Inclusive Procurement Ecosystems of UKPBJ Kemenkeu. *Help: Journal of Community Service*, 1(3), 168–186. <https://doi.org/10.62569/hjcs.v1i3.75>
- Hakim, M. A., & Amnesti, S. K. W. (2022). Problematika Penanganan Gugatan Perbuatan Melanggar Hukum oleh Pemerintah (onrechtmatige overheidsdaad) pada Peradilan Tata Usaha Negara. *De Jure: Jurnal Hukum Dan Syar'iah*, 14(1), 125–139. <https://doi.org/10.18860/j-fsh.v14i1.15833>
- Halachmi, A., & Greiling, D. (2013). Transparency, E-Government, and Accountability. *Public Performance & Management Review*, 36(4), 572–584. <https://doi.org/10.2753/PMR1530-9576360404>
- Han, Y. (2023). The contribution of evaluation to accountability mechanisms. In *Handbook of Public Policy Evaluation* (pp. 104–116). Edward Elgar Publishing. <https://doi.org/10.4337/9781800884892.00014>
- Hoekman, B., & Onur Taş, B. K. (2024). Discretion and public procurement outcomes in Europe*. *European Journal of Political Economy*, 82, 102525. <https://doi.org/10.1016/j.ejpoleco.2024.102525>
- Jiménez, A., Hanoteau, J., & Barkemeyer, R. (2022). E-procurement and firm corruption to secure public contracts: The moderating role of governance institutions and supranational support. *Journal of Business Research*, 149, 640–650. <https://doi.org/10.1016/j.jbusres.2022.05.070>
- Kunarti, S., & Kartono. (2018). Discretion as Freedom of Action in Administering Governance. *SHS Web of Conferences*, 54, 03018. <https://doi.org/10.1051/shsconf/20185403018>
- Langer, C. (2024). Decision-making power and responsibility in an automated administration. *Discover Artificial Intelligence*, 4(1), 59. <https://doi.org/10.1007/s44163-024-00152-1>
- Lembaga Kebijakan Pengadaan Barang/Jasa Pemerintah (LKPP). (2025). *Rekap Paket Nasional*.
- Lumaing, E. Y., Nasirun, I. O., Runtunuwu, Y. B., Mongdong, N., Rusyandi, R., & Mesra, R. (2023). Legal Responsibility of PPK As An Agency In The Procurement of Goods and Services. *JURNAL PARADIGMA: Journal of Sociology Research and Education*, 4(2), 193–199. <https://doi.org/10.53682/jpjsre.v4i2.8069>
- Morais, C., & Santos, A. (2024). Lessons for a Fairer, More Transparent, and More Competitive Public Procurement in the European Union. *Journal of Innovation Management*, 12(1), 1–23. https://doi.org/10.24840/2183-0606_012.001_0001
- Morgan, H. (2024). Using Triangulation and Crystallization to Make Qualitative Studies Trustworthy and Rigorous. *The Qualitative Report*. <https://doi.org/10.46743/2160-3715/2024.6071>
- Nida, S. (2022). Legal Protection Urgency for MSMEs Actors as well as Partnership Program which are Regulated according to Law Number 11 of 2020 on Job Creation. *Walisongo Law Review (Walrev)*, 4(2), 257–284. <https://doi.org/10.21580/walrev.2022.4.2.11675>
- Noor, A. (2023). Socio-Legal Research: Integration of Normative and Empirical Juridical Research in Legal Research. *Jurnal Ilmiah Dunia Hukum*, 7(2), 94. <https://doi.org/10.56444/jidh.v7i2.3154>
- OECD. (2024). *Government at a Glance: Latin America and the Caribbean 2024*. OECD Publishing. <https://doi.org/10.1787/4abdba16-en>
- Permata, B. P. (2024). Potensi Melemahnya Prinsip Terbuka Dan Bersaing Dalam Pengadaan Dengan Metode E-Purchasing. *Jurnal Komunikasi Hukum (JKH)*, 10(1), 56–68. <https://doi.org/10.23887/jkh.v10i1.76057>
- Pradhani, S. I. (2023). Various Insights Highlighting the Significance of Empirical Studies in Customary Legal Research. *The Indonesian Journal of Socio-Legal Studies*, 3(1). <https://doi.org/10.54828/ijsls.2023v3n1.2>
- Puspita, A. C., & Gultom, Y. M. L. (2024). The Effect of E-Procurement Policy on Corruption in Government Procurement: Evidence from Indonesia. *International Journal of Public Administration*, 47(2), 117–129. <https://doi.org/10.1080/01900692.2022.2093900>
- Ruder, A. I., & Woods, N. D. (2020). Procedural Fairness and the Legitimacy of Agency Rulemaking. *Journal of Public Administration Research and Theory*, 30(3), 400–414.

- <https://doi.org/10.1093/jopart/muz017>
- Safitri, E. D., & Sa'adah, N. (2021). Penerapan Upaya Administratif Dalam Sengketa Tata Usaha Negara. *Jurnal Pembangunan Hukum Indonesia*, 3(1), 34–45. <https://doi.org/10.14710/jphi.v3i1.34-45>
- Sinaga, P. R. C., & Erliyana, A. (2022). Relevansi Teori Oplossing dalam Penanganan Sengketa Terkait Keputusan Pengadaan Barang dan Jasa Pemerintah. *Jurnal Konstitusi*, 19(2), 431. <https://doi.org/10.31078/jk1928>
- Sukri, I. F., & Erliyana, A. (2022). Konsep Pelaksanaan Keputusan Tata Usaha Negara: Menguji Asas Presumptio Iustae Causa Dalam Sengketa Tata Usaha Negara. *Jurnal Hukum & Pembangunan*, 52(1). <https://doi.org/10.21143/jhp.vol52.no1.3323>
- Utami, D. G., Syam, S., & Nurachmah, A. E. (2024). Procurement In Indonesia: A Systematic Literature Review Of Practices And Challenges. *Business Journal : Jurnal Bisnis Dan Sosial*, 10(2), 89–104. <https://doi.org/10.25124/businessjournal.v10i2.7512>
- UU No. 30 Tahun 2014 Tentang Administrasi Pemerintahan (2014).
- Wang, H. (2020). Quality manipulation and limit corruption in competitive procurement. *European Journal of Operational Research*, 283(3), 1124–1135. <https://doi.org/10.1016/j.ejor.2019.11.053>
- Welinder, O. (2024). Interactive accountability in the case of digital governance. In *Handbook of Accounting and Public Governance* (pp. 116–127). Edward Elgar Publishing. <https://doi.org/10.4337/9781800888456.00016>
- Wibawa, D. A. (2024). *KMS:: E-Purchasing, E katalog Mini Kompetisi*.
- Wibowo, R. A. (2023). Penyelesaian Sengketa Pada Rancangan Aturan Pengadaan Barang Jasa Publik: Apresiasi, Kritik, Rekomendasi. *Media Iuris*, 6(3), 479–508. <https://doi.org/10.20473/mi.v6i3.44731>
- Winata, K. H., & Samangun, C. (2024). Challenges and Opportunities In Government Procurement Law In The Digital Era. *Eduvest - Journal of Universal Studies*, 4(1), 300–309. <https://doi.org/10.59188/eduvest.v4i1.1033>