

From Administrative Function to Professional Governance: Institutionalising Functional Specialisation for Corruption Prevention in Public Procurement

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Abstract: Public procurement is highly vulnerable to corruption because it involves substantial public expenditure, considerable administrative discretion, fragmented institutional responsibilities, and technically complex contracting processes. Although recent anti-corruption reforms have increasingly focused on transparency, digital procurement, and institutional accountability, less attention has been given to functional specialisation as an independent preventive mechanism in procurement law and institutional design. This study examines how functional specialisation can help prevent corruption, assesses the extent to which Iraqi procurement legislation has incorporated this principle, and identifies relevant legislative lessons from Saudi Arabia and Indonesia. The study employs a qualitative doctrinal and comparative legal methodology, combining descriptive-analytical and functional comparative approaches. It analyses procurement legislation, implementing regulations, institutional arrangements, official documents, international procurement standards, and relevant peer-reviewed legal scholarship from Iraq, Saudi Arabia, and Indonesia, with particular reference to OECD and World Bank procurement principles. The findings indicate that functional specialisation can strengthen corruption prevention when procurement responsibilities are entrusted to appropriately qualified personnel within clearly defined institutional structures, supported by competency requirements, professional certification, continuous training, conflict-of-interest controls, and institutional separation. The analysis further shows that, although Iraq has introduced procurement units and digitalisation, procurement has not yet been fully institutionalised as a specialised professional function. Saudi Arabia has developed stronger centralised governance and clearer separation of procurement responsibilities, while Indonesia has established a more formal professional model based on specialised procurement officials, competency certification, and structured professional development. The study contributes to comparative public procurement and anti-corruption scholarship by conceptualising

functional specialisation as a distinct legal and institutional preventive mechanism rather than merely an administrative or human-resources measure. It also provides a comparative framework for strengthening Iraq's procurement governance through specialised functions, competency-based requirements, professional development, and institutional integrity safeguards.

Keywords: Anti-Corruption; Functional Specialisation; Iraq; Procurement Governance; Public Procurement.

INTRODUCTION

Corruption has become one of the most persistent challenges confronting contemporary governance systems, transcending geographical, political, and economic boundaries. Its detrimental consequences extend beyond direct financial losses, undermining institutional legitimacy, weakening the rule of Law, eroding public confidence in government institutions, and obstructing sustainable economic and social development. For these reasons, combating corruption has become a central objective of international organisations and national governments, particularly following the adoption of the United Nations Sustainable Development Goals (SDGs), which recognise accountable, transparent, and effective public institutions as essential conditions for sustainable development. Despite ongoing international efforts, corruption remains embedded in many administrative systems, particularly in developing countries, where institutional weaknesses, inadequate regulatory frameworks, limited administrative capacity, and accountability gaps can constrain the effectiveness of anti-corruption strategies.¹ Recent international assessments likewise indicate continuing weaknesses in corruption control in many developing and Arab countries despite legislative reforms and digital transformation initiatives, suggesting that legal modernisation and technological change alone cannot necessarily resolve underlying governance deficiencies.²

Conceptually, corruption encompasses a broad range of unlawful or unethical practices in which public or private actors abuse entrusted authority to obtain personal or organisational benefits at the public's expense. Although corruption may take political, financial, judicial, or administrative forms, recurring characteristics include the misuse of entrusted authority, conflicts of interest, inadequate accountability, and weak institutional oversight. When such practices become institutionalised, corruption may shift from isolated misconduct to a

¹ Ruby Amanda Oboro-Offerie et al., 'To Report or Not to Report Corruption? An Empirical Investigation of the Determinants of Corruption Reporting in Africa', *Crime, Law and Social Change* 83, no. 1 (November 2025): 54, <https://doi.org/10.1007/s10611-025-10235-4>.

² Transparency International, 'Corruption Perceptions Index 2025', Transparency.org, 2025, <https://www.transparency.org/ar/publications/corruption-perceptions-index-2025>.

systemic governance problem that undermines public institutions and erodes citizens' confidence in government. These governance failures can distort policy implementation, discourage investment, weaken market competition, and impose high costs on public resources and social welfare³. The economic dimension is substantial: recent literature estimates that approximately USD 1.5 trillion is paid annually in bribes worldwide, illustrating the scale of resources potentially diverted from productive public and private uses⁴.

Among the different manifestations of corruption, administrative corruption is particularly significant because it directly affects public institutions responsible for implementing governmental policies, delivering public services, and managing public resources. Administrative corruption may include bribery, favoritism, abuse of discretion, embezzlement, conflicts of interest, and manipulation of administrative procedures. Excessive bureaucracy, fragmented institutional structures, ambiguous legal provisions, ineffective internal controls, and insufficient professional competence among public officials can facilitate such practices. These structural deficiencies can reduce transparency, accountability, and administrative efficiency while increasing opportunities for discretionary decision-making and private gain. Consequently, administrative corruption can weaken institutional performance and public confidence while compromising the implementation of national development strategies.⁵

Public procurement constitutes a particularly important context in which these risks arise. Governments purchase substantial quantities of goods, services, and public works, and procurement is therefore a key mechanism through which public policies translate into infrastructure, healthcare, education, transportation, energy, and other public services. Procurement also involves significant public expenditure and extensive interactions between public authorities and private suppliers. These characteristics make procurement particularly exposed to integrity risks and explain why international institutions identify it as a major area requiring effective safeguards against waste, mismanagement, fraud, and

³ Ting Wang, 'Systemic Corruption and the Anti- Corruption Campaign in China', in *The Visible and the Invisible: Corruption and Anti-Corruption through Chinese Judicial Practice*, ed. Ting Wang (Wiesbaden: Springer Fachmedien, 2026), 13–29, https://doi.org/10.1007/978-3-658-50991-0_2.

⁴ Nader Elsayed and Brian Washington Mandikiana, 'Corruption and Economic Growth: The Role of Country-Level Governance', *Economic Change and Restructuring* 59, no. 2 (March 2026): 41, <https://doi.org/10.1007/s10644-026-09985-5>.

⁵ Khaled Al-Amiri, 'The Role of Administrative Control Agencies in Combating Administrative Corruption: A Comparative Study between Egypt and the Sultanate of Oman.' (PhD diss, Faculty of Law, Ain Shams University, 2020).

corruption⁶. Contemporary scholarship similarly identifies public procurement as a high-risk area for corruption, particularly where emergency procedures, reduced oversight, limited competition, or expedited decision-making increase opportunities for fraud, collusion, bid rigging, and abuse of discretion⁷. Comparative research further shows the continued prominence of procurement corruption in the international public-procurement literature.⁸

Procurement systems are vulnerable not only because of deficiencies in specific laws but also because of the structural characteristics of procurement processes. Procurement transactions commonly involve substantial financial values, technically complex contractual arrangements, multiple administrative actors, and repeated interactions between public officials and private suppliers. Procurement authorities may also exercise significant discretion when identifying needs, preparing technical specifications, selecting procurement methods, evaluating bids, awarding contracts, supervising performance, and authorising payments. These characteristics create information asymmetries and opportunities for conflicts of interest or collusive conduct, while the technical complexity of procurement can make independent assessment more difficult and increase reliance on specialised administrative judgment.⁹ Empirical research has similarly demonstrated that project complexity and institutional quality influence corruption risks in procurement, while internal controls, transparency, and professional oversight remain important safeguards against abuse.¹⁰

These characteristics have encouraged a gradual movement from predominantly reactive approaches, which emphasise investigation and punishment after misconduct occurs, toward preventive approaches designed to reduce opportunities for corruption before it materialises. Preventive mechanisms include digitalisation of procurement procedures, transparency and disclosure requirements, internal controls, risk management, early-warning

⁶ Francesco Decarolis and Cristina Giorgantonio, 'Corruption Red Flags in Public Procurement: New Evidence from Italian Calls for Tenders', *EPJ Data Science* 11, no. 1 (March 2022): 16, <https://doi.org/10.1140/epjds/s13688-022-00325-x>.

⁷ Michela Gnaldi and Simone Del Sarto, 'Measuring Corruption Risk in Public Procurement over Emergency Periods', *Social Indicators Research* 172, no. 3 (April 2024): 859–77, <https://doi.org/10.1007/s11205-024-03331-w>.

⁸ Abderahman Rejeb et al., 'Public Procurement Research: A Bibliometric Analysis', *International Journal of Public Sector Management*, ahead of print, 3 January 2024, <https://doi.org/10.1108/IJPSM-07-2022-0157>.

⁹ Soma Pillay, 'Corruption in Procurement- Antecedents, Practices, and Challenges', in *Public Procurement, Corruption and the Crisis of Governance in Africa*, ed. Nirmala Dorasamy and Omololu Fagbadebo (Cham: Springer International Publishing, 2021), 35–54, https://doi.org/10.1007/978-3-030-63857-3_3.

¹⁰ Simona Baldi et al., 'To Bid or Not to Bid: That Is the Question: Public Procurement, Project Complexity and Corruption', *European Journal of Political Economy* 43 (June 2016): 89–106, <https://doi.org/10.1016/j.ejpoleco.2016.04.002>.

systems, ethical standards, professional training, and institutional capacity-building. Digital transformation can reduce certain opportunities for discretionary misconduct by standardising procedures and increasing traceability, but research indicates that digitalisation alone does not eliminate corruption where broader institutional weaknesses remain.¹¹ Similarly, early-warning mechanisms and cooperation between anti-corruption institutions and local stakeholders may strengthen preventive capacity, while comprehensive legal and institutional reforms can improve transparency and accountability.¹²

Within this preventive framework, attention has increasingly focused on the professionalisation and functional specialisation of public procurement. In this study, functional specialisation refers to the institutional allocation of procurement responsibilities to personnel and organisational units with defined procurement-related competencies, responsibilities, and professional standards, rather than treating procurement as an incidental task performed by general administrative personnel. The concept therefore encompasses competency-based recruitment, specialised procurement functions, continuous professional training, clearly allocated institutional responsibilities, professional standards, certification where applicable, and appropriate organisational independence. This approach recognises that procurement decisions require multidisciplinary knowledge extending beyond basic administrative or legal knowledge.

The international development of procurement standards strongly supports this approach. The OECD identifies public procurement as a complex function requiring specialised skills and treats professionalisation of the procurement workforce as an important component of procurement reform. Its framework includes assessment of existing professionalisation, competency models, certification systems, capacity-building, incentives, and recognition of procurement as a distinct professional function. The OECD further emphasises that procurement officials require legal, economic, market, commercial, analytical, project-management, and negotiation skills. Accordingly, professionalisation is not merely a matter of employee training but concerns the institutional design of the procurement workforce (OECD, 2023)¹³. The OECD's more recent *Government at a Glance 2025* similarly reports continuing international efforts to establish competency models and certification

¹¹ Rajeev K. Goel and Michael A. Nelson, 'Cash versus Digital Payments in the Public and Private Sectors: Effects on Petty versus Grand Corruption', *Public Choice*, ahead of print, 6 December 2025, <https://doi.org/10.1007/s11127-025-01352-8>.

¹² Pupung Purnamasari et al., 'Enabling Sustainability by Detecting Early Warning Signs of Corruption in Government Institutions', *Discover Sustainability* 6, no. 1 (May 2025): 362, <https://doi.org/10.1007/s43621-025-01164-2>.

¹³ OECD, 'Professionalising the Public Procurement Workforce: A Review of Current Initiatives and Challenges', *OECD Public Governance Policy Papers*, ahead of print, 29 January 2023, <https://doi.org/10.1787/e2eda150-en>.

frameworks and to recognise public procurement as a standalone professional function within the civil service.¹⁴

Recent OECD work on certification has also reinforced the importance of professionalisation. Certification frameworks can establish common professional standards, identify required competencies, and provide structured pathways for developing procurement personnel. The OECD's comparative analysis published in 2025 describes procurement as an interdisciplinary profession requiring technical, commercial, analytical, and interpersonal competencies and identifies competency models, certification, capacity-building, professional recognition, incentives, and cooperation with knowledge institutions as interconnected elements of professionalisation.¹⁵ These developments matter for anti-corruption policy because competent, professionally organised procurement personnel may be better positioned to identify conflicts of interest, assess procurement risks, apply procurement rules consistently, document decisions, and resist improper interference. Professionalisation should therefore be understood not merely as an efficiency-oriented human-resources measure but also as an element of procurement integrity.

The preventive significance of professional competence is particularly relevant to Iraq. Existing research on Iraqi public procurement has identified corruption and fraud, accountability deficiencies, lack of knowledge and skills, and inadequate transparency among important barriers to procurement-system integrity. A systematic review of Iraqi procurement literature also identified fragmented procurement processes and weak integration across stages as significant challenges (*Barriers and Challenges for Public Procurement Integrity in Iraq*, 2023). These findings indicate that procurement integrity cannot be addressed solely through substantive legal prohibitions or post-contract enforcement; the institutional capacity and professional competence of the personnel responsible for implementing procurement rules also require examination.

Previous scholarship has nevertheless approached procurement corruption predominantly through broader governance mechanisms. Studies have examined transparency, accountability, electronic procurement, institutional reform, internal controls, risk management, and enforcement mechanisms. These approaches matter because corruption is multidimensional and cannot reasonably be attributed to a single institutional factor. Nevertheless, the growing international emphasis on procurement competency and professionalisation raises a further legal question: how should procurement specialisation be

¹⁴ OECD, 'Professionalisation of Public Procurement: Government at a Glance 2025', OECD, 19 June 2025, https://www.oecd.org/en/publications/government-at-a-glance-2025_0efd0bcd-en/full-report/professionalisation-of-public-procurement_ec3e5fa8.html.

¹⁵ OECD.

incorporated into the institutional and legislative architecture of procurement systems so that professional competence becomes a structural safeguard rather than merely an administrative training activity?

This question matters because professionalisation and functional specialisation are related but analytically distinct. Professionalisation concerns the development and recognition of procurement as a profession through competencies, training, certification, career structures, and professional standards. Functional specialisation, as conceptualised in this study, focuses more specifically on allocating and institutionalising procurement functions within the administrative structure. It asks who is legally authorised and institutionally responsible for procurement functions, what qualifications those actors must possess, how responsibilities are distributed, what mechanisms govern their professional development, and what degree of independence or organisational separation exists between procurement decision-making and other administrative interests. Examining these dimensions allows functional specialisation to be considered a preventive mechanism embedded in legal and institutional design, rather than simply an aspect of human-resource management.

Recent international standards reinforce the relevance of this distinction. The OECD recommends developing procurement workforces capable of delivering value for money efficiently and effectively and emphasises high professional standards of knowledge, practical implementation, and integrity, together with sufficient staffing, recognition of procurement as a specific profession, certification, regular training, integrity standards, and mechanisms for monitoring procurement performance.¹⁶ The World Bank likewise treats institutional capacity, professional procurement practice, transparency, and accountability as important elements of effective procurement systems. These international standards provide a useful normative framework for examining national procurement legislation.

Within academic literature, professionalisation has increasingly emerged as an important component of procurement reform. Peci et al. identify functional specialisation as an institutional mechanism relevant to reducing procurement risks by assigning procurement responsibilities to personnel with appropriate legal, financial, and technical expertise.¹⁷ Borges et al. similarly emphasise the contribution of specialised procurement organisations and professionally qualified personnel to decision quality, accountability, and institutional

¹⁶ OECD, 'Professionalising the Public Procurement Workforce'; OECD, 'Professionalisation of Public Procurement'.

¹⁷ Alketa Peci et al., *Indicadores quantitativos da OCDE e o Brasil: volume III: governança pública* (Instituto de Pesquisa Econômica Aplicada (Ipea), 2024), <https://doi.org/10.38116/9786556350790>.

transparency.¹⁸ This literature suggests an emerging movement away from treating procurement as an ordinary administrative activity and toward recognising procurement as a specialised professional function.¹⁹ However, much of the existing discussion evaluates professionalisation from administrative, managerial, or governance perspectives rather than examining the extent to which functional specialisation has been translated into binding legislative and institutional arrangements across different legal systems.

The research gap is particularly apparent in the Iraqi context. Iraqi scholarship has addressed corruption, administrative reform, procurement regulation, and public-sector governance, but has paid comparatively little attention to functional specialisation as an independent preventive anti-corruption mechanism within procurement law. Moreover, comparative legal analysis is needed to examine how procurement specialisation and professionalisation are reflected in legislation and institutional arrangements in Iraq and in other jurisdictions that have pursued significant procurement reforms. Saudi Arabia and Indonesia provide useful comparative contexts because their procurement systems have developed institutional mechanisms concerning professional capacity, procurement organisation, competency development, and procurement governance, while operating within different legal and administrative environments. A comparison among Iraq, Saudi Arabia, and Indonesia can therefore illuminate alternative approaches to embedding specialised procurement functions within public administration.

The gap is consequently not simply the absence of studies concerning procurement professionalisation. Rather, it concerns the limited integration of four dimensions within a single comparative legal inquiry: first, the conceptualisation of functional specialisation as a preventive anti-corruption mechanism; second, its incorporation into procurement legislation and institutional structures; third, comparison of the Iraqi framework with selected foreign legal systems; and fourth, the development of legislative recommendations for strengthening procurement integrity in Iraq. Addressing these dimensions is important because procurement officials are among the principal actors responsible for implementing integrity, transparency, accountability, and compliance requirements throughout the procurement cycle. When legal rules lack clearly defined responsibilities, appropriate competencies, and institutional safeguards, their preventive effect may weaken.

¹⁸ Ana Alice Sarraf Borges, Patrícia Rabelo de Freitas, and Edilson Bacinello, 'Compras públicas e governança sob a ótica da Nova Lei de Licitações: efetividade e desafios', *Cadernos Cajuína* 11, no. 1 (January 2026): e1571–e1571, <https://doi.org/10.52641/cadcajv11i1.1571>.

¹⁹ Risqilah et al., 'From Administrative Correction to Criminal Prosecution: An Escalation Model for JKN Claim Fraud in Indonesia', *Nusantara: Journal of Law Studies* 5, no. 1 (June 2026): 728–45, <https://doi.org/10.66325/nusantaralaw.v5i1.170>.

Accordingly, the present study contributes to the literature by examining functional specialisation as a distinct legal and institutional dimension of corruption prevention in public procurement. Rather than treating professionalisation solely as an administrative-development issue, the study investigates how procurement functions, professional competencies, institutional responsibilities, and organisational arrangements can operate as preventive safeguards against corruption. The study combines comparative legal analysis with internationally recognised procurement principles, particularly those developed by the OECD and the World Bank, to assess the Iraqi framework alongside the experiences of Saudi Arabia and Indonesia. Its contribution therefore lies in connecting procurement professionalisation with comparative public-procurement Law and anti-corruption prevention, while maintaining a specific focus on the legislative and institutional conditions necessary for functional specialisation.

The comparative dimension is particularly relevant to formulating legislative recommendations for Iraq. International procurement standards do not prescribe a single institutional model for every jurisdiction; rather, they establish broader principles on professional competence, integrity, transparency, accountability, capacity-building, and institutional effectiveness. Comparative legal analysis can therefore provide valuable insights into institutional mechanisms adopted in other jurisdictions without assuming that foreign arrangements can be directly transplanted into the Iraqi legal system. Against this background, the study assesses the relevance of comparative experience in light of Iraq's specific legal and administrative context, with particular attention to reforms that can strengthen professional competence, institutional integrity, and preventive safeguards throughout the public procurement cycle.

Building on this framework, the study examines how functional specialisation helps prevent corruption in public procurement, the extent to which Iraqi procurement legislation has incorporated functional specialisation as a preventive anti-corruption mechanism, and how Saudi Arabia and Indonesia have institutionalised functional specialisation within their respective public procurement systems. It also considers the legislative reforms Iraq could adopt, in light of these comparative experiences, to strengthen integrity, transparency, accountability, and institutional capacity in government procurement. Accordingly, the study analyses the role of functional specialisation in preventing corruption through a comparative legal examination of the procurement systems of Iraq, Saudi Arabia, and Indonesia. It evaluates the Iraqi legal and institutional framework against relevant international procurement standards, examines how the selected jurisdictions incorporate procurement professionalisation and functional specialisation, and identifies similarities, differences, and institutional approaches relevant to corruption prevention. On this basis, the study develops

legally grounded recommendations for strengthening procurement integrity, transparency, accountability, institutional capacity, and professional competence in Iraq. By connecting comparative legal analysis with the growing international emphasis on procurement professionalisation, the study contributes to the literature on public procurement governance while offering a contextual framework for assessing and improving the preventive architecture of Iraq's public procurement system.

METHOD

This study employs a qualitative doctrinal and comparative legal research design to examine functional specialisation as a preventive mechanism for combating corruption in public procurement. The study adopts a descriptive-analytical approach, focusing on interpreting and comparing legal rules, institutional arrangements, professional requirements, and regulatory mechanisms governing public procurement in Iraq, Saudi Arabia, and Indonesia. The doctrinal approach is appropriate because the study examines legislation, regulations, institutional mandates, and other legal materials, while the comparative approach identifies similarities, differences, and potentially transferable approaches among the selected jurisdictions. The analysis follows a functional comparative method, examining legal institutions by the functions they perform in strengthening procurement integrity, professional competence, accountability, and corruption prevention, rather than relying solely on formal institutional terminology.

The study relies primarily on secondary documentary data, including constitutions, public procurement legislation, implementing regulations, ministerial and administrative instructions, official procurement documents, judicial and administrative materials where relevant, reports of international organisations, and peer-reviewed academic literature. Particular attention is given to OECD and World Bank procurement standards. The OECD identifies public procurement as a multidisciplinary function requiring specialised competencies and recognises competency models, certification, capacity-building, and recognition of procurement as a professional function as important components of professionalisation.

Data are collected through a structured review of legal and institutional documents. Sources are organised according to jurisdiction and thematic categories, including procurement organisation, allocation of responsibilities, specialised procurement functions, competency requirements, professional training, certification, conflict-of-interest regulation, integrity, accountability, digital procurement, and institutional capacity. The analysis prioritises primary legal and official sources, while using academic literature to provide doctrinal interpretation and scholarly context. The analysis proceeds in three stages. First,

it identifies the conceptual and legal dimensions of functional specialisation through relevant legislation, legal scholarship, and international procurement standards. Second, it comparatively examines the procurement frameworks of Iraq, Saudi Arabia, and Indonesia according to the identified analytical dimensions. Third, it assesses the findings against international procurement standards, particularly the OECD Recommendation on Public Procurement and relevant professionalisation and procurement-system assessment frameworks, to identify gaps in the Iraqi framework and formulate legislative recommendations. The OECD's professionalisation framework specifically emphasises competency models, certification, capacity-building, and recognition of procurement as a distinct professional function.

Data validation is achieved through source triangulation, legal-source verification, comparative checking, and peer-reviewed literature verification. The study cross-checks relevant legal provisions against official institutional sources and scholarly analysis, and examines significant findings across multiple documentary sources. The study prioritises current, authoritative versions of legislation and regulations to avoid reliance on repealed or superseded provisions. The comparative analysis further provides an additional validation mechanism by examining equivalent procurement functions across the three jurisdictions. Because the study is doctrinal and documentary, it does not employ techniques such as interviews or member checking. This combination of systematic documentary analysis, functional comparison, international benchmarking, and source verification is intended to enhance the credibility, consistency, and reproducibility of the research findings.

RESULTS AND DISCUSSION

1. The Concept of Functional Specialization and Its Role in Reducing Corruption

In many developing countries, favoritism and nepotism remain prevalent mechanisms for appointment to public-sector positions. This practice often results in an overstaffed administrative apparatus populated by inadequately qualified personnel, thereby undermining the quality of public service delivery and contributing to the broader spread of corruption. In public procurement, the lack of qualified personnel and professional competence is among the most significant obstacles to integrity in government contracting.²⁰ The lack of competence among officials responsible for managing public procurement processes also contributes to inconsistencies and weak coordination among

²⁰ Mundher M. Alsamarraie and Farid E. Mohamed Ghazali, 'Barriers and Challenges for Public Procurement Integrity in Iraq: Systematic Review Study', *KSCE Journal of Civil Engineering* 27, no. 9 (September 2023): 3633–45, <https://doi.org/10.1007/s12205-023-1196-4>.

different administrative units, creating an environment conducive to fraud, bias, and the escalation of corrupt practices.²¹

The literature also highlights the close relationship between functional specialisation and corruption prevention in public administration.²² By assigning employees to positions aligned with their professional specialisation, adopting job rotation, and providing continuous training, public institutions can substantially reduce opportunities for corruption. Al-Haila and Al-Jaz identify this integrated approach as an innovative preventive strategy for combating administrative corruption.²³ In the context of public procurement, functional specialisation refers to assigning clearly defined professional roles and specialised competencies to procurement officials to improve the quality of procurement decisions and strengthen internal control mechanisms. Such specialisation supports the development of a professional procurement workforce that emphasises integrity, transparency, and accountability.²⁴

Functional specialisation should therefore be understood as extending beyond conventional administrative reform. Rather, it represents a comprehensive strategic framework aimed at establishing public institutions that are both ethical and effective in managing public resources responsibly and transparently. Its benefits extend beyond corruption prevention to include improved public service quality, enhanced public trust in government, and the promotion of sustainable development.²⁵ Accordingly, functional specialisation in public procurement requires establishing clearly defined professional categories for procurement personnel, accompanied by explicit competency requirements for employees' qualifications, technical skills, and professional experience.²⁶ It also requires transparent career progression pathways that

²¹ Sadeq Abdul Hamza, Sawsan Rasheed, and Azhar Hussein, 'Procurement Challenges Analysis of Iraqi Construction Projects', *Journal of the Mechanical Behavior of Materials* 31, no. 1 (January 2022): 112–17, <https://doi.org/10.1515/jmbm-2022-0012>.

²² Tetiana Kolomoiets et al., 'Preventing Corruption in Government Bodies Under the Laws of Muslim and European Countries in the Contemporary Era', *MILRev: Metro Islamic Law Review* 5, no. 1 (March 2026): 328–50, <https://doi.org/10.32332/milrev.v5i1.13201>.

²³ Bahaa El-Din Al-Haila, and Jihad Al-Jaz, "The Legal Effect of Job Rotation in Combating Corruption: An Analytical Prospective Study in the Jordanian Legislation", *Jordanian Journal of Law and Political Science*, 2023.

²⁴ OECD, 'Preventing Corruption in Public Procurement.', Paris, *OECD Publishing*, 2016.

²⁵ Erika Bozzay et al., 'Linking Integrity, Business Conduct and Public Procurement: New Approaches for Sustainable Supply Chains', *OECD Working Papers on International Investment* 2025, no. 01 (April 2025), <https://doi.org/10.1787/cfb65ff8-en>.

²⁶ Daniel Spurk et al., 'Latent Profile Analysis: A Review and "How to" Guide of Its Application within Vocational Behavior Research', *Journal of Vocational Behavior* 120 (August 2020): 103445, <https://doi.org/10.1016/j.jvb.2020.103445>.

encourage continuous professional development.²⁷ At the same time, an effective system of functional specialisation requires adopting a binding code of conduct for procurement officials, establishing accessible and secure whistleblowing mechanisms with adequate whistleblower protection, and implementing mandatory periodic training programs to maintain professional competence.²⁸ This integrated approach has become a central focus of procurement reform initiatives in many countries.

More broadly, functional specialisation matters because it generates organisational and individual benefits. Clearly defined positions with specific responsibilities assigned to designated personnel enhance role clarity and operational efficiency. Moreover, repeatedly performing specialised tasks enables employees to develop expertise over time, ultimately improving both their proficiency and overall job performance.²⁹ The importance of functional specialisation is particularly evident among professional public procurement officials, whose specialised expertise helps safeguard public funds and reduce unlawful and unethical procurement practices.

2. Comparative Legal Analysis of Functional Specialisation in Public Procurement

Legal systems increasingly seek to establish regulatory frameworks that facilitate comprehensive reform of public procurement systems in order to safeguard public funds and minimise corruption and administrative misconduct, thereby supporting the achievement of national development strategies. Against this background, this section examines the approaches adopted by Iraqi and comparative legislation toward functional specialisation as a preventive mechanism for combating corruption.

2.1 The Legal Framework under Iraqi Legislation

Public procurement constitutes a significant component of Iraq's gross domestic product (GDP), accounting for more than 27% of the national economy. According to a World Bank report published in 2014, Iraq spent over USD 51 billion on public procurement, representing more than 20% of the

²⁷ Redy Handoko et al., 'Beyond Punishment: Reformulating Corruption Law Enforcement for State Loss Recovery', *Nusantara: Journal of Law Studies* 5, no. 2 (August 2026): 1260–79, <https://doi.org/10.66325/nusantaralaw.v5i2.165>.

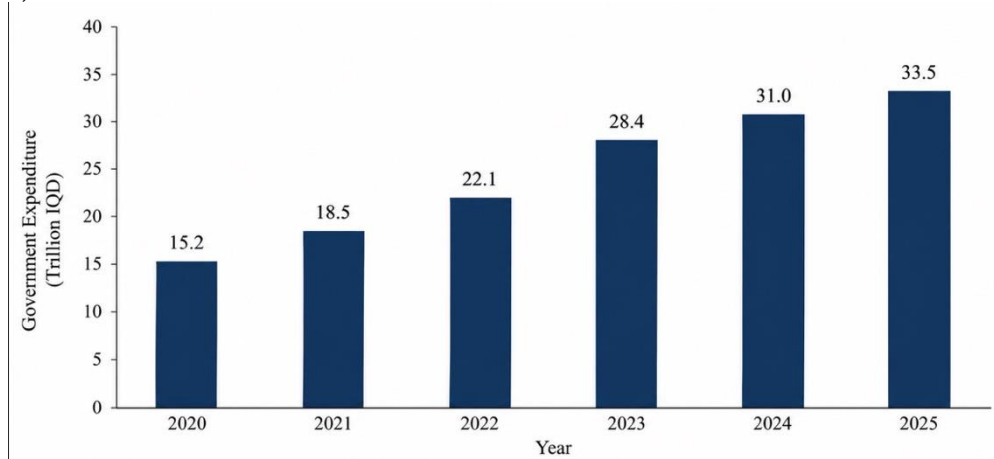
²⁸ Jawade Hafidz et al., 'Contemporary Legal Accountability Reform in Public Procurement: A Framework Integrating Ethical Norms and Anti-Corruption Mechanisms', *MILRev: Metro Islamic Law Review* 4, no. 1 (June 2025): 517–38, <https://doi.org/10.32332/milrev.v4i1.10664>.

²⁹ Massoud Nejimi and Mehdi Omar, "Functional Specialization and Its Relationship to Human Resource Performance in the Algerian Organization: A Field Study at the Wilaya Headquarters of the Local Administration in Djelfa.", *Haqaeq Journal of Psychological and Social Studies* 3, no. 12 (December 2018): 80–92.

country's GDP.³⁰ The report identified several structural weaknesses within the procurement system, including limited administrative capacity, widespread corruption, and significant delays in procurement procedures.

Similarly, a 2025 International Monetary Fund report found that financial and administrative corruption remains one of the most serious obstacles to Iraq's development efforts.³¹ The report further highlights the prevalence of corruption in public contracting, where procurement activities remain vulnerable to contract inflation, political patronage, and bribery. Between 2021 and 2025, government expenditure on public contracts increased substantially as Iraq intensified its investment in infrastructure development. In 2021, the public procurement market was estimated at approximately USD 45 billion. During 2022–2023, the country saw a significant expansion in public investment, largely driven by rising global oil prices, which enabled increased spending on infrastructure projects.³² Subsequently, during 2024–2025, Iraq's national budget exceeded USD 150 billion, with a substantial proportion allocated to public procurement and government contracts.

Figure 1. Government Expenditure on Public Procurement in Iraq (2020-2025)



Source: Compiled by the author based on the Iraqi Federal Budget Laws (2020-2025), Ministry of Finance reports, and IMF (2025).

³⁰ World Bank, 'Iraq: Developing More Capacity to Manage Public Funds', Text/HTML, World Bank, April 21, 2015, accessed 31 July 2026, <https://www.worldbank.org/en/news/feature/2015/04/21/iraq-developing-more-capacity-to-manage-public-funds>.

³¹ IMF, 'Iraq: Concluding Statement of the 2025 IMF Article IV Mission', IMF, 15 May 2025, <https://www.imf.org/en/news/articles/2025/05/15/mcs-iraq-concluding-statement-of-the-2025-imf-article-iv-mission>.

³² 'FAQ Troubleshooting', *Documentation*, 4 November 2018, <https://wordpress.org/documentation/article/faq-troubleshooting/>.

Figure 1 demonstrates a steady increase in Iraqi government expenditure on public procurement during the period under examination. The expansion of procurement spending reflects the government's growing investment in infrastructure, public services, and development projects. While this increase highlights the strategic importance of public procurement as a tool for economic development, it also increases exposure to corruption risks and administrative misconduct. As procurement expenditure increases, effective governance requires not only transparent procedures and digital procurement systems but also a professionally specialised procurement workforce capable of ensuring integrity, accountability, and efficient contract management. These developments reinforce the need for legislative reforms that institutionalise functional specialisation as a central component of Iraq's procurement governance framework. These shortcomings may be summarised as follows.

Weak Oversight Mechanisms Despite the Existence of Supervisory Institutions

Although Iraq has established several institutions to combat corruption, including the Federal Commission of Integrity and the Federal Board of Supreme Audit, numerous challenges continue to undermine their effectiveness. These institutions suffer from a shortage of specialised human resources and inadequate digital infrastructure, limiting their ability to implement modern monitoring tools that can help detect corruption promptly. Furthermore, insufficient³³ coordination between oversight bodies and judicial authorities significantly impedes effective anti-corruption efforts. Political interference and the complexity of the administrative environment further obstruct the adoption of a comprehensive and coherent anti-corruption strategy.

The legal framework also has important deficiencies, particularly in procurement procedures, contract award mechanisms, contract implementation, sanctions, and monitoring arrangements. As a result, delays in completing public investment projects have become a persistent phenomenon in Iraq, adversely affecting both economic development and public service delivery. Neither the legal framework governing public procurement nor the Implementing Instructions for Government Contracts No. 2 of 2014 provides adequate provisions for responding to emergencies. Moreover, overlapping institutional competences reinforce excessive bureaucracy, thereby creating opportunities for corruption and contributing to the misuse of public funds.³⁴

³³ Majed Saqban and Ali Mashhadi, 'witnessed the role of specialized bodies in addressing administrative corruption in Iraq', *Journal Of Babylon Center for Humanities Studies* 16, no. 6 (June 2026): 2553–78, <https://doi.org/10.66026/zk5b4859>.

³⁴ Roua'a Atiyah, "The Issue of Delays in the Execution of Government Investment Projects in Iraq: An Applied Study in Light of the Implementation Instructions for Government

Legislative Deficiencies in Adopting Functional Specialisation

Public procurement in Iraq is primarily governed by Coalition Provisional Authority Order No. 87 of 2004 and General Instructions No. 2 of 2014 issued by the Ministry of Planning. These instruments establish the legal rules governing public procurement, define the procurement system's institutional framework, and set out the fundamental principles applicable to public contracting. The Iraqi procurement regime is largely decentralised, while the legislative provisions are drafted in broad terms, leaving the Ministry of Planning considerable discretion to regulate procedural details through implementing instructions. The legal framework extends beyond procurement legislation and ministerial instructions to include specialised legislation governing the sale and lease of state property, the collection of government debts, and the general principles in Iraqi civil and administrative Law.³⁵

In November 2025, the government issued Implementing Instructions for Public Contracts No. 1 of 2025, reflecting its commitment to digitising public procurement procedures.³⁶ While this represents an important step toward procurement modernisation, the Instructions contain no provision expressly requiring functional specialisation for officials responsible for managing public procurement, although they emphasise the importance of training and professional experience. This is clearly reflected in Article 3, which provides that:

"A procurement unit shall be established within each contracting authority, regardless of its administrative level. The unit shall form part of the administrative structure, report directly to the head of the contracting authority, and consist of a sufficient number of trained personnel. It shall be responsible for preparing the procurement plan, verifying the availability of cost estimates, preparing tender documents, and carrying out the procedures relating to advertisement and contracting."

The establishment of procurement units within contracting authorities is undoubtedly a positive institutional development. Nevertheless, multiple procurement entities across government institutions, without substantive functional specialisation, are likely to weaken Iraq's efforts to combat corruption. The mere existence of an electronic procurement platform is insufficient to ensure integrity where procurement personnel lack specialised professional qualifications. Moreover, the 2025 Instructions exempt several public entities

Contracts No. 2 of 2014 with a Comparison to the Jordanian Model.”, *Journal of Legal Sciences* 40, no. 2 (December 2025): 397–424, <https://doi.org/10.35246/p92knn63>.

³⁵ Republic of Iraq. Ministry of Planning, ‘Guide to the Implementation of Government Contracts in Iraq, Part I: Legal Framework for Public Sector Contracting.’, *Ministry of Planning*, 31 July 2026.

³⁶ Public Contracts Implementation Instructions No. 1 of 2025. Baghdad.

from their scope of application, thereby limiting the effectiveness and consistency of the procurement regime.

Regarding judicial oversight of administrative contracts, disputes relating to public contracts in Iraq remain within the jurisdiction of the ordinary courts despite the country's adoption of a dual judicial system. This institutional arrangement limits the administrative judiciary's supervisory role in reviewing procurement procedures and contract administration. Given these legislative shortcomings, numerous reform proposals have emphasised the need to enact a unified Public Procurement Law.³⁷ Such reform should include establishing a central procurement authority to classify government contracts, develop a coherent national procurement policy, and promote transparency and competition by serving as a central advisory body for contracting authorities. Equally important is adopting functional specialisation for procurement officials, supported by mandatory and continuous professional training.³⁸

Several studies further argue that combating corruption in Iraqi public procurement requires a comprehensive reform strategy built upon three complementary pillars. The first is strengthening procurement officials' integrity and professional competence. The second is establishing an independent central authority with exclusive responsibility for supervising and monitoring government contracts throughout all stages of the procurement cycle. The third is the comprehensive implementation of an electronic procurement system.³⁹ The present study supports the growing body of scholarship advocating the enactment of a unified public procurement law.⁴⁰ Such legislation should include more detailed, explicit provisions that reflect contemporary procurement practices and facilitate the effective integration of modern digital technologies at every stage of the public procurement process.

Compared with the legal frameworks of Saudi Arabia and Indonesia, Iraqi public procurement legislation adopts a relatively limited approach to functional specialisation. Although the 2025 Implementing Instructions introduced procurement units and promoted electronic procurement, they do not recognise public procurement as an independent professional function, nor do they establish mandatory competency certification, structured career pathways, or a

³⁷ Mohsen Malik Afzali and Fatima Jabbar Taima, 'Judicial Oversight of Administrative Contracts', *Journal Of the Iraqia University*, 2024.

³⁸ Federal Commission of Integrity (Iraq), 'Recommendations of the Symposium on Corruption Methods in Government Contracts.', *Baghdad: Federal Commission of Integrity*, 2 June 2026.

³⁹ Moataz Faisal Al-Abbasi, 'Preventing Corruption in Government Contracts', *Al-Bayan Center for Studies and Planning, First Edition* (Baghdad), April 2024.

⁴⁰ Muhammad Harith Hussein, 'Judicial Oversight of the Administration's Authority to Conclude Administrative Contracts Through Tenders in Iraqi Law, a Comparative Study' (Master's Thesis, Faculty of Law, Al-Isra Private University, 2018).

centralised authority to develop procurement professionalism. Consequently, procurement responsibilities remain largely decentralised and dependent upon general administrative structures, increasing the risk of inconsistent procurement practices and discretionary decision-making. This institutional design contrasts with contemporary international standards, which increasingly regard procurement professionalisation as a fundamental pillar of integrity, accountability, and corruption prevention.

2.2 The Legal Framework under the Saudi Legal System

The Kingdom of Saudi Arabia has adopted an ambitious national development strategy under Saudi Vision 2030. To achieve the vision's objectives, the government has intensified reform efforts across multiple sectors, with particular emphasis on strengthening the legal and institutional framework. The Kingdom has devoted considerable attention to combating corruption in all its forms through accession to international anti-corruption conventions, the establishment of a specialised anti-corruption authority, and the extensive deployment of digital technologies to enhance transparency and reduce opportunities for corrupt practices. In addition, the Kingdom has established comprehensive accountability mechanisms across the public sector, thereby fostering an institutional environment founded upon integrity and good governance. Saudi Arabia's anti-corruption strategy is built upon several interrelated pillars, including improving the efficiency of public institutions, promoting transparency, strengthening the role of civil society, and enhancing public awareness.⁴¹

As part of these reforms, the Saudi legislature enacted the Government Tenders and Procurement Law in 1440 AH (2019), recognising public procurement as a strategic instrument for achieving the objectives of Saudi Vision 2030. The Law seeks to increase transparency, improve efficiency, and reinforce integrity in public procurement, thereby contributing to a more attractive investment environment and supporting sustainable economic growth. Its principal objectives include:

- (a) regulating procurement procedures and preventing the abuse of authority and conflicts arising from personal interests in order to safeguard public funds;
- (b) achieving the best value for public expenditure through competitive and equitable pricing in government procurement and contract implementation;
- (c) promoting integrity and competition, ensuring equality among bidders, and guaranteeing fair treatment in accordance with the principle of equal opportunity; and

⁴¹ Ahmed Mohammed Al-Harmas Al-Shammari, "National and International Efforts to Combat Financial and Administrative Corruption: An Analytical Study in Light of the Saudi System and International Conventions," *Humanities and Educational Sciences Journal*, no. 45 (March 2025): 507–57, <https://doi.org/10.55074/hesj.vi45.1343>.

(d) ensuring transparency throughout all stages of the procurement process.

The Law also established a specialised authority responsible for centralised strategic procurement.⁴² Its provisions apply to all government entities and to government procurement activities conducted outside the Kingdom.⁴³ The procurement system is founded upon several fundamental principles, including planning, integrity and transparency, equality, economic efficiency, and quality in the execution of public works and procurement activities.

To ensure the highest standards of integrity and efficiency in public procurement management, Saudi Arabia has embraced a comprehensive digital procurement system through the Etimad Platform, whereby all stages of the procurement process are conducted electronically. This digital transformation is intended to minimise human intervention and reduce opportunities for corruption. In 2024, the total value of government tenders published through the Etimad Platform incorporating local content mechanisms reached SAR 316.4 billion, while the implementation rate of local content policies amounted to 94.1% of the total procurement value offered during the same year.

The Saudi Government Tenders and Procurement Law further adopts a clear institutional distribution of responsibilities among public authorities to ensure coordination and effective implementation. The Ministry of Finance plays a central role in supervising and developing the procurement system by operating and continuously enhancing the Etimad Platform as the unified digital gateway for government procurement. The Ministry is also responsible for issuing procurement policies, implementing regulations, and guidance manuals; collecting and publishing procurement-related information; approving standard contract templates and tender documentation; evaluating contractors; and reviewing contracts exceeding one year in duration and valued at more than SAR 5 million before their execution to ensure compliance with the applicable legal framework.⁴⁴

The Saudi legal framework expressly recognises functional specialisation as an important mechanism for preventing corruption. This approach is clearly

⁴² International Association of Management and Applied Economics Group IMAEG, “Saudi Arabia: How Has the Government Competition and Procurement System Changed the Rules of the Game?,” 16 June 2020, <https://iamaeg.net/ar/publications/articles/saudi-arabia-how-has-the-government-competition-and-procurement-system-changed-the-rules-of-the-game>.

⁴³ Government Tenders and Procurement Law. Royal Decree No. M/128. July 16, 2019. (2019).

⁴⁴ Yasser bin Rafeed bin Saeed Al Mana, “Combating Financial and Administrative Corruption in Light of the Saudi System and International Agreements: An Analytical Study,” *Arab Journal for Scientific Publishing* 7, no. 70 (August 2024): 451–81, <https://doi.org/10.36571/ajsp7022>.

reflected in Article 14 of the Government Tenders and Procurement Law, which provides that the centralised procurement authority shall be responsible for:

1. Identifying works and procurement requirements common to multiple government entities, standardising their technical specifications, conducting all tendering procedures, receiving and evaluating bids, selecting the most advantageous offers, and concluding framework agreements on behalf of government entities in accordance with the Law.
2. Preparing lists of works and procurement activities covered by framework agreements and enabling government entities to access such agreements and their terms through the electronic procurement portal.
3. Reviewing feasibility studies, cost estimates, tender documentation, and prequalification documents submitted by government entities for procurement activities under its responsibility, and providing its opinion within the period specified by the Implementing Regulations.
4. Preparing standardised tender documents, prequalification documents, model contracts, contractor performance evaluation forms, and any additional documentation required by the nature of the procurement, in accordance with the Law, its Implementing Regulations, and the regulations issued pursuant to Article 96 of the Law.
5. Developing training programs aimed at enhancing the qualifications and professional competencies of officials responsible for implementing the Government Tenders and Procurement Law within public entities.

Furthermore, Article 22 authorises contracting authorities to engage specialists and technical experts to prepare technical specifications when necessary. These statutory provisions show that the Saudi procurement regime goes beyond articulating general principles by establishing a clear institutional separation of responsibilities. Article 45 expressly prohibits any individual from simultaneously serving as both the chairperson of the Bid Evaluation Committee and the authority responsible for approving contract awards. Likewise, a person may not concurrently chair both the Bid Opening Committee and the Bid Evaluation Committee, nor may the same individual serve on both committees. Consequently, Saudi Law transforms functional specialisation from an administrative recommendation into a legally enforceable organisational requirement designed to prevent overlapping responsibilities. This institutional separation substantially reduces the risk of improper influence over tendering, bid evaluation, and contract award decisions. The framework is further reinforced by comprehensive, independent rules governing conflicts of interest under both the Law and its Implementing Regulations.

The Saudi regulatory framework defines a conflict of interest as an actual, apparent, or potential conflict between an individual's personal interests and the contracting authority's interests that may compromise objectivity, integrity, or

impartiality. Public officials are required to disclose any conflict of interest immediately in writing, refrain from participating in any procurement procedure in which they possess a personal interest, and abstain from voting on any decision involving an actual conflict of interest. The disclosure requirements extend beyond procurement officials to include individuals responsible for preparing tender documents, members of bid opening and bid evaluation committees, members of technical and financial subcommittees, external experts, and even private-sector participants engaged in government procurement activities.⁴⁵

Saudi Arabia demonstrates a considerably more advanced model of functional specialisation than Iraq through centralised procurement governance, legally mandated institutional separation of procurement functions, comprehensive conflict-of-interest rules, and nationwide digital procurement implemented through the Etimad Platform. Nevertheless, unlike Indonesia, Saudi legislation does not yet institutionalise procurement officials through a comprehensive national competency certification framework comparable to Indonesia's procurement profession. Accordingly, while Saudi Arabia excels in centralised governance and institutional integrity, Indonesia provides a stronger model for procurement professionalisation through competency-based career development and mandatory professional qualifications. These complementary approaches show different pathways to strengthen procurement integrity and administrative capacity.

2.3 The Legal Framework under Indonesian Law

The Indonesian government has adopted a comprehensive strategy to combat corruption in public procurement, characterised by a strong emphasis on functional specialisation and institutionalisation. This approach emerged from the procurement reforms initiated in 2010, which focused on establishing specialised procurement units and developing clear professional career paths for procurement officials, with technical and financial support from the World Bank and other international organisations. These reforms have produced significant positive outcomes, although further institutional development remains necessary.

⁴⁶Nevertheless, the literature indicates that despite Indonesia's considerable progress in combating corruption, persistent challenges remain, including inconsistent enforcement of procurement laws, limited institutional resources, and political interference. These challenges underscore the need for stronger

⁴⁵ Government Tenders and Procurement Law. Royal Decree No. M/128. July 16, 2019.

⁴⁶ Ardy Gunawan Tomagola et al., 'The Effectiveness of Indonesia's Anti-Corruption Law on Legal Reform and Implementation | West Science Law and Human Rights', 31 July 2024, <https://wsj.westsciences.com/index.php/wslhr/article/view/1129>.

preventive mechanisms, greater transparency, and continuous capacity building for procurement officials to reduce legal violations and corrupt practices.⁴⁷

Several studies identify the gap between legal policy and its practical implementation as a principal reason Indonesia's legal framework has not eliminated corruption in public procurement. This implementation gap largely stems from collusion among corrupt law enforcement officials and the lack of accountability among political elites, both of which undermine effective enforcement of procurement laws and regulations.⁴⁸ More broadly, it has been argued that, except Singapore, East Asian countries continued to experience substantial corruption risks in public procurement until approximately 2009 for two principal reasons. First, procurement reforms were neither sufficiently comprehensive nor adequately designed to address every dimension of corruption or to give oversight and enforcement agencies the legal authority needed to respond effectively to corrupt practices. Second, these reforms were implemented poorly, particularly in translating legislative provisions into routine administrative practice. Of particular concern were the limited institutional capacity, insufficient authority, and vulnerability of oversight and enforcement agencies to corruption.⁴⁹

The procurement reforms introduced by the Indonesian government from 2010 onward, however, demonstrate a clear shift toward a comprehensive anti-corruption strategy built upon several complementary pillars, foremost among them professional qualification, functional specialisation, and the digitalisation of public procurement. In this regard, one study notes that, beginning in July 2020, the Secretariat of the National Anti-Corruption Strategy developed electronic procurement catalogues for five ministries with the largest procurement budgets. At the same time, all thirty-four Indonesian provinces began integrating their procurement systems through locally managed electronic catalogues, thereby promoting greater standardisation and transparency in public procurement.⁵⁰

The majority of the literature agrees that electronic procurement has significantly reduced corruption in government procurement, particularly in provinces characterised by relatively high levels of public and capital expenditure. These findings demonstrate the positive impact of digital procurement systems

⁴⁷ Surya Adhi, Ridwan Arifin, and Tajudeen San, 'From Administrative Irregularities to Criminal Acts: Uncovering Corruption in State Procurement Systems', *PAMPAS Journal of Criminal Law*, 2025, <https://www.wispaper.ai/en/>.

⁴⁸ Satria Unggul Wicaksana Prakasa, Asis Asis, and Mualimin Mochammad Sahid, 'Reduce Corruption in Public Procurement: The Effort Towards Good Governance', *BESTUUR* 10, no. 1 (August 2022): 33–42, <https://doi.org/10.20961/bestuur.v10i1.51339>.

⁴⁹ David S. Jones, 'Curbing Corruption in Government Procurement in Southeast Asia: Challenges and Constraints', *Asian Journal of Political Science* 17, no. 2 (August 2009): 145–72, <https://doi.org/10.1080/02185370903077444>.

⁵⁰ Prakasa, Asis, and Sahid, 'Reduce Corruption in Public Procurement'.

in reducing procurement-related corruption. Applying digital technologies across every stage of the procurement cycle inherently limits opportunities for corruption by increasing transparency and reducing discretionary human intervention.⁵¹ To further strengthen procurement integrity, some scholars advocate adopting smart procurement systems based on blockchain technology. By utilising the inherent characteristics of blockchain, including immutability, transparency, and automated execution through smart contracts, such systems seek to establish a more transparent and accountable mechanism for maintaining procurement records. A prototype system has already demonstrated the feasibility and practical usability of this approach by automatically processing representative procurement data.⁵²

From an institutional perspective, Indonesia's procurement reforms fundamentally transformed public procurement by embracing functional specialisation within administrative bodies responsible for government contracting. The National Public Procurement Agency (LKPP) has become the principal authority responsible for formulating procurement policies and developing the national procurement system.⁵³ Consequently, public procurement has evolved into an independent professional function. Presidential Regulation No. 16 of 2018 defines both the *Procurement Officer* and the *Functional Procurement Official* as public officials entrusted with full authority, responsibility, and professional competence to conduct public procurement activities. This regulatory framework shows that Indonesian Law no longer treats procurement as an incidental administrative responsibility assigned to general civil servants, but as a specialised profession with a clearly defined legal status.

The importance of functional specialisation is further reflected in the requirement that officials responsible for public procurement obtain professional competency certification. Presidential Regulation No. 16 of 2018 required all procurement officials to obtain a competency certificate by December 31, 2023. However, because many officials could not meet this requirement within the prescribed period, the National Public Procurement Agency (LKPP) issued Circular No. 1 of 2024, which temporarily relaxed the certification requirement by permitting officials with basic procurement certification to perform procurement functions.⁵⁴

⁵¹ Prakasa, Asis, and Sahid.

⁵² Tim Weingärtner et al., 'Prototyping a Smart Contract Based Public Procurement to Fight Corruption', *Computers* 10, no. 7 (July 2021): 85, <https://doi.org/10.3390/computers10070085>.

⁵³ Presidential Regulation No. 16 of 2018 on Government Procurement of Goods/Services, § art. 1 (2018), <https://peraturan.go.id/id/perpres-no-16-tahun-2018>.

⁵⁴ JDIH LKPP, 'Surat Edaran Kepala LKPP Nomor 1 Tahun 2024 Tentang Pemenuhan Kebutuhan Jabatan Fungsional Pengelola Pengadaan Barang/Jasa, Personel Lainnya Bersertifikat Kompetensi, Dan Pejabat Pembuat Komitmen Bersertifikat Kompetensi Tahun', 2024,

Presidential Regulation No. 16 of 2018 has also undergone several amendments, most recently Presidential Regulation No. 46 of 2025. Pursuant to Article 6 of Presidential Regulation No. 16 of 2018, the Indonesian public procurement system is founded upon the principles of efficiency, effectiveness, transparency, openness, competition, fairness, and accountability. These principles constitute the normative framework governing both the interpretation and implementation of procurement legislation. In light of these principles, together with the mandatory competency certification requirement, legal scholarship argues that procurement contracts concluded by officials lacking the required certification may be vulnerable to invalidity under Article 1320 of the Indonesian Civil Code, which sets out the essential legal requirements for contract validity.⁵⁵

Indonesia has also prioritised combating corruption by enacting the Anti-Corruption Law of 1999, as amended by Law No. 20 of 2001. This legislation is complemented by several additional statutory instruments, including Law No. 6 of 2023 on Job Creation, which prohibits anti-competitive practices such as bid rigging in public procurement.⁵⁶ Accordingly, Indonesia has established a coherent legislative framework and a comprehensive strategic vision for combating corruption in all its forms. In the context of public procurement, Indonesian Law clearly recognises functional specialisation as a fundamental pillar of corruption prevention, alongside the adoption of modern technologies and the digital transformation of procurement procedures.

Table 1. Comparative Assessment of Functional Specialisation in Public Procurement: Iraq, Saudi Arabia, and Indonesia

Assessment Criterion	Iraq	Saudi Arabia	Indonesia	Comparative Evaluation
Recognition of Public Procurement as a Specialized Profession	Procurement remains an administrative function without explicit professional status.	Procurement functions are institutionally specialised but not formally recognised as an independent	Procurement is legally recognised as a specialised professional function through Functional	Indonesia provides the strongest legal recognition of procurement as a profession.

<https://jdih.lkpp.go.id/regulation/surat-edaran-kepala-lkpp/surat-edaran-kepala-lkpp-nomor-1-tahun-2024>.

⁵⁵ Hermansyah Hermansyah and Mohammad Saleh, ‘The Validity of Goods/Services Contracts Signed by Commitment Making Officials Who Do Not Have A Certificate of Competency’, *Journal of Law, Politic and Humanities* 4, no. 4 (June 2024): 730–37, <https://doi.org/10.38035/jlph.v4i4.420>.

⁵⁶ ‘Public Procurement Laws and Regulations Report 2026 Indonesia’, *ICLG*, 30 January 2026, <https://iclg.com/practice-areas/public-procurement-laws-and-regulations/indonesia/>.

		civil service profession.	Procurement Officials.	
Specialised Procurement Authority	No independent central procurement authority with comprehensive professionalisation functions.	Centralised Strategic Procurement Authority operating under the Government Tenders and Procurement Law.	National Public Procurement Agency (LKPP) responsible for procurement policy, standards, certification, and institutional development	Saudi Arabia and Indonesia demonstrate stronger institutional specialisation than Iraq.
Functional Specialisation	Procurement units exist, but officials are not required to belong to a specialised procurement profession.	Procurement responsibilities are institutionally separated through specialised committees and centralised procurement functions.	Procurement responsibilities are assigned to certified Functional Procurement Officials with clearly defined professional roles.	Indonesia exhibits the highest level of functional specialisation.
Competency Framework and Certification	Training is encouraged, but competency certification is not mandatory.	Professional training is required, although no comprehensive national certification framework exists.	Mandatory competency certification forms a core legal requirement for procurement officials.	Indonesia is most closely aligned with OECD professionalisation principles.
Career Development	Procurement does not constitute a distinct professional career path.	Career development exists within public administration but not through a separate	Procurement officials follow dedicated professional career pathways supported by	Indonesia provides the most advanced professional career model.

		procurement profession.	certification and continuous training.	
Conflict of Interest Regulation	Fragmented and relatively limited regulation.	Comprehensive statutory disclosure and recusal obligations under the Government Tenders and Procurement Law.	Conflict-of-interest provisions incorporated within procurement legislation and anti-corruption framework.	Saudi Arabia provides the most detailed conflict-of-interest regulation.
Digital Procurement	Electronic procurement introduced through the 2025 Implementing Instructions but still developing.	Fully integrated Etimad Platform covering the entire procurement cycle.	National electronic procurement system (SPSE and e-Catalogue) integrated with procurement institutions.	Saudi Arabia and Indonesia demonstrate more mature digital procurement systems.
Capacity Building	Periodic training without an integrated national professionalisation strategy.	Continuous training coordinated through procurement institutions and the Ministry of Finance.	Continuous professional development coordinated by LKPP and linked to competency certification.	Indonesia adopts the most comprehensive capacity-building approach.
Contribution to Corruption Prevention	Moderate due to legislative fragmentation and limited professionalisation.	High because of centralised governance, digital procurement, and institutional separation of functions.	Very High because functional specialisation, competency certification, digital procurement, and institutional governance	Indonesia provides the most comprehensive preventive model, while Saudi Arabia excels in governance and institutional control.

operate together.

Table 1 summarises the principal findings of the comparative legal analysis concerning the institutionalisation of functional specialisation in public procurement across Iraq, Saudi Arabia, and Indonesia. The comparison demonstrates substantial differences in the legal recognition of procurement as a specialised profession, the existence of competency-based certification systems, institutional arrangements, career development mechanisms, and governance structures. Overall, the evidence indicates that while Iraq has initiated important procurement reforms through digitalisation and the establishment of procurement units, Saudi Arabia and Indonesia have adopted more comprehensive institutional frameworks that more closely reflect international standards for procurement professionalisation and integrity.

2.4 Comparative Assessment

The comparative assessment reveals that the three jurisdictions have adopted different legislative and institutional approaches to functional specialisation in public procurement, reflecting varying levels of procurement professionalisation and institutional maturity. Although Iraq has introduced important reforms by adopting electronic procurement procedures and establishing procurement units within contracting authorities, these reforms remain primarily procedural. The current legal framework still treats procurement as an administrative responsibility rather than an autonomous profession requiring specialised competencies, certification, and structured career development. Consequently, the absence of a comprehensive professionalisation framework limits institutional capacity and reduces the effectiveness of corruption prevention mechanisms.

By contrast, Saudi Arabia has developed a governance-oriented procurement model that emphasises centralised procurement management, institutional separation of responsibilities, comprehensive conflict-of-interest regulation, and the extensive digitalisation of procurement through the Etimad Platform. These institutional arrangements significantly reduce discretionary decision-making and strengthen transparency and accountability throughout the procurement cycle. Nevertheless, procurement professionalisation in Saudi Arabia remains primarily embedded within institutional governance and has not yet evolved into a fully independent professional career comparable to the Indonesian model.

Indonesia represents the most advanced model of functional specialisation among the three jurisdictions. Public procurement is formally recognised as a specialised profession supported by mandatory competency certification, specialised procurement officials, continuous professional development, and the National Public Procurement Agency (LKPP), which is responsible for procurement policy, workforce development, and institutional capacity building.

This integrated framework closely reflects the OECD approach to procurement professionalisation, which emphasises competency models, certification frameworks, capacity-building, and recognition of procurement as a standalone profession.

From a comparative legal perspective, the analysis shows that effective corruption prevention depends not only on digital procurement systems or stronger oversight institutions but also on institutionalising procurement professionalism. OECD guidance indicates that procurement reforms are more sustainable when governments adopt competency-based recruitment, certification frameworks, dedicated career pathways, and continuous professional development for procurement officials. These elements transform procurement from a routine administrative activity into a professional function that ensures integrity, accountability, and value for money throughout the procurement cycle.

Accordingly, Iraq's future procurement reforms should extend beyond procedural digitalisation toward a comprehensive professionalisation strategy. Legislative reform should recognise public procurement as a distinct professional function, establish mandatory competency-based recruitment and certification systems, strengthen continuous professional development, and create a centralised procurement authority to set national procurement standards and coordinate workforce development. Adopting these reforms would align Iraqi procurement legislation with international best practices while significantly enhancing transparency, accountability, institutional capacity, and public confidence in government procurement.

CONCLUSION

This study shows that functional specialisation can be an important preventive dimension of public procurement governance when supported by clear institutional responsibilities, professional competencies, training, integrity safeguards, and appropriate accountability mechanisms. The comparative analysis shows that Iraq has introduced significant reforms through procurement units and digitalisation, but its framework remains less developed in formally recognising procurement as a specialised professional function. Saudi Arabia has strengthened procurement governance through centralised functions, institutional separation, conflict-of-interest controls, and digital procurement, while Indonesia has developed a more explicit professional structure based on specialised procurement officials and competency certification. These differences suggest that digitalisation and oversight mechanisms are most meaningful when paired with an appropriately qualified and institutionally organised procurement workforce. This finding is consistent with the OECD's recognition that procurement professionalisation requires competency development,

certification, capacity-building, and recognition of procurement as a professional function.

The study contributes to comparative legal scholarship by conceptualising functional specialisation not merely as an administrative technique but as a legal and institutional mechanism to strengthen procurement integrity and prevent corruption. It links procurement professionalisation to legislative design by showing the relevance of specialised functions, competency requirements, professional development, institutional separation, and integrity controls. The findings therefore support developing a more comprehensive Iraqi procurement framework that recognises professional procurement functions, establishes competency-based requirements and continuous training, strengthens institutional responsibility, and integrates professionalisation with digitalisation and anti-corruption safeguards. Such reforms would also align with the ongoing international development of procurement professionalisation, including competency models and certification frameworks.

The study is subject to limitations. Its analysis is primarily doctrinal and documentary and therefore evaluates legal and institutional frameworks rather than measuring the actual behavioral or statistical effect of functional specialisation on corruption. In addition, the comparison is limited to Iraq, Saudi Arabia, and Indonesia and does not encompass all procurement models or administrative traditions. Future research should therefore complement comparative legal analysis with empirical studies examining procurement officials' competencies, implementation practices, corruption-risk indicators, and the practical effectiveness of professionalisation and certification systems. Further research could also examine how artificial intelligence, advanced e-procurement systems, and data-driven risk monitoring can be integrated with professional procurement structures while preserving transparency, accountability, and legal oversight.

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AUTHOR CONTRIBUTIONS STATEMENT

IH conceived the research idea, designed the study, conducted the comparative legal analysis, interpreted the findings, and prepared the original manuscript draft. KA contributed to the literature review, legal analysis, and critical revision of the manuscript. HH assisted with data collection, analysis of

Iraqi procurement legislation, and manuscript review. AA contributed to the comparative analysis of Saudi Arabian procurement law and provided critical revisions to improve the legal discussion. DA contributed to the comparative analysis of Indonesian procurement law, validated the research findings, and reviewed and edited the final manuscript. All authors read and approved the final version of the manuscript and agreed to be accountable for all aspects of the work.

AI USAGE STATEMENT

The authors declare that artificial intelligence (AI) tools were used solely to support language editing, grammar checking, and improving the clarity and readability of this manuscript. AI was not used to generate the research idea, formulate the research questions, conduct the comparative legal analysis, interpret legal materials, evaluate findings, or develop the conclusions and recommendations. All substantive intellectual content, legal analysis, and scholarly judgments were developed independently by the authors. The authors have carefully reviewed and verified the entire manuscript and accept full responsibility for its originality, accuracy, and academic integrity. In accordance with accepted ethical standards in academic publishing, AI tools are not recognised as authors or contributors to this work.

CONFLICT OF INTEREST

The authors declare that they have no known financial, professional, institutional, or personal conflicts of interest that could have influenced the research, authorship, or publication of this article. The authors further confirm that they conducted the research independently and objectively, and that no external party played any role in the study design, data collection, analysis, interpretation, manuscript preparation, or the decision to submit the manuscript for publication.

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