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Untangling the Conundrum of the Panel of Consultants' Utilization in Indonesia

Abstract

This interpretivism study utilizes the Oligopticon theory to investigate the underutilization of the Panel of Consultants in Indonesia by identifying the reasons behind its infrequent use and proposing effective solutions. The study employs thematic analysis to process data collected from various sources into thematic codes. In 2018, the Committee for Acceleration of Priority Infrastructure Delivery formed the Panel of Consultants to streamline the consultancy services selection in National Strategic Projects and other priority infrastructures yet was not optimally utilized. The findings indicate that the Panel's underutilization stems primarily from inadequate dissemination, budget constraints, and consultant-related issues. To address these challenges, the study proposes a strategic approach comprising disseminating and expanding knowledge, regular updates and provision of consultant resources, and mandatory usage coupled with centralized budgeting. This study provides regulators with valuable insights into assessing the effectiveness of the Panel of Consultants as a tool for expediting infrastructure development. The findings are crucial for future considerations on its re-establishment. By exploring the Oligopticon theory in the context of public procurement and delving into the method of consultancy selection, the research addresses a significant gap in the literature, offering a unique perspective rarely covered in earlier studies.

Keywords:

consultancy; Indonesia; infrastructure; oligopticon; procurement

Introduction

Infrastructure occupies a crucial position in fostering economic growth and improving societal welfare in Indonesia (Abdullah, 2014; Maryaningsih et al., 2014). During the administration of President

Joko Widodo, the government has accorded high priority to infrastructure development, evidenced by increased budget allocations and the formulation of policies to bolster domestic projects (Ervianto, 2017; Salim & Negara, 2018). The necessity

for rapid infrastructure development was further highlighted by the economic recession precipitated by the COVID-19 pandemic in 2020 (Baidarus, 2021). To mitigate these challenges, the government has set forth objectives to bridge economic disparities and achieve predetermined growth milestones by 2023, ultimately aiming to attain the status of a developed nation by 2045 (Ahdiat, 2023; Heriyanto & Yumna, 2022). Nonetheless, the actualization of these ambitions encounters obstacles, including communication barriers, project delays, and conflicting goals among involved parties (Adu-Ampong, 2017; Bashar et al., 2021). To mitigate these challenges, the Committee for Acceleration of Priority Infrastructure Delivery (KPPIP) was instituted under Presidential Regulation No. 122 of 2016, serving as a coordinating body. A significant undertaking by the KPPIP is the establishment of the Panel of Consultants, aimed at assisting Project Implementation Units (PIU)¹ in securing consultancy services to expedite infrastructure development. Despite these efforts, the Panel of Consultants was not optimally utilized,

Due to field-based information obtained from the Panel of Consultants Procurement Working Group (Pokja Pemilihan) at KPPIP, the Panel of Consultants was not utilized to its full potential. It was reported that only four procurement packages benefited from the Panel of Consultants, as specified in Table 1. Meanwhile, in 2019 when the Panel of Consultants was in its early phase of establishment, it was estimated that 144 National Strategic Projects (PSN), with a total estimated value of Rp801.4 trillion, would be finished by the end of 2020 (KPPIP, 2019a). It is contrary that while the establishment of the Panel of Consultants was envisioned to expedite the development of PSN (Azka, 2018; KPPIP, 2019b), its usage was only 2.7 percent of the total targeted

PSN in 2019. Given that the PSNs were considered strategic and had a high urgency to be realized in a short period (Fauzi, 2021), the low engagement of high-quality consultants from the Panel of Consultants suggests a missed opportunity for maximizing the chances of project success (Lauer, 2020; Masengesho et al., 2021), particularly for high-value projects like PSN. This fact left a big question mark of why this phenomenon could occur.

As an innovative exploration within the realm of public procurement, this study examines the perplexing situation surrounding the KPPIP's Panel of Consultants. It employs the theory of the Oligopticon, as introduced by Bruno Latour, to investigate its implications comprehensively. Latour highlights that, although the Oligopticon may present an illusion of transparency, it inherently encompasses considerable blind spots and areas of loss (Boll, 2014). The concept of the Oligopticon, as articulated by Latour and Hermant (1998, 2006), is characterized by a collection of delicate and narrowly focused perspectives. This mechanism functions akin to "keyhole" surveillance, offering a sharply contrasted viewpoint to the expansive observational scope associated with the Panopticon (Boll, 2014).

The Oligopticon's unique approach to surveillance, focusing intensely on specific details while potentially neglecting the broader context, presents a significant departure from the all-encompassing surveillance strategy epitomized by the Panopticon's design. In this surveillance model, numerous actors have the power to control information flow by constructing complex communication networks, influencing public opinion and policy decisions, particularly in politics (Latour, 1998). The oligopticon theory has been applied in various studies, such as Boll's investigation into tax audits and Albrechtslund and Lauritsen's exploration of surveillance practices, demonstrating its diverse relevance (Albrechtslund & Lauritsen, 2013; Boll, 2014).

¹ Also known as "Penanggung Jawab Proyek", a dedicated entity responsible for the execution and management of a specific project

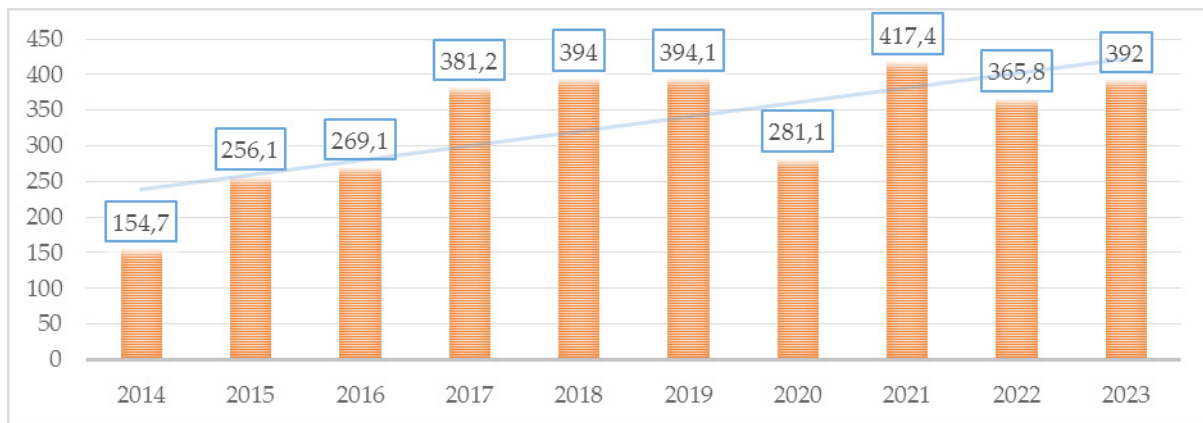


Figure 1. Indonesia's Infrastructure Budget 2014 - 2023 (trillion Rupiahs)

Source: Kusnandar (2022a); Rahman (2022)

Table 1.
List of Field-based Documents Regarding the Panel of Consultants' Utilization

No.	Number of Document	Date	Concern
1.	S-02/KPPIP. POKJA.SELEKSI/ PANEL-4/01/2019	January 2, 2019	Invitation for Submission of Proposal Documents for the Contract Assignment Stage (Call-Down Assignment) Panel 4: Project Implementation and Project Management Services
2.	S-01/KPPIP. POKJA.SELEKSI/ PANEL-3/02/2019	February 22, 2019	Invitation for Submission of Proposal Documents for the Contract Assignment Stage (Call-Down Assignment) Panel 3: Financial Field
3.	S-02/KPPIP. POKJA.SELEKSI/ PANEL-4/05/2020	May 5, 2020	Invitation for Submission of Proposal Documents for the Contract Assignment Stage (Call-Down Assignment) Panel 4: Project Implementation and Project Management Services
4.	S-01/KPPIP. POKJA.SELEKSI/ PANEL-4/03/2021	March 12, 2021	Invitation for Submission of Proposal Documents for the Contract Assignment Stage (Call-Down Assignment) Panel 4: Project Implementation and Project Management Services

Source: Processed by author

These studies have become the most important references regarding the theory used to delve into this study.

Meanwhile, in the studies of consultancy services selection, methodologies like TOPSIS and SMART decision support have been explored for effective decision-making for choosing the providers (Widjaja, 2020). There are also challenges in consultant selection for government construction projects that include insufficient evaluation techniques, leading to subjective reviews (Krisnuwardana, 2014). Obstacles in e-selection for consultant services involve hindering factors as well like incomplete bidding documents and inadequate qualifications (Hidayat et al., 2021). Overseas studies delve into the concept of a "panel of consultants," illustrating

its diverse applicability, from managing COVID-19 to ERP implementation (Attanayake et al., 2021; Goldston, 2021). These studies collectively highlight the panel of consultants' broad relevance and implications in decision-making processes across different domains (Bishop & Tolley, 1963; Clark et al., 1963).

This research, in line with numerous preceding studies, adopted the Oligopticon theory to elucidate its findings, thus aligning with the theoretical perspective pertinent to the subject matter. The Oligopticon theory, a tool frequently harnessed in earlier surveillance research, may enable a more comprehensive examination of the topic under discussion. Furthermore, this study ventures into the domain of consultancy service providers' selection, delineating the inherent

challenges therein. A distinct departure from prior inquiries in this field is evident. Contrary to earlier endeavors, this investigation focuses on a panel of consultants, encompassing a variety of service providers requisite for a specific assignment. Diverging from the conventional focus of previous research, which predominantly aimed at guiding the selection towards the most suitable consultancy service provider, this study instead probes into the methodology itself. It accentuates the assessment of employing the Panel of Consultants approach for selection purposes.

An empirical novelty has been embedded in this study. It investigates the use of a panel of consultants as a selection method for the public procurement of consultancy services—a topic that has been rarely addressed in earlier studies. This research emphasizes evaluating a method that is commonly used in several countries and international institutions, such as the United Kingdom (Crown Commercial Service, 2018), the Asian Development Bank (Asian Development Bank, 2023), the European Investment Bank (European Investment Bank, 2018), New Zealand (New Zealand Government, 2017b, 2017a), Australia (Australian Government, 2022), Singapore (Building and Construction Authority of Singapore, 2021), Ireland (Government of Ireland, 2019), and the Philippines (Republic of the Philippines, 2023), among others. Additionally, in the research field of procurement, the application of the Oligopticon theory brings a fresher new approach, as it has rarely been used in this field. This may provide a broader viewpoint and gather a different perspective compared to other approaches.

The interpretivism paradigm of this research places greater emphasis on exploring in-depth variables and factors within a context, viewing humans as distinct from physical phenomena. This perspective acknowledges that humans contribute additional depth to meanings, assuming that their exploration differs from that of physical

phenomena (Alharahsheh & Pius, 2020; Saunders et al., 2019). Our interpretive research endeavors to engender novel and more nuanced understandings of social worlds and their contexts. This approach prioritizes the exploration of complexity, depth, diverse interpretations, and the processes of meaning construction, positioning itself firmly within the realm of subjectivity. It leverages the participants' interpretations of research materials and data, alongside their values and beliefs, to construct a comprehensive synthesis addressing the inquiries posed by the research. For the purposes of this study, the authors seek to deeply engage with the social realities of the participants, aiming to apprehend those realities through the lens of the researchers' own perspectives. It is the anticipation that the interpretivism paradigm will facilitate a thorough response to the research questions posed, specifically: *(Q1) Why was the Panel of Consultants under-utilized? and (Q2) What are the potential solutions to address the infrequent utilization of the Panel of Consultants?*

The thematic analysis was employed to achieve the research objectives: to elucidate the reasons behind the Panel of Consultants' underutilization and identify effective solutions for its enhancement. This endeavor aimed to contribute significantly to improving the Panel of Consultants in Indonesia, thereby enhancing the quality of National Strategic Projects (PSN) and priority infrastructure preparation (PIP). In light of the critical importance of accelerating infrastructure development, the execution of this research became imperative. The findings were expected to be meticulously analyzed by regulatory bodies, in particular, to enhance the utilization of the Panel of Consultants, a procurement innovation widely recognized globally.

To provide a structured overview, the remainder of this article was organized as follows: The "Methods" section detailed the data utilized, encompassing sources and informants'

specifics, the methodology employed, and the comprehensive steps of the research process. The "Results and Discussion" section presented the findings of the research, specifically pinpointing the underlying reasons for the Panel's underutilization and the proposed solutions. This section further delved into a discussion that interpreted these results through the application of theoretical frameworks. The "Conclusion" section encapsulated the research's findings, articulating its implications, acknowledging its limitations, and suggesting avenues for future research. This narrative structure ensured a sophisticated and thorough presentation of the research outcomes.

Methods

Data used in this research consists of primary data obtained from eight key informant

interviews, while the secondary data was obtained from literature reviews namely government regulations, scientific articles, theses, conference proceedings, working papers, and other academic papers. The secondary data are related to the implementation of the panel of consultants as well as the hindrances in public or, specifically, consultancy services procurement. Table 2

Table 2.
Informant and Interview Detail

No.	Informant Code	Agency	Role
1.	KL	KPPIP	Regulator
2.	HJB	Ministry of Transportation	Practitioner
3.	X	KPPIP	Regulator
4.	TJ	LKPP	Regulator
5.	FPN	BAPPENAS	Regulator
6.	AHS	LKPP	Regulator
7.	Y	Confidential	Expert
8.	H	Ministry of Finance	Expert

Source: Processed by author



Figure 2. Steps of Thematic Analysis

Source: Braun & Clarke (2006, 2021); Scharp & Sanders (2018)

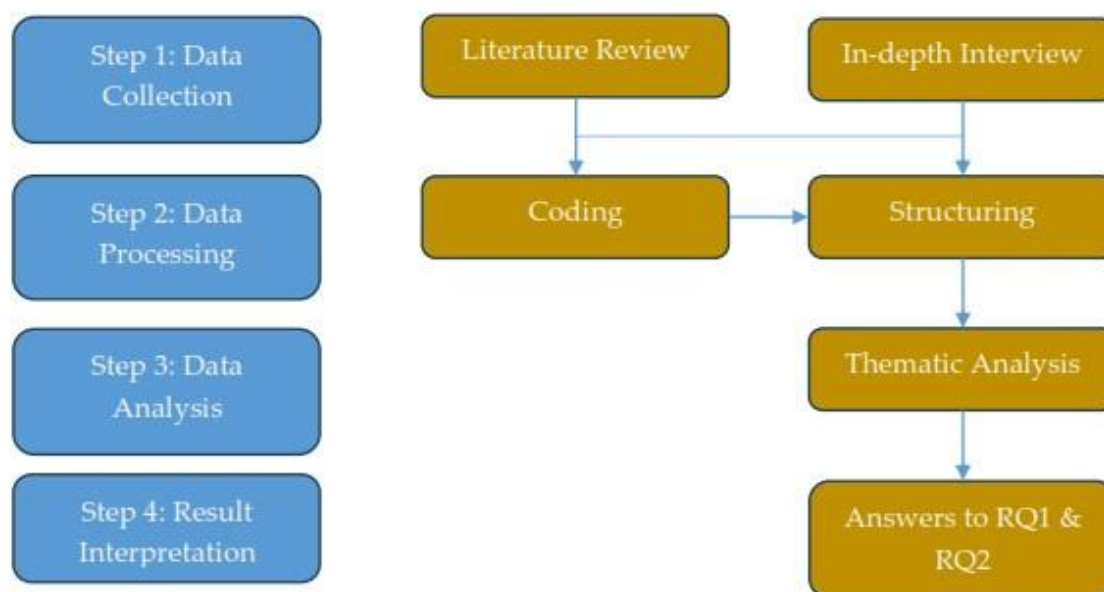


Figure 3. Steps of Research

Source: Processed by the author, based on Ascarya et al. (2022)

provides the informants' details. The PIU of PSN and PIP are the main users of the Panel of Consultants, making them the most suitable party to answer why the Panel of Consultants was underutilized. Additional relevant experts with credible hypotheses are included to provide their perspectives. To examine categories and find themes or patterns in the interview data, thematic analysis will be applied and the NVivo 12 Plus software will be used.

Braun and Clarke (2006) defined thematic analysis as a method of identifying, analyzing, and reporting patterns (themes) within data. The iterative process of thematic analysis consists of six steps (Braun & Clarke, 2006, 2021; Scharp & Sanders, 2018) as portrayed in Figure 2. Initially, the data is transcribed and reviewed to gain familiarity and deeper understanding. Codes are then generated to represent significant features perceived by the author. The subsequent step entails identifying themes by sorting variative codes into relevant categories. Reviewing and refining themes occur at two levels, ensuring coherence within themes and validating them against the entire dataset. Once a satisfactory "thematic map" is established, themes are defined and named to encapsulate their main context and capture aspects of the data. The final step involves producing the report based on the analyzed themes. There are four main steps in the research process itself. The data collection process will commence by reviewing secondary sources to collect the preliminary data to be discussed in the interviews.

The interviews will be conducted in in-depth interviews that employ unstructured themes or questions to guide the course of the interview; it is utterly exploratory and emergent, but has at least some notion of the topic, event, experience, or aspect to be explored (Saunders et al., 2019). Subjective viewpoints and potential information gaps influenced the answers to an extent, resulting in a wide range of responses. To

address this issue, the author applied a member-checking technique by selecting only five answers with the highest degree of agreement from at least two informants. This technique reduces the impact of answers with a high degree of subjectivity, as the selected answers have been approved by other informants as well (Thomas, 2017). In step 2, the author will code the information obtained in step 1. Step 3, the coding results will be thematically analyzed. The final stage is to interpret the findings. The steps of the research will be depicted in Figure 3 as a summary.

Results and Discussion

Probable Reasons Behind the Underutilization

As previously stated, thematic analysis was utilized in this subsection. The interview results were then transcribed, followed by iterative coding to obtain coding results that accurately reflect the answers provided. Subjective viewpoints and potential information gaps influenced the answers to an extent, resulting in a wide range of responses which is shown in Figure 4. Meanwhile, Figure 5 shows the result of the member-checking technique explained in the previous section.

Issues with Dissemination, Socialization, and User's Capacity

The underutilization of the Panel of Consultants can be attributed to ineffective communication and various internal factors, especially because it is the first of its kind in Indonesia to be funded directly from the state budget (APBN). Typically, an existing panel of consultants is formed according to the terms of their funding source. However, the unique feature of KPPIP's Panel of Consultants is that it can be utilized not only by KPPIP, but also by all PIUs of PSN and PIP, making it a novelty for the involved stakeholders. HJB, Sub Coordinator of Procurement Strategy of the Ministry of Transportation, gave his perception that in the past, there may have been insufficient publicity and if the information

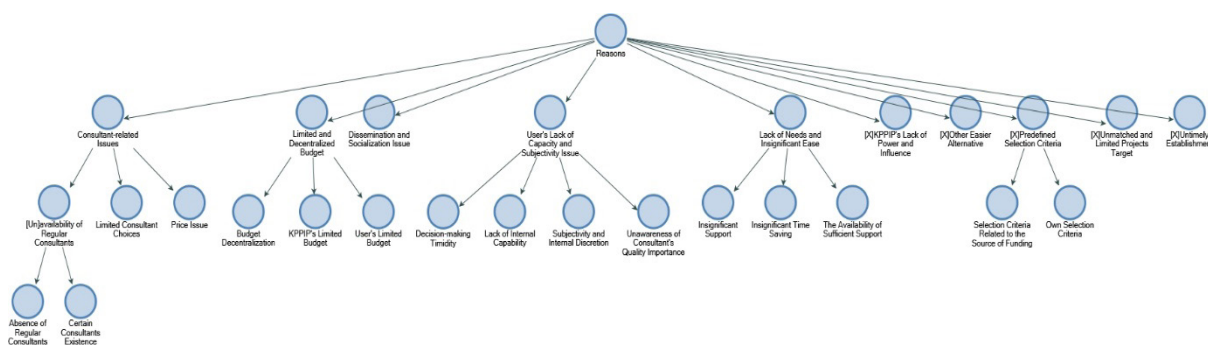


Figure 4. All Nodes for Reasons

Sources: Processed by the author using NVivo 12 Plus

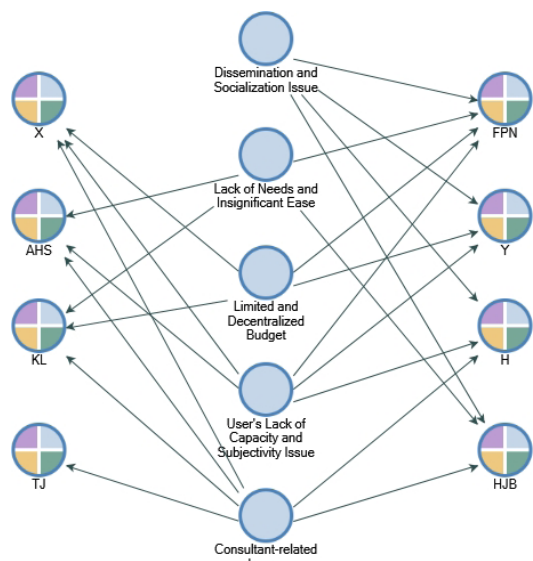


Figure 5. Project Map of The Reasons

Sources: Processed by the author using NVivo 12 Plus

from KPPIP, there may be concerns from stakeholders if they directly use consultants from the Panel of Consultants. The procedure of aligning their procurement mechanisms may still be ambiguous." (H)

On a daily basis, the PIU will comply with Presidential Regulation No. 16 of 2018 regarding the procurement of consultancy services. By this mechanism, a tender committee, also known as the Procurement Working Group (Pokja), will be founded to select the necessary consultants. However, some PIU members are uncertain about the legal implications of using the Panel of Consultants, specifically whether it is permissible to bypass the prequalification phase and directly solicit proposals from consultants already on the Panel. Principally, the use of the Panel of Consultants expedites the selection of consultancy services for PSN and PIP, which is the primary benefit of using the Panel. According to FPN, the significance of this benefit could be questioned: "the issue is, is a month's acceleration worthwhile? In my opinion, land acquisition is the most significant benefit the PSN currently provides. Thus, the issue remains is the acceleration of the procurement of consultancy services really necessary?"

KL, the Chief of the Panel of Consultants' Working Group (Pokja) of KPPIP, had also anticipated FPN's remarks, which is quite interesting. Due to the subjectivity involved in determining the significance of a proposed convenience, it is understandable that such

had been widely disseminated, it would have been utilized without a doubt. The potential lack of socialization regarding the existence of the Panel of Consultants and the dissemination of information needed by the stakeholders could result in ambiguous legal matters.

H, Head of Contract Management and Risk Mitigation Section, Directorate of Government Support and Infrastructure Financing Management, Ministry of Finance, explained his opinion towards this concern. The referred-to legal issues arise due to the existence of a similar regulation governing the procurement of consultancy services, namely Presidential Regulation No. 16 of 2018.

"There could be unresolved legal issues. As PIU institutions are distinct

potential benefits may be deemed insignificant. However, this level of subjectivity is not as high as the view that the Panel of Consultants may not be used due to a lack of necessity, given that the use of the Panel of Consultants is voluntary and not obligated. KL explained deeply that reducing the time required for prequalification (PQ) may not be viewed as a significant procurement aid, and to resolve this issue they may employ alternative strategies such as early bidding or thorough planning.

In addition to the hypothesis that the proposed benefits may be insignificant, HJB also presents the hypothesis that there is a lack of necessity. HJB stated, based on his experience at his institution, that the presence of departments at his institution has adequately met several project preparation requirements, so they may not require a consultant from the Panel of Consultants at the time. HJB highlighted the Legal and Financial Bureaus within his institution and stated: *"There are three possibilities to utilizing (the Panel) for financial and legal matters. First, owing to undetermined variables. Second, there are already sufficient human resources available. Third, there is currently no need."*

Additionally, the lack of necessity is a result of the availability of experts within the project-executing entities, as HJB explained. In a number of projects administered by the Ministry of Transportation, the experts (i.e., consultants) are already embedded within the project-executing entities, obviating the Ministry's need to hire separate experts or consultants. In addition, they typically collaborate with the National Asset Management Agency (LMAN), a Public Service Agency (BLU) under the Ministry of Finance, to cover Panel 5's scope.

FPN noted that infrastructure initiatives usually have lengthy durations. For instance, the construction of a dam could take up to six years, and project planning could begin five years beforehand. The PSN dam construction typically

commenced in 2015. The Panel of Consultants was established in 2018, which might be considered somewhat late given the long project timelines. FPN remarked: *"If we consider the context of PSN, the involvement of the Panel of Consultants may be somewhat delayed, especially when discussing project preparation."*

The PSN initiatives are not always conceived as PSNs initially. During the construction phase, certain projects that began as ordinary initiatives are reclassified as PSNs. Consequently, since PSNs were not initially designated as such, the earlier preparation process did not include specific steps for them. However, once identified as PSNs, they obtain the PSN label, even though the earlier preparation process did not take their PSN status into account. This fact relates to the "lateness" of the Panel of Consultants' involvement since the Panel should be utilized in the preparation stage of PSNs. Additionally, X explained that unawareness of the consultant quality importance is still absent in PIU's viewpoint, through their statement: *"Each project owner, upon viewing the companies on the Panel, is unaware of the utmost significance of attracting international investors."* X refers to PPP projects that necessitate the presence of investors that play a crucial role, particularly for PSN and PIP, which have substantial value.

Even if they are aware of the existence of the Panel of Consultants, PIU entities may be hesitant to utilize it due to a lack of decision-making courage. This reluctance may arise from two primary causes: a perceived dearth of comprehensive knowledge or a fear of taking risks. The knowledge pertains to the Panel of Consultants' technical utilization. This has been explained by H.

"Based on our project preparation experience, we frequently observe that some PIU entities become apprehensive of making decisions and ultimately refrain from doing so due to a lack of knowledge. ... This

can be referred to as the PIU or K/L (Ministry/Agency) capacity issue. It may constitute a contributing factor." (H)

The Panel of Consultants is a novel and innovative method for procuring consultancy services, allowing for a more expedient process. Due to its novelty and lack of previous experience, however, the adoption of this method by government institutions still elicits skepticism. Involvement with an approach that is not extensively used in the government sector can indeed create uncertainty and unfamiliarity, resulting in a reluctance to use the Panel of Consultants.

Furthermore, the PIUs may not have sufficient internal capabilities to ascertain the market rate or appropriate market prices for hiring international consultants. The preparation of the HPS² for international consultants is a complex task as well that PIU's technical capabilities may not have completely incorporated. This demonstrates the importance of a comprehensive understanding of project requirements, service specifications, and realistic cost estimates for international consultancy projects. The deficiency in these capabilities could potentially influence their decision-making when it comes to hiring international consultants from the Panel of Consultants. As Y explained:

"They (PIU) may lack the internal capabilities to determine market rates or to investigate alternative solutions ... As a result, I initially observed a budget of \$300 million for projects requiring the formulation of the HPS. At this cost, however, it is not feasible to engage the big four³." (Y)

² The abbreviation for Harga Perkiraan Sendiri or Owner Estimate, which is the estimated price of goods or services determined by the Commitment Maker Official (PPK).

³ The four biggest advisory firms in the world, namely Deloitte, PricewaterhouseCoopers, Ernst & Young, and KPMG.

X recounted his experience while assisting a project in the past and asserted that subjectivity does exist as well. They said: "*Remember that the selection process is subjective and not exclusively based on objective fair play. This is an undeniable fact.*" At that time, KPPIP suggested utilizing the Panel of Consultants, even though the project was funded by an international institution established to support nation-building efforts. However, when there was a change in leadership, the new leader expressed concern due to a lack of experience in managing such a large project, despite the existence of APBD funding.

As a result, the utilization of the Panel of Consultants was abandoned, not because of procurement or technical reasons, as they fundamentally agreed to hire an international consultant in those aspects. They were completely aware that the use of the Panel of Consultants was outlined in the Presidential Regulation, as they also consulted with another ministry and found no issues. All of these decisions, however, ultimately rested with the leader, demonstrating the presence of subjectivity. This assertion was validated by AHS's addition of the ego sectoral issue.

Budget Constraints and Decentralization

The budget constraints, from both the KPPIP and PIU perspectives, could be one of the causes for the suboptimal use of the Panel of Consultants. On the KPPIP side, budget strength has diminished, especially during the years when the Panel of Consultants was operating. According to X, a Senior Procurement Analyst at KPPIP, of the 18 billion Rupiah budgeted for the PMO, 9 to 10 billion Rupiah have already been spent on consultants and professionals. The remaining funds are allocated to employee business travels and contracts with other independent consultants. These conditions demonstrate the constraints imposed by limited resources, X explained.

PSN and PIP are megaprojects with obviously significant funding. However, it appears that

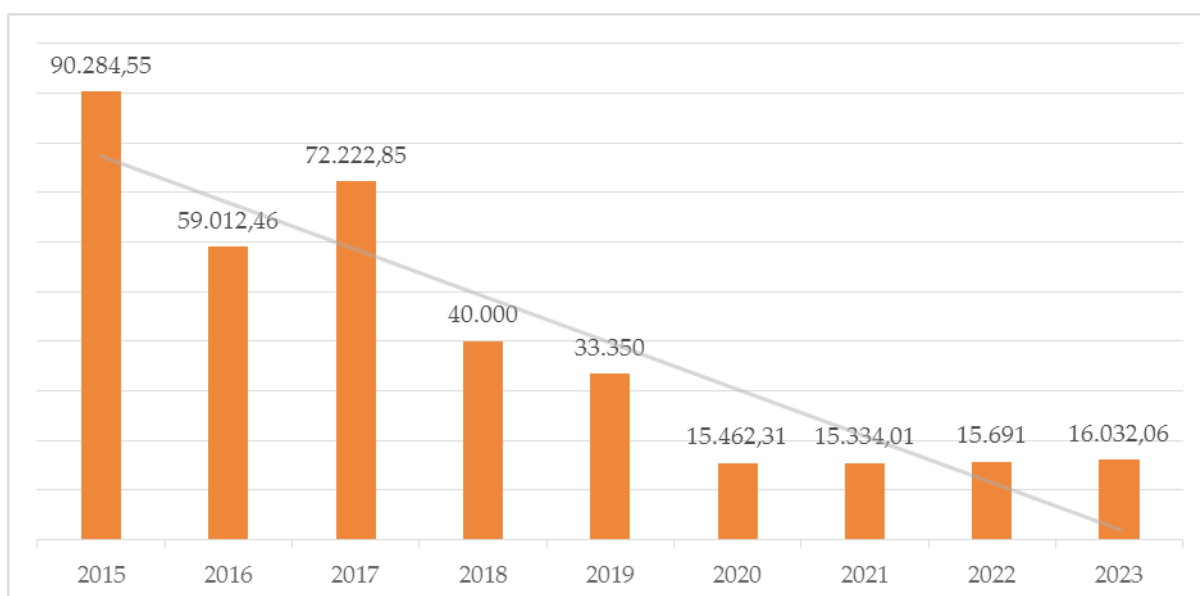


Figure 6. KPIP's Total Budget of 2015 – 2023 (Million Rupiah)

Source: Operational Activity Guidelines (POK) 2015–2023 of Coordinating Ministry for Economic Affairs

budget constraints continue to be viewed as a potential issue. In addition to the issue of limited funds, the decentralization of funds for preparing the PSN and PIP may also contribute to the suboptimal use of the Panel of Consultants from a PIU budget perspective, as X stated: *"In regions where budgets are constrained, demand may be less significant. Moreover, they already have connections with prospective investors."*

The presence of constraints and budget decentralization enables PIU entities to allocate funds based on their own preferences, resulting in a decreased desire to engage the Panel of Consultants. In addition, the Panel's utilization is considered merely as an alternative. Decentralization of the budget results in the decentralization of authority, particularly regarding budgets related to the preparation of priority projects.

"None of the 223 PSNs are under direct handling of KPIP; they are outside of KPIP's jurisdiction. The funding for FS and others is not provided to KPIP, resulting in KPIP's lack of authority ... It would be ideal if the consultant's funding structure was included in KPIP. When users are fragmented,

the fact that this Panel is optional is a weakness." (X)

As the committee responsible for managing and overseeing priority projects, KPIP is not authorized to manage budgets for project preparation, like how X explained. "None are under direct handling of KPIP", which means that the role of PIU does not belong to KPIP. This matter of fact somehow weakens the authority of KPIP to optimize the utilization of the Panel of Consultants.

Consultant-related Issues

PSN and PIP are special projects that cannot be administered by unqualified consultants, yet the services of highly qualified consultants might indeed come at a higher cost. Such international-scale consultants are unquestionably required for projects with a high value, such as PSN and PIP. According to X, however, the costly fees associated with these international consultants continue to be a concern, causing the PIU to be less interested in utilizing the Panel of Consultants. X shared their perspective: *"The way of thinking (should be) centered on environmental sustainability. Consequently, consultants with such perspectives*

may charge a premium rate. Significant investment value projects, such as PSN and PIP, require individuals or specialists with a global track record."

Furthermore, as AHS and KL predicted, the absence of consultants frequently utilized by PIU on the Panel of Consultants may result in diminished interest in utilizing the Panel. AHS gave an example of the absence of consultants from the Ministry of Public Works and Public Housing who are usually handling the required housing projects. Due to the lack of regular consultants' representation within the Panel, they may choose to create their own panel instead.

"It is possible that within the Panel, there are no partners from the Ministry of Public Works and Public Housing (PU), for example, who are accustomed to handling housing projects, so in KPPIP, there are none, and they think, 'I'll just create my own panel instead'..." (AHS)

At times, PIU prefers to employ consultants with whom they are already familiar and satisfied, whether in terms of communication or work outcomes. Consultants are external parties who are viewed as working companions; therefore, comfort and compatibility are crucial. If the consultants with whom they frequently collaborate are not on the Panel, the Panel of Consultants may become less alluring. This opinion was carried by KL: *"They may have more familiarity with certain providers who are not on the Panel. Perhaps they view the Panel's service providers as unsuitable... They have, on average, their own consultants."*

According to H, if a project is highly specialized and requires specialized knowledge, the Panel may lack the necessary skills. For instance, a PIU might look for a consultant with specific experience in relatively uncommon plasma-based building waste management projects. In such situations, technical consultants are required, and Panel members may lack experience in the relevant field. H stated that

the Panel of Consultants cannot encompass all skills across all industries. Undoubtedly, there will be limitations, and certain areas may fall outside the expertise of consultants on the Panel, particularly technical consultants. On the other hand, consultants for legal or financial matters have standard expertise, making them simpler to find. Technical consultants have their own uniqueness.

"... the Panel can limit PIU's ability to find the consultants they require... the Panel may not provide a precise technical specification for a project, reducing the likelihood that all PIUs will have the required technical expertise. The problem is that shortages and limitations are inevitable." (H)

Solution to Overcome the Underutilization

The correlation of identified causes has yielded four solutions, depicted in Figure 7. Despite identifying five possible reasons, only four solutions are presented, as some solutions are relevant to multiple causes. Informants' provided solutions are not always explicitly linked to specific causes or problems, hence, Table 3 elaborates the solutions connected to the previously identified causes. This connection is established to ensure coherence between the discussion of solutions and the corresponding causes to be addressed.

Dissemination and Expansion

The socialization and education for PIU on theories and concepts are deemed vital for them to comprehend. Among the things that require comprehension are the enhancement of PSN and PIP perspectives and the resolution of the PIU capacity problem. Their viewpoints have to be infused with the knowledge that building trust is profoundly needed for a successful project.

"It is imperative to address the issue of PIU's lack of capacity. PSN and PIP are the government's flagship infrastructures, so the project's perspective must be enhanced. ... It

must be explained that in order to build trust with investors, companies must prepare documents that adhere to global standards." (X)

Socialization is necessary, but it is not a one-time event. During socialization, it is crucial to explain the forms of documents required and the necessary documentation because these aspects matter in the government environment. This should be performed more thoroughly. Compliance with the use of the Panel of Consultants must be clarified. This does not imply that the Panel is breaking the law; rather, it demonstrates the process for ensuring an adequate level of compliance in order to reduce the risk of audits for PIU. This is believed to alleviate concerns regarding legal issues. HJB, representing PIU, concurs with this statement. HJB believes that coordination must be strengthened through their statement: *"Coordination may be lacking, so it should be intensified, as it appears that the current level of intensity is insufficient."*

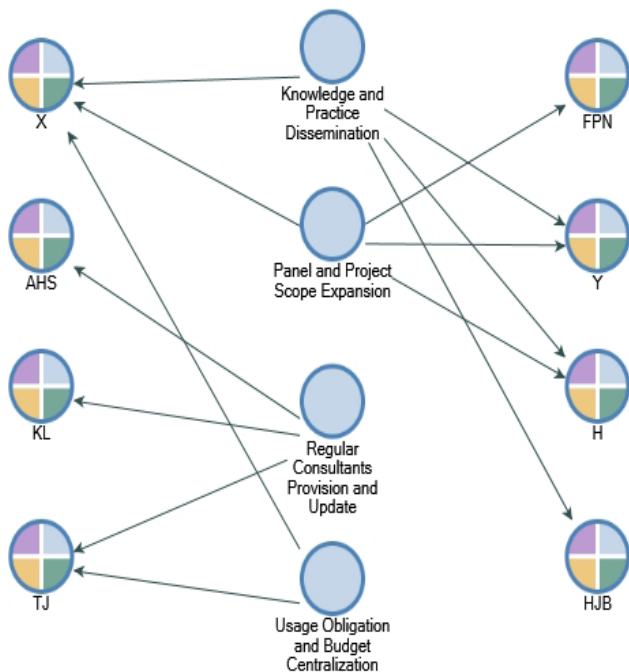


Figure 7. Project Map of The Solutions

Source: Processed by the author using NVivo 12 Plus

The lack of needs and insignificant ease are deemed to be addressed by the panel and

**Table 3.
Reason–Solution Linkage**

Reason	Solution
Dissemination and socialization issues	Knowledge and practice dissemination
The user's lack of capacity and subjectivity issue	Knowledge and practice dissemination
Lack of needs and insignificant ease	Panel and project scope expansion
Consultant-related issues	Regular consultants provision and update
Limited and decentralized budget	Usage obligation and budget centralization

Source: Processed by the author

**Table 4.
Highlighted Terminology Regarding
Governmental Regulation No. 17 of 2017**

No.	Terminology	Definition
1.	Development Priorities	A series of policies implemented through National Priorities, Priority Programs, Priority Activities, and Priority Projects
2.	National Priorities	Programs/activities/projects aimed at achieving the targets of the National Medium-Term Development Plan (RPJMN) and other presidential policies
3.	Priority Programs	Significant and strategic programs aimed at achieving National Priorities
4.	Priority Activities	Significant and strategic activities aimed at achieving Priority Programs
5.	Priority Projects	Projects implemented by the Central Government, Regional Governments, and/or strategic entities with a specific timeframe to support the achievement of Development Priorities

Source: Governmental Regulation No. 17 of 2017

project scope expansion. Initially, the Panel of Consultants consisted solely of consultants for the project preparation phase, although some consultants could also be used during the project transaction phase. The solution of expanding the purview accommodated by the Panel of Consultants can solve the issue of insignificant support provided by several panels. FPN suggests that the Panel of Consultants should be expanded to include projects outlined in legal regulations, such as Government Regulation No. 17 of 2017 on the Synchronization of National Development

Planning and Budgeting Processes. The use of the Panel of Consultants for only PSN and PIP projects is deemed insufficient, particularly given that both types of projects are based on Presidential Regulation, making their continuation uncertain.

“It would be fascinating if the Panel of Consultants list was not restricted to PSN. Open the Panel of Consultants for projects that are included in the legal regulations, so that if the President makes a change, it will be reflected in the Government Regulation (PP). Using the terminology of PP 17, for instance, there are priority projects.” (FPN)

If these terms are included in the scope for using the Panel of Consultants, then the Panel can also be used for non-infrastructure projects. It can be inferred that this solution is a type of "market" expansion, broadening the Panel of Consultants' potential applications. Government Regulations are also more durable than Presidential Regulations because the risk of regulation changes upon a presidential transition is lower. Unlike FPN, Y's perspective on panel and project scope expansion is influenced by future trends that the Panel of Consultants must accommodate. Simply put, Y said that if the Panel of Consultants were to be activated, it should possess the capability to forecast future trends.

The future trends can include the existence of the Brown Field Project (BFP)⁴. During the tenure of President Jokowi, numerous Green Field Projects (GFP)⁵ have been developed on vacant land. The focus, however, has shifted to how to utilize these projects, which are now known as BFP. In this context, the term BFP refers to its capability, which includes both technical and financial aspects. It includes technical elements such as infrastructure capacity enhancement, but its financial needs are the most essential aspect.

4 Projects with required infrastructure that are already partially developed.

5 The construction of new projects. No required infrastructure existed prior to.

Therefore, financial engineering is required because there is a high probability that BFP will involve negotiations with private parties. Hence, the government should initiate the process of identifying consultants who can, for example, perform financial engineering for the BFP projects immediately.

Regular Consultants Provision and Update

It is speculated that the issues pertaining to consultants discussed are addressed by providing and updating regular consultants. The regular consultants refer to the consultants frequently utilized by the PIU in their daily project activities. According to AHS, KPPIP should request the Ministry of Public Works and Public Housing (referred to as PU in this section) to recommend their usual consultants during the stage of paneling. AHS stated: “... KPPIP should solicit PU's advice regarding housing consultant panels, for instance. Therefore, PU can simply request KPPIP to utilize the consultants already available at PU, assuring the panel's efficacy.”

The solution proposed by AHS can contribute to optimizing the use of the Panel of Consultants by involving consultants who are frequently employed by the PIU, thereby increasing their interest. This innovation can also provide a remedy for the permission limit of repeat orders for the same consultancy service providers. Direct Appointment is implemented for specific consultancy services in accordance with Article 41 Paragraph 4 of Presidential Regulation No. 16 of 2018. Article 41 Paragraph 5 provides additional information about these specific conditions, one of which relates to repeat orders for the same consultancy service providers. In accordance with Article 41 Paragraph 6, the maximum number of repeat orders permitted is two. KL's recommendation through the remark: “In my personal view, the Panel of Consultants should begin with the list of consultants already available in each ministry/agency for it to be effective” aligns with AHS's notion.

KL explains that KPPIP can accommodate consultants regularly used by each PIU institution by starting with an inventory of consultancy services previously used by PIU institutions over a specific period, such as one, two, or five years. This list can be used to combine the most frequently used and most successful consultancy services from previous selections. Then, KPPIP can invite these consultants to join the Panel of Consultants.

Usage Obligation and Budget Centralization

The usage obligation of the Panel of Consultants for PSN and PIP is also perceived as a solution to address the limited and decentralized budget issues. The obligation is solely to ensure that PIP and PSN utilize only the highest-quality consultants from the Panel of Consultants. As is known, these projects tend to optimize PPP schemes due to their substantial financial requirements. For this solution, X explained: *"It would be excellent if all consultancy procurements for PSN and PIP were required to utilize the Panel of Consultants... the existing PSN facilities should be expanded to include consultancy bidding supervised by KPPIP ..."*

As mentioned previously, KPPIP plays a special role in overseeing the implementation of PSN and PIP projects and resolving any implementation issues that arise. To optimize this function, KPPIP can establish rules and provide particular facilities. X proposes that, in this regard, KPPIP should have the authority to establish the procurement criteria for PSN and PIP consultants, given that KPPIP has the authority to select projects that qualify as PSN. This power would be instrumental in requiring the use of the Panel of Consultants.

"In essence, if there is a mechanism to make the Panel mandatory ... sometimes, with new methods, it's challenging without compulsion... as I once created the e-catalog from scratch. The e-catalog is functioning

well now because there was a time when we made it mandatory for them to use it." (TJ)

TJ reflects on his experiences during the e-catalog's early implementation. In the realm of Indonesian government procurement of products and services, the e-catalog was a novelty at the time. It was mandated to be utilized. According to Presidential Regulation No. 4 of 2015, the Fourth Amendment to Presidential Regulation No. 54 of 2010 regarding Government Goods/Services Procurement, specifically Article 110 Paragraph 4, Ministries/Institutions/Regional Work Units/Institutions (K/L/D/I) are obligated to conduct e-purchasing for goods/services listed in the electronic catalog system based on their needs.

In addition to regulations mandating the use of the Panel of Consultants, a concentration of funds for PSN and PIP project preparation is considered a potential solution. This solution has been planned but has not yet been implemented, in accordance with the original design of KPPIP's establishment. X suggested that KPPIP might reconsider the implementation of a solution of this nature.

"The funds that have not been centralized are still dispersed across various Ministries/Agencies, even though they are permitted to use both APBN and non-APBN. There should be pooling within the committee (KPPIP) for faster outcomes... and the funding for studies should be placed under KPPIP to ensure fairness." (X)

The interpretivism paradigm enables the authors to understand the issues surrounding the utilization of the Panel of Consultants from the unique perspectives, interpretations, and experiences of the participants in their respective fields. Since this research addresses a field-based problem, a thorough examination of the field-based participants is necessary. The interpretivism paradigm allows the authors to

uncover deeper meanings without imposing specific boundaries when observing the problem through the participants. Participants are free to express their professional opinions from their individual subjective perspectives, providing a broader and more profound view of the problem. This leads to a more comprehensive understanding, rich and complex insights, and a more relevant analysis. Furthermore, employing the authors as the primary instruments within the interpretivism paradigm fosters deeper self-reflection, enhancing their self-awareness of biases and strengthening the accuracy of interpretation. At the very least, the potential biases of the participants can be minimized.

The establishment of the Panel of Consultants was based on several government regulations, which led to its sturdy establishment. The principal intention of the Panel of Consultants' establishment was because of the need for a remedy to overcome several hindrances within the process of procuring consultancy services from the PSN and PIP. However, as the Oligopticon theory explains, the blind spots and missing links remain. The KPPIP established the Panel of Consultants, which is both a gain and a loss. It is clear that the objective of the Panel of Consultants is to support the acceleration of priority infrastructure, yet still, the underutilization occurred. The KPPIP seems to have no idea about the reasons behind it, which is then perceived as a blind spot to them.

One of the recipients of the KPPIP's Notification Letter for the Use of the Panel of Consultants KPPIP No. B/BM.2.4/06/D.VI.M.EKON/02/2019 dated February 18, 2019, which was sent to ten government agencies with access to PSN and PIP, as well as those directly handling the projects, was the Ministry of Transportation. Despite notification letters and socializations by KPPIP, the absence of information regarding the Panel of Consultants indicates ineffective communication within Indonesian government organizations (Purnomo,

2018). Multiple factors, including the Ministry of Transportation's extensive organizational structure, may contribute to these communication issues. This situation demonstrates that communication barriers continue to exist even within government circles (Harivarman, 2017).

In addition to sending announcement letters about the utilization, KPPIP has conducted several offline socialization events. During these socialization events, the Panel of Consultants was adequately communicated with and given sufficient information. However, the effectiveness of dissemination may have been hindered by a lack of awareness among the representatives in attendance regarding their responsibility to convey the information to their respective organizations. There was also a possibility that some representatives might not have attended the event, and KPPIP's letter should have sufficed for socialization. The Panel of Consultants is already mentioned in several government regulations, and ideally, information about its existence should be extensively disseminated. The internal communication issues and bureaucratic structures, however, may have impeded the effective dissemination of this information to those who needed it (Isa, 2016).

The potentially ambiguous legal matters may cause them to act with caution and reluctance when it comes to making significant breakthroughs since the relationship between procurement procedure and procurement issues in the public sector is significant (Ismail et al., 2018). The concern lies in the perception that utilizing an innovative way in public procurement may have substantial effects on audit risk. The relationship between a new mechanism in public procurement and audit risk is influenced by variables such as transparency, control environment, compliance, data accuracy, and overall comprehension of the mechanism. Complexity, noncompliance, and lack of transparency can increase audit risk, whereas a well-designed, transparent mechanism with



Figure 9. The Panel of Consultants' Socialization

Source: KPPIP (2019b)

appropriate controls and compliance measures tends to reduce it. Education and socialization are crucial for project planning success, as evidenced by the correlation between these factors and the accomplishment of building infrastructure (Larsen et al., 2018; Ojo, 2019; Othman et al., 2017).

PIUs must recognize the significance of prioritizing quality, especially in Public-Private Partnership (PPP) projects where private investment is involved. Workshops and assistance are essential for PIUs to comprehend technical practices and proper preparation, such as market rate analysis. Furthermore, knowledge dissemination is vital to instill awareness that global investors are the primary target for achieving the highest quality projects and meeting funding requirements. The way project preparation is conducted, document compilation, and investor presentations directly impact investors' interest. Project preparation consultants, therefore, play a crucial role in enticing investor interest during this phase (Budiyanti, 2018). Poor project preparation quality can lead to low feasibility and investor interest (Surachman et al., 2021). It seems that the PIUs may not fully grasp the importance of global investors' interest in high-quality project planning or appreciate the necessity of having top-quality consultants on the Panel of Consultants. Enhancing the PIU's competence and mindset is

imperative, as the competence and integrity of the UKPBJ⁶ are crucial aspects of public procurement (Sopian et al., 2023). The theory of Oligopticon relates to the issue of underutilization of the Panel of Consultants within the context of a limited and decentralized budget as well.

Oligopticon is a theoretical framework that describes a situation in which numerous actors or organizations have the ability to observe and influence a system, but no single entity has full control over the system. In the case of the Panel of Consultants, a number of government institutions, including the Ministry of Transportation and other PJP institutions, hold the authority and budgetary allocation for infrastructure initiatives. The limitations and budget cuts at KPPIP have an indirect effect as well on the Panel of Consultants' operation. Without sufficient funding, fundamental activities such as socialization and information dissemination become difficult. It becomes difficult to implement innovations or advancements without adequate budget allocation (Kharel et al., 2014; Shiva et al., 2020). Moving to the solution of expansion, the existing Panel of Consultants only consists of consultants for project preparation and/or transaction support. Since December 2018, the

⁶ The abbreviation for Unit Kerja Pengadaan Barang/Jasa, a procurement unit in agencies

**Table 5.
Consultant Member of the Panel of Consultants**

Panel 1 (Pre-Feasibility Study, Feasibility Study & Outline Business Case)	Panel 2 (Legal)
KPMG Services Pte, Ltd.	ANG Law Firm
PT Deloitte Konsultan Indonesia	Arfidea Kadri Sahetapy-Engel Tisnadisastra (AKSET)
PT Ernst & Young Indonesia	Armand Yapsunto Muharamsyah and Partners (AYMP)
PT Mott MacDonald Indonesia	Ary Zulfikar & Partners Legal Consultant
PT INDOKOEI International	Bahar & Partners
REBEL Group International BV	CMSCameron McKenna Nabarro Olswsang LLP
SMEC International Pty, Ltd.	Hadiputranto Hadinoto & Partners
Panel 3 (Financial Advisory)	Panel 4 (Project Management Office & Engineering Service)
CRISIL Risk & Infrastructure Solution Limited	PT Deloitte Konsultan Indonesia
KPMG Services Pte, Ltd.	PT Haskoning Indonesia
PT Boston Consulting Indonesia	PT Mott MacDonald Indonesia
PT Ernst & Young Indonesia	PT Jacobs Group Indonesia
<u>PT Indonesia Infrastructure Finance</u>	PT Hatch
PT Pricewaterhouse Indonesia Advisory	PT Widya Graha Asana Engineering Consultants
Rebel Group International BV	PT WorleyParsons Indonesia
Panel 5 (LARAP ⁷ & Appraisal)	
	PT Amurwa International
	PT Heksa Jagaddhita Abadi
	PT Kogas Driyap Consultant
	PT Kwarsa Hexagon
	PT WorleyParsons Indonesia
	PT Trans Intra Asia
	PT Multi Kariguna Jasa

Source: Notification Letter for the Use of the Panel of Consultants KPPIP No. B/BM.2.4/06/D. VI.M.EKON/02/2019 dated February 18, 2019

consultants within Table 5 have been members of the KPPIP Panel of Consultants.

The Panel's expansion can be possibly done by periodically revising the Panel of Consultants to include new consultancy service providers, as KPPIP is permitted to do it during the duration of the Indefinite Delivery Contract (IDC). In addition to the possibility of updating the Panel's list, a performance evaluation of the Panel's consultancy service providers will be conducted. In coordination/communication with PIU, which has used the Panel of Consultants, the Chairman of KPPIP will monitor the performance of the consultancy service providers on the list on a regular basis to ensure their continuous and satisfactory performance. To ensure the quality and optimization of the Panel of Consultants,

enhancements deemed necessary for the future include considering the inclusion of frequently used consultants by the PIU and maintaining consistent evaluations of the consultancy service providers within the Panel in accordance with the rules. The concept of the Panel of Consulting Firms in the Project Development and Monitoring Facility (PDMF) that has been established by the PPP Center of the Philippines can be adopted as well. As is known, the scope of their consulting firms' panel also covers consultancy services for probity advisors, independent consultants, and resilient PPP projects of local PIUs.

The mandatory utilization of the Panel could be the ultimate solution for addressing the problems observed in PPP projects by employing professional human resources and management to handle all aspects necessary to support project preparation (Surachman

⁷The abbreviation for Land Acquisition and Resettlement Action Plan

et al., 2022). Usage obligation refers to the implementation of regulations requiring all the PIUs to procure consultants from the Panel of Consultants. Alternatively, budget centralization entails centralizing funds for PSN and PIP project preparations under KPPIP's jurisdiction, thereby facilitating more efficient decision-making processes. In the context of infrastructure acceleration, the authority of KPPIP pertains to policies and decisions that could be explained from the Oligopticon's point of view. The Oligopticon clarifies how the power of the KPPIP should motivate them to pursue the usage obligation in order to maximize the Panel of Consultants' utilization, as the KPPIP has been mandated to conduct surveillance over the PSN and PIP.

The Oligopticon theory could tell how the mandatory use of the Panel of Consultants is seen as an effort by KPPIP to optimize its tasks and functions in overseeing the implementation of PSN and PIP projects. The Panel of Consultants is an Oligoptic tool used to closely monitor consultant procurements for PSN and PIP projects. By utilizing only consultants from the Panel of Consultants, KPPIP can ensure that PSN and PIP projects involve only high-quality consultants who have been pre-qualified by KPPIP. In addition, the requirement to utilize the Panel of Consultants can reduce the risk of subjectivity toward particular consultants, assuring that only qualified consultants manage PSN and PIP projects.

Lastly, with concentrated funds, it is hoped that PSN and PIP project preparation will be able to place a greater emphasis on quality, ignoring other subjective factors that may not prioritize quality. In addition, concentrated funds are believed to hasten the implementation of PSN and PIP. Acceleration can occur because centralized funding makes decision-making regarding project implementation easier, involving fewer parties with different interests. In this instance, KPPIP consists of a single committee whose

members share the same vision. In contrast, other decentralized agencies are characterized by greater organizational complexities and diverse institution-wide interests.

Conclusion

The reason for the underutilization of the Panel of Consultants is the first inquiry of this research. Dissemination, socialization, and user capacity concerns are the first cause. A lack of information dissemination and socialization related to the Panel of Consultants is involved. Hence, the PIUs do not see the necessity to use the Panel and consider its convenience to be of minimal importance. They lack the required expertise and there are concerns about subjectivity as well. The second reason is the budget constraints and decentralization, which hinders the utilization of the Panel of Consultants that consists of international-level companies. Lastly, there are consultant-related issues, mainly connected to the PIU's existing engagement with consultants who are not part of the Panel.

The second question of the research is how to address the reasons for the underutilization of the Panel of Consultants. The first solution is dissemination and expansion, aiming to provide comprehensive information and socialization, technical assistance, and support to the PIUs during the tendering process to enhance their capacity. Furthermore, the solution involves extending the applicability of the Panel of Consultants beyond specific projects and phases. The second solution is regular consultant provision and update, ensuring frequently utilized consultants are included in the Panel and keeping it up to date. The last solution is the implementation of usage obligation and budget centralization, mandating the use of the Panel and centralizing the budget under KPPIP's authority.

This research is expected to generate results that will be beneficial for various stakeholders, including KPPIP for forming a better Panel, LKPP

for enhancing the regulations, other government agencies for gaining insights into the Panel's existence, the procurement field for future insight development, and the academic field for research on consultancy services selection. Since the Panel of Consultants is a fruitful innovation in the field of public procurement and has been verified by multiple informants, the results are primarily expected to serve as the potent input and consideration for the KPPIP and LKPP in order to reform and reestablish the Panel of Consultants. In addition, the Panel's value of saving time and hassle when hiring consultants is undeniable, therefore its continuation merits careful consideration in order to promote infrastructure development, which is still a top priority for the government.

The limitations of this research exist as well, such as the lack of practitioners involved, potential inherent response subjectivity, and the narrow scope of examination. Future research could include more practitioners as informants, conduct more objective research (e.g. quantitative-based research), and extend the scope to explore the potential for a broader panel of consultants, not only for PSN and PIP projects. Given that the use of the panel is common in other countries and entities, investigating its potential development in Indonesia is considered intriguing.

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