



## THE NATURE OF THE TENDER IMPLEMENTATION FOR THE CONSTRUCTION OF THE DI IRRIGATION NETWORK. GILIRENG KIRI, WAJO REGENCY IN VIEW FROM THE ASPECT OF CONTRACT LAW

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### ABSTRACT

**Objective:** Construction of rifle net. Gilireng Kiri, Wajo Regency uses the type of purchase of construction works with the method of access to tender, with the prequalification of the files, the lowest price is a disposal system, and the type of contract used is a unit price contract.

**Method:** The unification of price contracts will require the supervision and verification of the actual quantity of the units, as well as their impact on the suitability or availability of the budget. Next, the number of regeneration jobs between service users and service providers must be performed to determine the workload.

**Results and conclusions:** This will also create opportunities for collusion between users and service officials. The research method uses the normative legal approach through the inventory, analysis, analysis and understanding of the law as set of norms or helpful norms in the constitutional system.

**Research implications:** The data of this research were collected through a literary study, that is, from library materials related to the problems studied, as well as from descriptive methods.

**Originality value:** The binding aspects of construction services are governmental, commercial or private entities, as service providers, as users of the service. In relation to the use of work, the relationships between provision users and facility workers should be described in the agreement/agreement.

**Keywords:** Contract Law, Tenders, Irrigation Network, Construction, Budget.

## A NATUREZA DA EXECUÇÃO DO CONCURSO PARA A CONSTRUÇÃO DA REDE DE IRRIGAÇÃO DI. GILIRENG KIRI, WAJO REGENCY PERANTE O ASPECTO DO DIREITO CONTRATUAL

### RESUMO

**Objetivo:** Construção de rede de espingarda. Gilireng Kiri, Wajo Regency utiliza o tipo de compra de obras com o método de acesso a concurso, com a pré-qualificação dos arquivos, o preço mais baixo é um sistema de alienação, e o tipo de contrato utilizado é um contrato de preço unitário.

**Método:** A unificação dos contratos de preços exigirá a supervisão e verificação da quantidade real das unidades, bem como seu impacto na adequação ou disponibilidade do orçamento. Em seguida, o número de trabalhos de

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regeneração entre usuários de serviço e provedores de serviço deve ser executado para determinar a carga de trabalho.

**Resultados e conclusões:** Isso também criará oportunidades de conluio entre usuários e funcionários do serviço. O método de pesquisa utiliza a abordagem jurídico-normativa através do inventário, análise, análise e compreensão da lei como conjunto de normas ou normas úteis no sistema constitucional.

**Implicações da pesquisa:** Os dados desta pesquisa foram coletados por meio de um estudo literário, ou seja, de materiais de biblioteca relacionados aos problemas estudados, bem como de métodos descritivos

**Valor de originalidade:** Os aspectos vinculantes dos serviços de construção são entidades governamentais, comerciais ou privadas, como prestadores de serviços, como usuários do serviço. Em relação ao uso do trabalho, as relações entre os usuários dos serviços e os trabalhadores das instalações devem ser descritas no contrato/acordo.

**Palavras-chave:** Direito Contratual, Licitações, Rede de Irrigação, Construção, Orçamento.

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## 1 INTRODUCTION

Advance is van effort to generate success and well-being for persons. To achieve these objectives, national development is materialized in a planned, comprehensive, integrated, corrected, gradual and continuous manner, in order to promote the creation of national competence. The real form of development that the Government has done is infrastructure development, and one of them is irrigation (de Souza et al.,2023).

Irrigation aims to drain water regularly according to plant needs when the groundwater supply is sufficient to support plants so plants can grow normally. The provision of efficient irrigation water is not only influenced by application procedures. It is also determined by the need for water to achieve the available water conditions plants need. However, the condition of water resources is limited and has experienced disturbances due to climate change and environmental degradation, causing the demand for water for agricultural purposes to become more competitive (Sirait, Saptomo and Purwanto, 2015). This condition can cause an imbalance between the availability and demand of water.

The construction of irrigation canals to support the provision of national food is urgently needed so that water availability in the land will be fulfilled even though the land is far from surface water sources (Murdiana and Fadli, 2016). To anticipate this, irrigation networks are needed by farmers who need human resources, equipment, or available materials. Irrigation water management from upstream *to* downstream requires adequate facilities and infrastructure, one of which is by building dams as a container for providing irrigation. Failure to function or damage to one of the irrigation structures will affect the performance of the existing irrigation system, resulting in reduced irrigation efficiency and effectiveness (Apriana, et al, 2020).

To ensure that development projects run well, it is necessary to go through the mechanism of goods and facilities that the government has set. Gaining of goods and amenities plays an essential role in utilizing the state budget. The concept of procurement should not only be limited to obtaining goods, buildings, and services but also to achieving value for money, namely increasing the value of money spent and providing real benefits to society and the economy by participating in minimizing environmental damage. To achieve this and get project implementers with the most profitable level of risk for the country, one of the selections that



the government often carries out is to involve the community, in this case, the private sector or entrepreneurs and contractors, through tender activities.

A tender offers the presentation of a price, the purchase of a work or the delivery of goods from two parties, i.e. the organizer and the bidder, also known as the seller. 2021 Presidency Regulation on Public Procurement of Goods, done in the Presidency Regulation on 16 January 2018. ("Presidential Decree 12 of 2021") It states that tendering is the method of selecting goods or construction workers or other service providers. The purpose of obtaining tenders for a construction project is to obtain quality goods and services, to the extent that it is requested with the best competitive offers at market prices. If the contractor offers too high a price in the hope of making a significant profit, the chances of winning the bid will be very low. On the contrary, if it submits a low tender, it must be based on a reasonable proportion so as not to rule out the quality and future risk of the execution of the project, since the lower tender raises doubts as to the ability of the successful tenderer to carry out the content of the contract.

The chartering agreement is a reciprocal agreement between rights and obligations, in which a contractor and another party contract (Djumaldi, 1996). Meanwhile, Article 1601 b of the Civil Code explains contracting work is contract in which one party, the contractor, binds himself to carry out a certain job for another party, namely the party who contracted, by receiving a predetermined price. Contracting agreements can be made orally or in writing. Contractual agreements are usually made in written form, set forth in certain forms, especially for government projects called standard agreements, namely the implementation of agreements based on the performing of standards concerning the juridical and technical aspects designated in the contract formulation. Moreover, suppose the qualifications of the tendered business are large. In that case, the contract can provide legal certainty for the parties as perfect evidence in the event of a dispute in the future development of DI irrigation network. Gilireng Kiri Wajo Regency includes the qualifications of a large business that should be subject to the legal aspects of the contract.

Wajo Regency, with the capital city of Sengkang, is located in the central part of South Sulawesi Province at 242 km from Makassar. It has an area of 2,506.19 km<sup>2</sup> or 4.01% of the total area of South Sulawesi Province. Judging from its topography, Wajo Regency is located in the middle zone, which is a depression that extends to the southeast sea and finally is a strait. It is only natural that Wajo has the potential for large water resources, both groundwater and in lakes and rivers such as the Bila River, WalanaE River, CenranaE River, Gilireng River, Siwa River, and Awo River, and can be utilized for irrigation and water supply. Clean (Information Communication and Statistics Office, no date).

Meanwhile, the Gilireng irrigation area in Gilireng District, Wajo Regency, covers an area of 8,500 hectares, consisting of 5,700 hectares of right irrigation network and 2,800 hectares of left irrigation network. This irrigation supply is expected to help farmers increase their cropping intensity from 112% to 300% with the rice-paddy-palawija cropping pattern. The irrigation network that irrigates the Gilireng dam has the potential to become a new tourist destination in Wajo Regency because it has a beautiful landscape surrounded by plantations and rice fields because it is designed with a cascade type with a weir width of 50 meters with an intake discharge of 16.34 m<sup>3</sup>/second (This is the Editor, 2021).

The Gilireng Dam has been worked on since 2018 and is followed by the development and management of an irrigation network, with the hope that it will become a source of water for irrigation which will be supplied from the Passelloreng Dam, which has also completed its construction work (Ruhlessin, 2021). However, until December 2021, the development of the Gilireng irrigation area was felt to be progressing slowly. Even tens of hectares of paddy fields and plantations for the people of Arajang Village, Gilireng District, were inundated due to the impact of the project development (Ulho, 2021). This tendency can occur because the benchmarks for project development success are reflected in the determination of time, set



costs, scope of work, and quality per the contract agreed upon during the procurement of tenders.

Based on data reported by the Electronic Procurement Service (LPSE) of the Organization of Municipal Works and Public Housing, the tender for the construction of the DI irrigation network. Gilireng Kiri Wajo Regency with the type of procurement of construction works using the tender procurement method, one file prequalification, and the lowest price knockout system. The type of contract used is a unit contract with a package ceiling value of Rp. 242,154,493,000.00 (two hundred forty-two billion one hundred fifty-four million four hundred ninety-three thousand rupiahs).

Unit price contracts, according to Executive Decree 12 of 2021, are agreements for the obtaining of goods/structure works/other services with a fixed unit price for each unit or element of work with certain technical provisions for the conclusion of all work within a predetermined time limit with the following provisions:

- a. The volume or quantity of work is still estimated at the time the contract is signed;
- b. Payment based on the results of joint measurement of the actual volume of work; And
- c. The final value of the contract is determined after the work is completed.

The problem is that applying unit price contracts requires strict monitoring and verification of the actual number of units and their impact on budget adequacy or availability. Then the amount of re-measurement work must be carried out jointly between service users and service providers to determine the work volume. It will also create opportunities for collusion between service users and officers (Kapugu, 2018). Moreover, the construction of the Gilireng irrigation network includes construction work with many work items. Using unit price contracts has the vulnerability of unbalanced unit prices for certain jobs.

Not to mention if the tender was originally used to find the best offers based on quality and quantity, but there is a deviation in the existence of a tender conspiracy. This conspiracy prioritized the behavioral aspect in the form of an agreement to conspire, which was carried out secretly. Bidders determine the company that must obtain the work through the expected contract price in bid rigging. As a result, unfair business competition impacts the business climate of goods and services providers. This, of course, has an impact on the use of the value of money in an ineffective, efficient, and economical way.

Implementing a construction contracting tender that is not based on doctrinal propositions and the legal basis of the contract will result in disputes. In contract law contains all the legal principles governing legal relatives between two or more revelries based on an arrangement to give rise to legal consequences. Of course, the offer made by the tender participant and acceptance by the organizer must be based on the meeting of the will of both parties. There is also a basis for consideration of the goods/services being tendered—contract signing.

Therefore, based on the explanation above, it is required to conduct examine entitled: "The Nature of the Tender Implementation for the Development of Irrigation Networks in Gilireng Kiri, Wajo Regency because of the Legal Aspects of the Contract."

## 2 RESEARCH METHODS

This study uses the normative legal approach, that is, the inventory, analysis, analysis and understanding of law as a set of norms or positive norms in the legal system that regulates human life. Secondary data includes, among others, library materials related to research. Secondary data includes first-order lawful resources, tributary legal resources, and third-rate legal supplies.



### 3 RESEARCH RESULTS AND DISCUSSION

#### 3.1 Contract Law in the Implementation of Irrigation Network Construction Contracts

Indonesia is a developing country that is actively implementing supporting infrastructure development in all fields (Yuliana and Yuni, 2021), one of which is irrigation networks. The construction of irrigation networks is part of managing water resources, where the implementation is in the form of constructing weirs and building irrigation networks (Rivelino and Soekiman, 2016). One of the uses of irrigation activities is to support agricultural productivity, a guard for national food security. Irrigation activities can run well and can be realized through a good irrigation system (Firdaus, 2022).

The management and development of irrigation systems requires good infrastructure, as good infrastructure will protect people's well-being, increase agricultural production and optimize the use of water resources (Putri, 2018). The successful implementation of a construction project is effective planning. Resources are the potential skills and capacities that human activities can use for socio-economic activities. In this way, it can be said more accurately that the resources of the construction project are the capacities and capacities that can be used for constructive activities. The resources of the construction project are dimensional, among which are the costs, time, human resources, materials and equipment used for the execution of the project, whose operation must be carried out in a good management system for its correct use. (Lesar, Manoppo and Malingkas, 2022).

The acquisition of government goods and services contributes a lot to the economic development of a country, since the acquisition of goods and services is oriented to obtaining the necessary goods or services for government agencies with responsible qualifications, so the role of society is necessary for its fulfillment from the point of view of the supplier of necessary goods and services. According to government agencies (Andriana, 2021). Procurement of goods and services constitutes state spending used to carry out Central Government tasks and implement financial balances between the Central and Regional Governments (Samudra, 2021).

Government policy through Presidential Regulation of the Republic of Indonesia Number 16 of 2018 concerning Procurement of Government Goods/Services (“Perpres No. 16 of 2018”), which requires a budget ceiling of more than Rp. 200,000,000 must be made through a tender (Khairunnisa, 2021). One of the Government procurements is the Gilireng irrigation network, Wajo Regency. Based on data reported by the Electronic Procurement Service (LPSE) of the Ministry of Public Works and Public Housing, the tender for the construction of the DI irrigation network. Gilireng Kiri Wajo Regency with the type of procurement of construction works using the tender procurement method, one file prequalification, and the lowest price knockout system. The type of contract used is a unit contract with a package ceiling value of Rp. 242,154,493,000.00 (two hundred forty-two billion one hundred fifty-four million four hundred ninety-three thousand rupiahs).

Procurement of government goods and services also plays an important role in the utilization of the state budget. The legal regulations related to government management in the field of government procurement of goods and services are Presidential Decree No. 12 of 2021 as a substitute for Presidential Decree Number 16 of 2018 concerning Government Procurement of Goods and Services which is a further reform of the government goods and services procurement system in Indonesia (Metasari, 2022). General Provisions of Presidential Regulation Number 12 of 2021 and Regulation of the Government Goods/Services Procurement Policy Agency Number 15 of 2018 concerning Actors for Procurement of Goods/Services (“LKPP No. 15 of 2018”) do not define actors in the procurement of goods and services. However, according to the Big Indonesian Dictionary, the meaning of the perpetrator is (1) a person who commits an act; (2) Actors, a player (play and so on) (3) Who acts, subject



(in a sentence and so on); who are the main actors in changing a particular situation. Actors procuring goods and services consist of:

- a) Budget User (PA); Budget Users are officials holding the authority to use the budget of State Ministries /Institutions/Regional Apparatuses.
- b) Budget User Authority (KPA); Proxy of the Budget User is an official who obtains power of attorney from the PA to carry out some of the authority and responsibility for using the budget.
- c) Commitment Making Officer (PPK); Commitment Making Officials are officials whom the PA/KPA authorizes to make decisions and/or take actions that may result in the expenditure of the state budget/regional budget.
- d) Procurement officer; Procurement Officer is an administrative official/functional official/personnel in charge of carrying out direct procurement, direct appointment and/or E-Purchasing.
- e) Selection Working Group (Pokja); Selection of the Selection Working Group is a human resource set by the UKPBJ leadership to manage the selection of providers.
- f) Procurement Agent; Procurement Agents are UKPBJ or Business Actors who carry out part or all of the goods and services Procurement work entrusted by the Ministries/Institutions/Regional Apparatuses as the job giver.
- g) Swakelola Organizer; Swakelola Organizer is a Team that organizes activities on a self-managed basis.
- h) Provider.

The perpetrators of the procurement of goods and services, in this case, PPK, have the duties of: compiling a procurement plan; carry out strengthening the procurement of goods and services; determination of technical specifications/applications; technical specifications/orders; determination of the draft contract; Implementation of the CAP; determine the amount of the initial payment to be paid to the supplier; propose modifications to the calendar of activities; the realization of electronic purchases, with a minimum of 200,000,000,000.00; control of contracts; ensure and maintain the authenticity of all implementation documents; Report on the application and completion of activities for the PCA; provide the AP/IPC with the results of the work of implementing activities with a certificate of delivery; the evaluation of the supplier's activity; establish a support group; the assignment of a panel of experts or experts; and determination of the letter of appointment of suppliers of goods/services. On the basis of paragraph 10 and paragraph 11 of Decree No. 12 of 2021, PPK is also working to delegate powers to the PA/KPA, i.e. for PPK to adopt the measures arising from budgetary expenditure and agree with other parties, within the limits of the approved budget. It has been implemented.

Along with advances in information and computer technology and the need for a system that can speed up and increase the efficiency and effectiveness of work at a more affordable cost, government agencies are starting to improve a system in managing government tasks and in terms of service. One way is by implementing the Electronic Procurement System (SPSE). The Electronic Procurement System (SPSE) is an e-Procurement application developed by LKPP for use by LPSE in government agencies throughout Indonesia. LPSE is a work unit formed in all Ministries/Institutions/Regional Work Units/Other Institutions (K/L/D/I) to organize an electronic goods/services procurement service system and facilitate ULP/Procurement Officials in carrying out goods/services procurement. Services electronically. In addition to facilitating ULP/Procurement Officials in carrying out goods/services procurement electronically, the LPSE also serves the registration of goods and service providers who are domiciled in the work area of the LPSE concerned (Putri, et al, 2018).

Transparency and accountability for the implementation of electronic tenders in the administration of goods and services can ensure that it is very easy for companies that provide goods and services. However, on the other hand, goods supply companies need to obtain legal



certainty regarding the certainty of prequalification results, qualifications, and the mechanism and process for announcing the tender winner, which is carried out between the committee and the website-based vendor (Bahmid and Khairunnisa, 2018a). Theoretically, implementing electronic tenders is considered very profitable compared to conventional tenders (Mulyono, 2020a).

Applying the principles of transparency, accountability, openness, competition, and fairness/non-discrimination in implementing goods/services procurement will increase public confidence in the goods/services procurement process because the results can be accounted for to the public from an administrative, technical, and financial standpoint. Procurement of government goods and services that are carried out transparently, accountable, open and competitively will also impact be improving public services (Mulyono, 2020b). LPSE is expected to guarantee transparency, accountability, openness, and fair business competition during the auction process so that monopolistic practices and intimidation/thuggery in the auction process can be eliminated (Mulyono, 2020c).

The selection of contractor services is not solely based on economic considerations. However, the composition of the materials used is also in accordance with the initial design offered by the contractor (Putra, Wiryawan and Putrawan, 2015).

Contract tender is an offer to submit a price, buy work or provide goods involving two parties, namely the organizer and another party making the offer. Job chartering occurs when there is an agreement between the two mutually binding parties, to hand over a job to another party, and the other party pays a price. Tender aims to produce the right goods/services from every money spent, measured from quality, quantity, time, cost, location, and provider.

Procurement of government goods or services is within the scope of the domain of civil law. The process of procuring government goods or services also includes state administrative law and criminal law. Implementing the procurement of government goods or services has many possibilities for violations of laws and regulations up to criminal acts of corruption. Forms of accountability can be sanctioned in the form of demands for compensation, administrative sanctions, and criminal sanctions (Kadir, 2020).

Government activities as providers of goods/services acting in private law involve the government in a commercial transaction. The government binds itself to a work agreement or contractual relationship. Although on the one hand, the government's position as a party to the contract, the government's position as the parties should not be positioned higher (Bahmid and Khairunnisa, 2018b). From a budget perspective, contracts made by the government can be grouped into two types, namely, contracts that are expenditures and contracts that bring revenue. The government's procurement of goods and services (*government procurement*) belongs to the first type. In contrast, the second type includes various types of contracts, including exchanges, leases, sales of state assets, including stocks, and issuance of bonds or foreign loans (loan agreements ) (Simamora, 2017).

Government procurement of goods/services, in this case, a tender, is one of the stages in contracting construction services. Based on Article 38 paragraph (2) Law No. 2 of 2017 concerning Construction Services ("Law No. 2 of 2017"), the implementation of a construction service business can be carried out alone or through a construction service agreement. The binding of construction services is the process of forming an agreement. The parties in binding construction services consist of the government as service users and business entities or individuals as service providers. The binding of construction services is divided into 2 stages: the stage of selecting the service provider and the stage of signing the work contract. These two stages will form a legal relationship between the service user and provider. Contracting construction services is identical to the concept of engagement because the result of contracting construction services is a binding legal relationship between two or more people which results in the emergence of rights on one party and obligations for achievements on the other party in



the field of assets (Setiawan, 2015). The arrangement of the working relationship between the service user and the service provider must be stated in the construction work contract.

Tender is the initial or pre-contractual stage. Through tenders, the government, as a service user, seeks a service provider who will carry out the work/performance. Service providers submit and evaluate offers at this stage according to the technical requirements. The service provider with the appropriate offer is then determined as the tender winner and contracted through an agreed construction work contract. The government cannot form contracts to carry out achievements other than with that party (Suryoprayogo, 2022).

Goods/services are acquired by agreement: the existence of an agreement or agreement for the creation of a legal relationship. The legal relationship that occurs is the relationship between the user of goods/services and the supplier of goods/services, with legal effects on the acquisition of goods/services: its legal effects are the emergence of rights and obligations between the parties. In this sense, the momentum has been driven since the signing of the contract between the user of goods / services and the supplier of goods / services. the elements that must be present in a goods/services agreement, i.e. the existence of a subject, i.e. user of goods/services and supplier of goods/services; (2) is an object, i.e. a supply of goods or the provision of services; 3. A document regulates the relationship between the user of goods/services and the supplier of goods/services (Sinaga, 2019).

The government carries out infrastructure development and procurement of goods and services in carrying out the state administration function. In this regard, the government is involved in a contractual relationship between local government projects and the private sector by entering into a contract. "The working relationship of project chartering established by the government is also related to its obligation to provide, build and maintain public facilities (*public utilities*). With regard to work chartering agreements, the provisions stipulated in Article 1601 (b) of the Civil Code (KUHPperdata): Agreement by which one party, the contractor, binds himself to carry out a job for the other party, the one who buys, by accepting a specified price (Bahmid and Khairunnisa, 2018c). Based on Article 1320 of the Civil Code, four legal conditions for forming a contract have been determined, namely: (1) Agreement; (2) Ability to Make an Engagement; (3) A Certain Matter; (4) A Cause That Is Not Forbidden.

The provisions of Article 1342 of the Civil Code regulate how the contents of the agreement must use clear word explanations, special mention of goods specifications must clearly state the unit of goods, the number of goods, and the unit of goods, so as not to find different interpretations between the parties. The provisions in Article 1343 of the Civil Code guide if there are differences in the contents of the agreement, it is explained that if the words in the agreement can give rise to various interpretations, it is first necessary to examine and understand what is meant by each party in agreeing rather than holding the meaning words based on the interpretation of each party (Fanady and Dilaga, 2021).

An agreement is an event where one party promises to another party or promises to carry out something. Implementation of the agreement is an act of realizing or fulfilling the rights and obligations that have been agreed upon by the parties so that the objectives that have been made are achieved. Each party carries out the agreement ideally in accordance with what has been agreed to do (Dahayu, 2020).

In carrying out the work, the service provider is also considered to have not finished carrying out the construction and completion of the work so the service provider for the procurement of goods and services receives a verbal warning letter from the service user through the deputy for supervision carried out by the supervisory consultant so that he can complete his work on time. However, this is not done by the service provider because in order to complete the work on time, it requires too much manpower and costs so the service provider is unable to provide large funds due to conditions in the field not in accordance with the contract





value, in the event of a default all relevant agencies do not use the goods and services from the company as a result of default (Putra, 2016).

Regarding the nature of contract law in implementing tenders for the construction of irrigation networks, the aim of the tender itself is to produce the correct goods/services for every money spent, measured from the aspects of quality, quantity, time, cost, location, and provider, while increasing domestic products. Therefore, to manifest the above aspects, the agreement made by the parties involved throughout the tender process has a great influence. The implementation starts from post-qualification to the signing of the contract. However, the extent to which the implementation of the tender for the construction of the DI irrigation network. Gilireng Kiri Wajo Regency is influenced by several factors, which consist of legal substance, legal structure, legal culture, community factors, and facilities and infrastructure (Ferreira Neto et al., 2021).

In order for the procurement of goods and services to be achieved, all parties in the procurement of goods/services must follow the applicable norms. The ideal norms for the procurement of goods/services are implied, among other things, in the understanding of nature, philosophy, ethics, and professionalism in the procurement of goods/services. As for the norms for procuring goods/services that are optional in general, they have been formulated and outlined in statutory regulations, namely in the form of laws, regulations, guidelines, instructions and other forms of legal products (Geria Andriana, 2016).

#### **4 CONCLUSION AND SUGGESTION**

Procurement of government goods or services is within the scope of the domain of civil law. The process of procuring government goods or services includes state administrative and criminal laws. Implementing the procurement of government goods or services has many possibilities for violations of laws and regulations up to criminal acts of corruption. Forms of accountability can be sanctioned through demands for compensation, administrative sanctions, and criminal sanctions.

In this case, procurement of goods/ services is the tender for the construction of DI irrigation networks. Gilireng Kiri, Wajo Regency, is one of the stages in binding construction services. The parties in binding construction services consist of the government as service users and business entities or individuals as service providers. The arrangement of the working relationship between the service user and the service provider must be stated in the construction work contract. With an agreed agreement, an agreement or legal relationship arises, namely the emergence of rights and obligations between the parties. Both parties promised each other to carry out something that had been agreed upon.

Regarding the nature of contract law in implementing tenders for the construction of irrigation networks, the aim of the tender itself is to produce the correct goods/services for every money spent, measured from the aspects of quality, quantity, time, cost, location, and provider, while increasing domestic products. Therefore, to manifest the above aspects, the agreement made by the parties involved throughout the tender process has a significant influence. The implementation starts from post-qualification to the signing of the contract.

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