

The principle of accountability for the object of the auction held

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ABSTRACT

This study aims to determine the principles of accountability owned by PT Balai Lelang Serasi. This study uses a normative juridical approach. The data collection technique used is documentation technique (literature study and scientific journal articles). The data analysis technique used is descriptive and critical analysis. The results of this study indicate that the principle of accountability owned by PT Balai Lelang Serasi can be seen from the provision of access to prospective bidders to check the physical condition and completeness of the auction object documents at the open house stage; obliges the prospective bidder to pay a security deposit which will later be returned to the bidder in accordance with what is stated on the registration form (auction participants must deposit a security deposit of Rp 5,000,000 (five million rupiah)/car and auction list as proof of commitment that the prospective bidder guarantees that he or she is willing to participate in the auction); and the auction winner is fully responsible for what he bids, and he wins.

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1. Introduction

In this world there are many ways to obtain an item, the need and/or desire for an object becomes the basis for someone to control the ownership of an item. In general, to obtain an item is done by buying and selling, namely the exchange of value between the nominal currency and a particular item. Ownership of goods obtained from buying and selling is commonly practiced by most people and becomes a system in economic cycles (Imhof & Wallimann, 2021). The implementation of buying and selling only involves the seller and the buyer, on average the seller sells merchandise that varies (more than one) to be sold to people who become buyers.

Apart from buying and selling, there is also another system for obtaining ownership of an item, namely through an auction. As for the juridical definition of auction, it can be seen in Article 1 *Vendu Reglement* (VR) which is the main rule for auctioning legal products inherited from the Netherlands, which explains that "A public sale (auction) is the sale of goods made to the public with an increased price bid or by entering a price in a sealed envelope, or to persons who are invited or previously notified of the auction or sale, or are permitted to participate, and are given the opportunity to bid on prices, agree to the price offered or enter prices in a closed envelope.

Regular buying and selling are different from buying and selling which is carried out with an auction system, the difference lies in the mechanism of the buying and selling process of an object of goods. Theoretically, Salim HS in his book explains the definition of auction, as follows an auction or sale in public is a sale of goods carried out in front of a large audience where the price of the goods offered to buyers increases every time (Carratù et al., 2020; Dasgupta & Hansen, 2007; Jansen et al., 2022). It can be understood in more detail regarding the implementation of the auction, namely the items offered to buyers, where the price can increase. That is, the owner of the goods initially opens a bid for the goods sold by auction with a certain nominal, until in the end there are several buyers who are ready to buy the goods by competing competitively, resulting in an increase in price.

The technical concept related to auctions is explained in Kepmenkeu Number 304/KMK.01/2002 concerning Instructions for Implementation of Auctions Article 1 paragraph (1), which reads "Auction is the sale of goods open to the public either directly or through electronic media by way of verbal price bidding and/or in writing which was preceded by efforts to gather enthusiasts". In practice, the sale of goods by auction must go through parties appointed by laws and regulations to be able to hold an auction. Regarding the party holding the auction, it is based on the provisions of Minister of Finance Regulation Number 176/PMK.06/2010 concerning Auction Hall Article 1 point 1, which reads "Auction Center is an Indonesian Legal Entity in the form of a Limited Liability Company (PT) specifically established to carry out activities business in the auction sector".

As for parties who can establish an Auction Center, as referred to in Article 1 number 1 of the Minister of Finance above, it is formulated in Article 2 of Minister of Finance No. 176/PMK.06/2010 concerning the Auction Hall, namely "a). National private; b). Joint venture between national private sector and foreign private sector; or c). BUMN/D joint venture with national private sector/foreign private sector in accordance with statutory regulations". PT Balai Lelang Serasi is an auction center that organizes auction sales in the automotive sector such as motorbikes, cars and used heavy equipment to companies and individuals. PT Balai Lelang Serasi was founded in 2007, is a subsidiary of PT Serasi Autoraya which is under the auspices of the Astra Group.

On its official website, PT Balai Lelang Serasi claims that the company handles Astra-standard auctions which guarantee the safety of auction objects, the accuracy and legality of transactions, which are supported by experience in conducting auctions in various big cities in Indonesia. PT Balai Lelang Serasi also received a 5-Star World Class Quality Achievement award for the auction house category based on research by MARS Indonesia and SWA Group as a form of appreciation for the best brands in Indonesia and received an award in 2014 from the Directorate General of State Assets (DJKN) as the Auction House with the best level of performance in the vehicle sector.

In connection with the status of the Auction Center as formulated in Article 1 point 1 of the Minister of Finance No. 176/PMK.06/2010 concerning Auction Halls, Silaghi & Sarkar (2021) coverage describes the difference between Private Auction Centers and Government Agencies Auction Centers, as follows the most obvious difference (Private Auction Centers and Government Agencies) lies in the origin of the cars being offered at auction. At auctions organized by the government, the cars offered are generally confiscated due to problem (Boone & Harold Mulherin, 2008). While private

auction houses get cars from various sources. According to Daddy Doxa Manurung as President Director of Balai Lelang Serasi, his party received units from former companies, former debtors who were unable to pay off debts, to the withdrawal of finance companies.

More related to the quality of goods, auctions held by the government only on the condition of the car as it is. While private companies have grading (A, B, C), so that consumers can choose with several qualities that are adjusted to their individual tastes. About the auction price, the private auction hall also has abundant availability of units, so the selling price will not soar far from the set base price. For example, an Avanza car with a lot of units has a limit price of Rp. 80 million, the maximum selling price is around Rp. 90 million. If the government auction doesn't have a lot of cars, the deal price can be far above the limit price.

When viewed factually, the track record of PT Balai Lelang Serasi's performance gives a positive impression and can give confidence to those who want to get involved. From a normative juridical point of view, in carrying out an auction there are principles that form the technical foundation, especially on the security of the auction object. This is based on the principle of accountability, as formulated in the elucidation of Article 8, Article 16 and Article 72 of PMK No. 106 of 2013 concerning Instructions for Implementation of Auctions, namely that each activity and the result of the implementation of the auction can be accounted for by each party involved in it.

Based on the description of the information previously described, this study specifically aims to determine the accountability principles of auction objects held by PT Balai Lelang Serasi. This is based on the argument that PT Balai Lelang Serasi, which has received the respect and trust of various parties, can be examined using the principle of accountability. The principle of accountability requires that auctions carried out can be accounted for by Auction Officials (Brandão & Ehrl, 2022), Sellers and Buyers to all interested parties and the public (Münch & Marian, 2022). The responsibility of the Auction Officer is in the form of auction administration and auction money management. Seller's responsibility is in the form of deletion, execution, or other interests (Huang, 2019). The responsibility of the Buyer is in the form of the obligation to pay the auction price, pay the Auction Fees, and pay the taxes imposed on the auction.

2. Method

2.1. Types of Research

The research method uses normative juridical methods. The approach used in this study was carried out using descriptive analytical methods regarding the principle of accountability for the object of the auction held by PT Balai Lelang Serasi. This type of research uses a normative juridical research type, which is carried out with a statutory approach (statute approach) and a conceptual approach (conceptual approach). From the statutory approach, it is carried out to further study the legal basis. The statutory approach used in this study is the Decree of the Minister of Finance Number 304/KMK.01/2002 concerning Guidelines for Auction Implementation; Regulation of the Minister of Finance Number 176/PMK.06/2010 concerning the Auction Center; and PMK No. 106 of 2013 concerning Instructions for Implementation of Auctions. While the conceptual approach analyzes problems based on doctrine or opinions of legal experts through legal books, legal journals, and related legal articles. The research procedure was carried out by means of library research, namely examining written information related to legal norms originating from various sources of literature. As for written information in library materials in the form of legal books, legal journals, legal articles and so on. From the legal material that has been collected, it is then analyzed with a normative juridical research type, which aims to obtain scientific answers to the issues raised based on analysis that is tested with norms, rules and laws and regulations.

3. Results and Discussion

3.1. Scope of Accountability Principles

The term accountability is often found in discussions on state administration, in which the administration of the nation and state must be based on the principle of accountability. The close relationship between government officials and accountability is a necessity that must be practiced achieving justice, because government affairs are public in nature so that accountability is required to be built. Accountability is a form of responsibility for the rights and obligations of a relationship, both

public and private. In the context of auctions, accountability is also the cornerstone of the technical implementation of buying and selling goods by auction. In general, Budi Setiyono explains accountability in his book, as follows (Setiyono, 2007):

Accountability is a concept that has several meanings. This terminology is often used with several concepts such as answerability, responsibility, and other terminology related to "the expectations of account-giving" (the expectation of the mandate giver and the executor of the mandate). Thus, accountability includes expectations or assumptions about the behavior of the relationship between the giver and recipient of the mandate.

From the explanation above, accountability includes two parties, namely the mandate giver and the mandate recipient. That is, between each party involved in a relationship both have mutual expectations, which of these expectations each party hopes that all their interests in a relationship will be fulfilled.

Juridically, an explanation regarding the principle of accountability can be found in the formulation of Article 3 point 7 of Law Number 28 of 1999 concerning the Administration of a State that is Clean and Free from Corruption, Collusion and Nepotism, which describes "What is meant by "Principle of Accountability" is the principle that stipulates that every activity and final result of the activities of State Administrators must be accountable to the public or the people as the highest holder of state sovereignty in accordance with the provisions of the applicable laws and regulations".

The important point of the principle of accountability as in the formulation of the article above lies in the form of responsibility, namely that all activities carried out must be accountable (Uyar et al., 2021). Likewise in the context of implementing auction activities, all parties involved in the auction, especially the Auction Center as the organizer of the auction, are obligated to be accountable for the results of the sale and purchase of goods by auction (Tan et al., 2022). Especially for the object of the auction item, security must be accounted for so that there is no dispute over the auction item which will have an impact on the auction winner. Theoretically, Waluyo in his book citing Webster's theory defines accountability, as follows:

Accountability as a condition that can be accounted for, responsible, and accountable. The meaning of the word accountable is to be reckoned with, to be able to answer to superiors, as a human being is accountable to his God for what he has done. Can be explicitly accounted for, something that is usually accounted for or accounted for.

Furthermore, the description of accountability is concretely described as follows (Sareen & Wolf, 2021; Zhao et al., 2019):

The term accountability comes from the English term accountability which means accountability or circumstances to be held accountable or circumstances to be held accountable. Accountability (accountability), namely the functioning of all components driving the course of company activities, according to their respective duties and authorities. Accountability can be interpreted as the obligations of individuals or authorities who are entrusted with managing public resources and those concerned with them to be able to answer matters concerning their accountability. Accountability is closely related to instruments for control activities, especially in terms of achieving results in public services and conveying them transparently to the public.

In connection with the explanation above in the context of auction implementation, the Auction Center has the obligation to manage everything that is in the auction process, from administrative management to the management of auctioned goods objects. In addition, the other parties are also charged with responsibility. It is increasingly clear that the scope of accountability lies in the form of accountability, in which the responsibility is born from a relationship that binds the parties.

3.2. Auction Object PT Balai Lelang Serasi

As described above, PT Balai Lelang Serasi is an auction center that organizes auctions for automotive goods in the form of motorbikes, cars and so on. On its official website, relating to auction objects, PT Balai Lelang Serasi provides education to auction winners in a transparent manner by asking two frequently asked questions through the Frequently Asked Question (FAQ) forum display in Table 1.

Table 1. Frequently Asked Question (FAQ) forum

Question	Answer
What about the condition of the auction object	Auction participants can come directly to the location to physically check the vehicle or other auction object directly at the auction site 3 days before the auction starts or what is commonly called an open house. If you don't have time to come to the location, bidders can also see details of the condition of the vehicle in the vehicle inspection report using the Astra Car Valuation (ACV) along with photos of the vehicle in every detail of the vehicle to be auctioned.
What about the completeness of the auction object documents?	To find out the completeness of documents for vehicles or other auction objects, PT Balai Lelang Serasi provides information on detailed auction information on the IBID website or application, as well as on the list of auction objects known as the lots list that PT Balai Lelang Serasi distributes at the auction site. Auction participants can also come directly to the location to see a copy of the data provided in the information section.

The two general questions above show that PT Balai Lelang Serasi has provided guaranteed information on auction objects that are transparent. The first question begins with questions related to the condition of the auction object, in which bidders are given access to find out what the condition of the goods being auctioned by PT Balai Lelang Serasi is, access to the information provided can make it easier for bidders to make decisions on purchasing goods at an auction organized by PT Serasi Auction Hall. The second question, followed by the completeness of the documents on the object of the auction. In addition to the condition of the goods that are of concern to the bidders, it is also important to pay attention to the documents on the object of the auction because they relate to the validity and legal proof of the object of the auction (Dastidar & Mukherjee, 2014; Dimitriou & Krontiris, 2017). PT Balai Lelang Serasi provides access to information related to auction object documents through a website or application, making it easier for auction participants to access information on auction object documents in a practical manner. In addition, bidders can also come directly to the location to view copies of data on the auction object documents (Ozcan, 2021). Providing information related to the auction object is carried out at the beginning before the bidders decide to take part in the auction, which aims to determine the security and guarantee of the auction object from PT Balai Lelang Serasi.

3.3. Principle of Accountability for Auction Objects PT Balai Lelang Serasi

In realizing the principle of accountability for auction objects, PT Balai Lelang Serasi has provided easy access to information on the objects to be auctioned as described above. Accountability itself is a form of responsibility that must be fulfilled (Sareen & Wolf, 2021), especially by PT Balai Lelang Serasi as the organizer of the auction. In its implementation, PT Balai Lelang Serasi has Auction Regulations for auction objects, including those for car and motorcycle auctions. These regulations can be accessed through the official website of PT Balai Lelang Serasi. When reviewed based on the principle of accountability, it can be described as follows:

3.3.1 Principle of Accountability by PT Balai Lelang Serasi

In the Auction Regulations, PT Balai Lelang Serasi applies the principle of accountability in auction implementation starting from the open house, the condition of the object being auctioned, before participating in the auction, during the auction until after the auction. All of this is the flow of the auction held by PT Balai Lelang Serasi. About the principle of accountability, PT Balai Lelang Serasi provides accountability from the start before bidders register to take part in the auction. This is

reflected in the Auction Rules in the Open House section, which provide an opportunity for bidders to examine the physical and documents of the auction object before the auction begins (Brown et al., 2022). In terms of the Open House rules, checking the condition of auctioned objects can only be done during an open house, after that on auction day it is no longer permitted to inspect auctioned objects (Messer et al., 2017). This regulation is a form of PT Balai Lelang Serasi's transparency towards the auction object and can be accountable for the object of the auction item to prospective auction participants. PT Balai Lelang Serasi obliges prospective bidders to pay a security deposit, which will later be returned to the bidder as stated in the form of registration. In this case, PT Balai Lelang Serasi is declared accountable if it has returned the security deposit to the bidders after the auction has been carried out.

3.3.2 Principle of Accountability by Bidder

The principle of accountability is not only imposed on the Auction Center, but also the auction participants are also charged by the principle of accountability in relation to the form of accountability following the implementation of the auction (Sareen & Wolf, 2021; Zhao et al., 2019). In PT Balai Lelang Serasi's Auction Regulations, before participating in the auction, auction participants must deposit a security deposit of Rp. 5,000,000 (five million rupiah) / car and register for the auction. By depositing the security deposit, it is proof of commitment that the prospective bidders guarantee themselves to be willing to participate in the auction. This is a form of initial responsibility for the bidders, in which the bidders are willing to commit themselves to participate in the auction. When the auction has started, the auction winner is fully responsible for what he bids and wins. The responsibility of the auction winner is realized by paying an administration fee of Rp. 1,750,000 (one million seven hundred and fifty thousand rupiah) and paid the auction price in full.

4. Conclusion

PT Balai Lelang Serasi is an auction center that organizes auction sales in the automotive sector such as motorbikes, cars and used heavy equipment to companies and individuals. PT Balai Lelang Serasi was founded in 2007, is a subsidiary of PT Serasi Autoraya which is under the auspices of the Astra Group. PT Balai Lelang Serasi is an auction center with national private status (Article 1 point 1 letter a of Minister of Finance No. 176/PMK.06/2010 concerning auction halls). The auction held by PT Balai Lelang Serasi first begins with the granting of access to prospective bidders to check the physical condition and completeness of the auction object documents at the open house stage. This is a form of responsibility (accountability) of PT Balai Lelang Serasi towards the auction object before the auction is held. PT Balai Lelang Serasi obliges prospective bidders to pay a security deposit, which will later be returned to the bidder as stated in the form of registration. In this case, PT Balai Lelang Serasi is declared accountable if it has returned the security deposit to the bidders after the auction has been carried out. The principle of accountability is not only imposed on the Auction Center, but also the auction participants are also burdened by the principle of accountability in connection with the form of responsibility for participating in the auction, as stipulated in the Auction Regulations of PT Balai Lelang Serasi, before participating in the auction, the bidders must deposit a security deposit of Rp. 5,000,000 (five million rupiah) / car and register for the auction. By depositing the security deposit, it is proof of commitment that the prospective bidders guarantee themselves to be willing to participate in the auction. This is a form of initial responsibility for the bidders, in which the bidders are willing to commit themselves to participate in the auction. v At the time the auction has started, the auction winner is fully responsible for what he bids and wins. The responsibility of the auction winner is realized by paying an administration fee of Rp. 1,750,000 (one million seven hundred and fifty thousand rupiah) and paid the auction price in full.

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