

EFFECT OF THE APPLICATION OF INFORMATION AND COMMUNICATION TECHNOLOGY ON IMPROVING INNOVATION

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ARTICLE INFO		ABSTRACT
Received:	02-05-2022	This research aims to analyze the influence of the Application of Information and Communication Technology on improving the Asn Innovation of the Central Transportation Ministry. The number of samples in this study was 249 respondents using the slovin technique from all units in the Ministry of Transportation. Data collection is carried out using questionnaires, observations and interviews with related parties. The data analysis technique used is a mix method with multiple linear regression analysis and indicator analysis. The results showed that the variables of Application of Information and Communication Technology positively affected employee innovation at a significance level of 0.05 with a regression coefficient of each of them. There is a positive and significant influence the application of information and communication technology to The Innovative with a regression coefficient (β) of 0.136 and the resulting regression equation is $Y = 115.409 + 0.136X_3$, which means that each one-level increase in the Application of Information and Communication Technology results in an innovative increase of 0.136 at the constant 115,409. Thus, the application of information and communication technology is predicted to increase employee innovation. Based on the results of the determination test calculation, it can be known that the effective contribution (SE) variable of the Application of Information and Communication Technology (X3) to Innovation (Y) is 2.11%.
Accepted:	09-05-2022	
Published:	20-05-2022	
Keywords:	Application of Technology, Information, Communication, inovative	

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INTRODUCTION

Increased employee innovation must be supported by information and communication technology. With good Information and Communication Technology, employees will be able to improve their work performance and through good communication can also influence organizational members flexibly in accordance with working conditions and the capacity of employees in carrying out their duties (Sudiro, 2021).

There is a big current debate on a seemingly paradoxical productivity slowdown despite rapid technological innovation in the digital age. According to (Van Ark, 2016), the combination of mobile technology and ubiquitous access to the internet exerts a strong impact on businesses. However, it has not yet manifested itself in faster aggregate productivity growth. Similar to previous waves of digitisation, one key argument is that these technologies will likely unfold their effects on productivity, but only with a time lag, due to the need for complementary investments in organisational change (Viète & Erdsiek, 2020).

The Ministry of Transportation needs reliable human resources in the application of information and communication technology while the lack of reliable human resources means that there are no competent human resources to manage it, because usually the agency will hand over management to one person who is considered capable of handling, but when there is a rotation of positions and the employee changes positions then automatically no one handles the work..

Replacement employees who are placed cannot master all existing problems usually the employee will only overcome the problems that are usually done by the operator (Simarmata et al., 2020). Communication and information technology designed to create full collaboration between employees who are sophisticated (Agustin, 2015). It is useless if no one can take advantage of it or implement it due to limited human resource readiness. This inability can hinder the work of employees of the Ministry of Transportation which can continuously have a negative impact on the performance of employees.

Employees of the Ministry of Transportation in carrying out their duties as a public service will certainly be faced with various challenges that occur along with the development of information technology in the 4.0 era, the presence of various innovations requires employees to make adjustments to how to learn methods and media in the training process in accordance with the needs of employees.

Previous research using the DeLone and McLean model and the Technology Acceptance Model (TAM) model against each other showed inconsistent results with regard to si/IT success measurements. For example, in research conducted by (Sudarsono & Lestari, 2018) (Mudiono, 2018).

Based on the above study, there are several reasons that encourage to conduct research on employee innovation. Development and progress in the field of public service agencies require productive human resources that are able to manage technological facilities and communicate actively to achieve organizational goals in the Ministry of Transportation.

This research aims to find efforts to determine the influence of the Application of Information and Communication Technology on the innovation of employees of the Ministry of Transportation by identifying, studying and developing the forces of relationships / influences between these variables.

METHODS

The legal research method used in this study is the normative legal research method (Jonaedi Efendi, Johnny Ibrahim, & SE, 2018). Normative legal research itself is a research method that examines the law from an internal perspective with the object of research is the legal norm. The approaches used in this study are the statute approach and the conceptual approach. This research is based on the regulation of laws and regulations governing the handling and management of the Covid-19 pandemic and analysis of the concept of determining the laws and regulations (Mukhamedov & Anvarovich, 2021).

RESULTS AND DISCUSSION

A. Implementation of Law Enforcement and Legal Sanctions in Handling the Covid-19 Pandemic in Indonesia Based on Law No. 6 of 2018 concerning Health Quarantine

The health protocol is based on the Regulation of the Minister of Health of the Republic of Indonesia Number 9 of 2020 concerning Guidelines for Large-Scale Social Restrictions in the Context of Accelerating the Handling of Covid-19 (Kementrian Kesehatan Nasional, 2020). Article

13 paragraph (8) of Permenkes No. 9 of 2020 then mandates the establishment of health protocols. The Ministry of Health then issued a Decree of the Minister of Health of the Republic of Indonesia Number HK.01.07 /Menkes/382/2020 concerning Health Protocols for People in Public Places and Facilities in the Framework of Prevention and Control of Corona Virus Disease 2019 ([Kepmenkes 382/2020](#)).

Health protocols arise because of an effort to overcome the disease outbreak that occurred in Indonesia. Health protocol is a step taken after the implementation of large-scale social restrictions (PSBB) in parts of Indonesia as stated in Article 59 of Law 6 of 2018 concerning Health Quarantine (Law No. 6 of 2018). PSBB is then regulated in Government Regulation Number 21 of 2020 concerning PSBB in order to Accelerate the Handling of the Covid-19 Virus (PP No. 21 of 2020). Article 5 of PP No. 21 of 2020 states that in the event that the PSBB has been determined by the Minister of Health, the local government is obliged to implement and pay attention to the provisions as stipulated in Law No. 6 of 2018. This means that in the implementation of PSBB, there are also prohibition rules or criminal provisions that regulate health quarantine. Article 93 of Law No. 6 of 2018 states that anyone who hinders the implementation of health quarantine so as to cause a public health emergency can be punished with imprisonment for a maximum of 1 (one) year and/or a maximum fine of Rp100,000,000 (one hundred million rupiah) ([Denico Doly, 2009](#)).

Therefore, it can be said that people who deliberately do not comply with the rules regarding health protocols can be given criminal sanctions as intended in Article 93 of Law No. 6 of 2018. As a form of the government's seriousness in tackling Covid-19, the President then issued Presidential Instruction No. 6 of 2020 on Improving Discipline and Law Enforcement of Health Protocols in the Prevention and Control of Corona Virus Disease 2019 (Presidential Decree No. 6 of 2020). Presidential Decree No. 6 of 2020 states that governors, regents, and mayors draft and stipulate governor regulations / regent / mayor regulations, one of which contains sanctions for violations of the implementation of health protocols in the prevention and control of Covid-19 carried out by individuals, business actors, managers, organizers, or persons in charge of public places and facilities.

Based on this, the Indonesian region that implements PSBB then makes rules regarding the implementation of PSBB and its sanctions. One of the provinces implementing PSBB is DKI Jakarta Province through the Jakarta Capital Special Regional Governor Regulation Number 33 of 2020 concerning the Implementation of Large-Scale Social Restrictions in handling Covid-19 in the Special Region Province of the Capital City of Jakarta (Pergub DKI No. 33 of 2020) and the Governor Regulation of the Special Region of the Capital City of Jakarta Number 41 of 2020 concerning the Imposition of Sanctions for Violations of the Implementation of Large-Scale Social Restrictions in handling Covid-19 in the Province. DKI Jakarta (Pergub DKI No. 41 of 2020).

One example of sanctions stipulated in Article 4 paragraph (1) of the Dki Regulation No. 41 of 2020 is that if everyone does not carry out wearing a mask, it will be subject to a written reprimand, social work, or with administrartif at least Rp100,000,- (one hundred thousand rupiah) and a maximum of Rp250,000 (two hundred and fifty thousand rupiah). Sanctions rules for violations of health protocols already exist, but in the daily implementation, violations of health protocols still occur in various places, especially in the market.

Law enforcement has not run optimally, because there are still many people who are not aware of the importance of implementing health protocols. H.C. Kelman in Achmad Ali (2009) states that one's obedience is compliance, that is, someone obeys a rule just for fear of sanctions. Based on what was stated by H.C. Kelman, it can be said that currently the public legal awareness to implement health protocols is still limited to compliance. The public will obey the rules when meeting with the police, PP police, or other Covid-19 Task Force. However, if they do not meet with law enforcement, the public will tend to ignore the rules of the Health protocol.

Law enforcement can be influenced by several factors, namely legal factors, law enforcement, facilities or facilities, society, and culture. Legal factors, namely the laws and regulations governing health protocols such as Law No. 6 of 2018, Presidential Decree No. 6 of

2020, and governor/mayor/regent regulations on PSBB. The set of rules for implementing law enforcement implementation of health protocols already exists, but the implementation has not been optimal. The sanctions given to violators of current health protocols are only limited to the provision of administrative sanctions and social work sanctions as stipulated in Article 14 of the Dki Regulation No. 41 of 2020. These sanctions have not been able to provide a deterrent effect to violators of health protocol rules. Law enforcement factors, namely law enforcement devices, namely the police and Satpol PP. One of the instructions given in Presidential Decree No. 6 of 2020 to the Police Chief of the Republic of Indonesia is to streamline law enforcement against violations of health protocols. In addition, in order to enforce regional rules, regional devices such as Satpol PP are tasked with implementing health protocol rules.

Law enforcement against the implementation of health protocols can be said to decrease, the Ministry of Home Affairs said there are several reasons for the decline in health protocol discipline, namely the presence of saturation in the community and officers and the easing of health protocols. Factors of facilities or facilities, such as places to wash hands and instructions for circulation in and out of visitors. In connection with this, the Minister of Trade of the Republic of Indonesia has issued Circular Letter Number 12 of 2020 concerning the Recovery of Trade Activities Carried Out During the Corona Virus Disease 2019 (Covid-19) Pandemic. Based on the Circular Letter, malls or shopping centers must implement strict health protocols, including establishing circulation and time limits for visits and the maximum number of visitors of 35%, requiring the use of masks, face shields, and gloves, provision of handwashing places, distance restrictions of at least 1.5 meters, and others. Therefore, for example, shopping center owners are obliged to provide facilities for hand washing and instructions for the circulation of visitors in and out..

Community factors, namely factors that have a strong influence in the implementation of law enforcement. This factor becomes important because the higher public awareness of the laws and regulations, the more good law enforcement will be achieved. The application of health protocols is related to the observance of community law. People today are often ignorant of health protocols, such as not using masks or using masks but not covering the nose and mouth. Another violation is not maintaining distance between each other. Another factor is the cultural factor.

Cultural factors become important to implement, because culture serves as a guideline for society to act, do, and determine its attitude. A culture of obeying laws and regulations needs to be built so that the community understands that rules are formed so that people get a sense of security and comfort. The culture of enforcing health protocol rules by the community means that the community is helping to prevent the spread of Covid-19.

In the context of implementing criminal sanctions for PSBB violators, the state in this case the government must act decisively when there are violations in the framework of prevention and eradication of the Covid-19 pandemic by imposing fines as alternative sanctions. This is based on Jan Rummelink's opinion that why the state acts when there is a crime and why the state acts by inflicting suffering. It is intended as an appropriate means because it encourages the state to act fairly and avoid injustice. Criminal punishment here serves as a mechanism of social and psychic threats. Criminal charges against PSBB violators are also used as a means of education to the community. Educational theory in his book Eddy O.S. Hiariej ([Hiariej, 2016](#)), He stated that criminals aim as an education to the public about which are good deeds and which are bad deeds. The enforcement of fines against violators of large-scale social restrictions rules must be applied objectively, rationally and proportionately as a means of deterrent effect and public education to realize the dangers of the impact of Covid-19 as well as social control advice so that the community complies with social distancing and physical distancing rules.

The threat of sanctions that can be imposed against PSBB violators is regulated in various existing laws and regulations. Among others, Law No. 4 of 1984 concerning Infectious Disease Outbreaks, Law No. 6 of 2018 on Health Quarantine and Government Regulation No. 21 of 2020 concerning Large-Scale Social Restrictions (PSBB) in order to accelerate the handling of Covid-19. In addition, there is also an Information from the Police Of the Republic of Indonesia Number:

Mak/2/III/2020 concerning Compliance with Government Policies in Handling the Spread of the Corona Virus (COVID 19) by including criminal threats contained in Article 212 and or Article 218 of the Criminal Code. According to Nur Rohim Yunus, said that: "The prevention of the Covid-19 pandemic outbreak must be done by providing criminal sanctions for citizens who commit violations." (Yunus, 2020). The legal basis for sanctions for violators of Large-Scale Social Restrictions (PSBB) in the form of Regulation No. 41 of 2020 is too weak to be able to sanction fines and criminals. For this reason, the Greater Jakarta Ombudsman encouraged the DKI Jakarta Provincial Government to form regional regulations (perda). Perda is considered stronger than pergub because it is also contained as one of the regulatory hierarchies in accordance with Law No. 12 of 2011 concerning the Establishment of Laws and Regulations, regulations that contain sanctions only law or perpu and perda. By making sanctions rules in the form of perda, the DKI Provincial Government has a strong legal basis to impose legal sanctions in the form of fines. (Kartono, 2020).

B. Reconstruction of The Legal Relationship of the Central and Local Governments in Handling the Covid-19 Pandemic

The existence of disagreements about how to handle COVID-19 between the central and local governments actually indicates weak coordination between the center and the region. However, this problem is actually not new considering that in the practice of post-reform regional autonomy, central and regional relations are often colored by coordination problems between the central government and local governments. Policy differences not only concern the problem of lack of understanding of the region in its position based on the law, but also due to political problems, ranging from campaign promises that are not in line with the central government's development plan to the differences in the affiliation of regional leadership political parties with the central leadership (Wicaksono, 2020).

From the aspect of decentralization, namely: deconcentration, delegation, and devolution, the last aspect (devolution) becomes legitimacy for the region to be able to determine its own attitude as an autonomous region. Indeed, in the new laws on local government, the current regional authority is not as large as mandated by Law No.22 of 1999, but devolution that presents direct elections and the direct participation of regional communities in development in their regions, makes regional heads have the responsibility to meet the demands of their constituents. So that when the regional head does not take any policy in dealing with COVID-19, the public will blame the regional leadership. The uncertainty of central policy, weak coordination, and the demands of the people in this area are what ultimately underlie the regions to disagree with the central government. Furthermore, in an effort to realize more progressive policies and respond to public demands in the regions, the government finally issued Presidential Decree (Keppres) No.11 of 2020 concerning the Determination of COVID-19 Public Health Emergency at the end of March 2020. The Presidential Decree on Public Health Emergency is also followed by a large-scale social restriction policy (PSBB) through Government Regulation (PP) No.21 of 2020 concerning PSBB in the Context of Accelerating COVID-19 Handling. PSBB was chosen by the central government rather than quarantine the actual area is also allowed by Law No.6 of 2018 on Health Quarantine with consideration to minimize the impact of economic destruction. Because with psbb the economy can still move even though it is limited, while when quarantine is applied, the economy will stop and the government must bear all economic costs needed by the community during quarantine. This is certainly not possible considering the limited budget owned by the government. In addition, social, cultural, political, and geographical issues are certainly also a consideration in sorting policies that are in accordance with Indonesia's conditions. This regulation regarding PSBB finally makes room for regions to take more concrete actions than just appeals to maintain distance (social distancing / physical distancing) by first applying to the government through the Minister of Health. So that only local governments that have obtained permits can carry out PSBB, such as:

scattering schools and offices, restrictions on religious activities, and restrictions on activities in public places.

In the context of the division of government affairs, good coordination between the center and the region is the determinant of the success of policy policies at the regional level, including on the issue of handling COVID-19. Local governments are considered to better understand the conditions of their communities and regions and are closer to the public recipients of services or policies from the government. On the other hand, the central government must ensure the balance of development between regions by exploring the potential of each region and trying to create equality. Related to the handling of COVID-19, the role of the central government is like a conductor in an orchestra and the region is a variety of musicians who hold a variety of musical instruments. Good cooperation and coordination between music players and conductors will result in a slick orchestration, as well as good coordination and cooperation between the central and local governments will be very helpful in fighting COVID-19.

Then from the policy aspect in the form of law, the government has issued Perpu No. 1 of 2020 and Presidential Decree No. 12 of 2020 concerning the Determination of Non-Natural Disasters for the Spread of Corona Virus Disease 2019 (Covid-19) as a national disaster (Presidential Decree No. 12 of 2020). Perpu No. 1 of 2020 which was later determined to be Law No.2 of 2020 substantively regulates related to the country's financial policy in handling covid-19. Perpu consisting of 5 (five) chapters is used as legality for the government in regulating the country's financial management during the pandemic. The presence of Perpu No. 1 of 2020 is like a ship that will sail towards the ocean, the sails have not been well developed the waves have come closer to test the existence of shipping. Shortly after the presence of Perpu No. 1 of 2020 a wave of testing (judicial review) to the Constitutional Court (MK) came in turn ranging from the community to the community organization (Ormas).

Based on the explanation mentioned above, in the future the handling of the Covid-19 pandemic in Indonesia refers to: (1) the 1945 Constitution; (2) Law No. 23 of 2014 concerning Regional Autonomy; (3) Law No. 24 of 2007 concerning Disaster Management; (4) Law No. 6 of 2018 concerning Health Quarantine. This is in line with responsive legal theory where the type of responsive law aspires to demand a more flexible interpretation that sees the rule of law as tied to specific problems and contexts. The responsive type of law has prominent characteristics, namely: First, the shift of emphasis from rules to principles and objectives; Second, the importance of populist character both as a legal goal and a way to achieve it.

The role of Local Government is very important, because the Local Government is considered to be the most aware of the state of the region and close to the community directly. So, to determine its fate, the region is not only at the top of the government so that the implementation of government can be responsive to the community. However, if you look back at the conditions that are happening that something policy taken by the local government certainly has an impact on other regions. This pandemic also affects other aspects such as economic aspects both micro and macro. Micro is indeed an authority and responsibility to local government, but microeconomics affects macroeconomics which means that the central government has the authority to set policies that are considered necessary in maintaining macroeconomic stability which also affects the implementation of the state. So in general, in handling the Covid-19 pandemic, there are two considerations, namely the health aspect and the economic aspect. The Central Government chose PSBB as a measure to prevent and deal with the Covid-19 pandemic because it could compromise the economy. Even though, PSBB becomes an obstacle to the economy but the economy does not stop completely but still runs even with limitations. This compromise is made by the existence of regulations regarding health protocols for every economic actor. Health Protocols carried out include Social Distancing / Physical Distancing which is considered quite effective in inhibiting the spread of the virus.

CONCLUSION

Based on the results of the analysis in the previous chapter, the study can conclude that, Law Enforcement Law No.6 of 2018 on Health Quarantine by the Central and Local Governments is not effective, because the substance of the rules is not clear, the structure of law enforcement officials who do not understand the substance of Law No.6 of 2018, and the legal culture of the community that tends to be ignorant of existing rules. The legal basis imposed on violators in handling Covid-19 in the center and the region refers to Article 93 of Law No. 6 of 2018 concerning Health Quarantine which regulates "Any person who does not comply with the implementation of health quarantine as intended in Article 9 Paragraph (1) and/or hinders the organizer of health quarantine so as to cause a public health emergency shall be punished with imprisonment for a maximum of 1 (one) year and/or hinder the organizer of health quarantine so as to cause a public health emergency shall be punished with imprisonment for a maximum of 1 (one) year and/or maximum fine of Rp. 100,000,000.00 (one hundred million rupiah). The enforcement of criminal sanctions is considered inappropriate by the community, it is based on criminal sanctions themselves, where there is a principle in the Indonesian criminal law that regulates criminal law is *ultimum remedium* meaning that if a case can be resolved by other channels then the criminal law should be used as a last resort in law enforcement. As for the pros and cons that are felt by the community, namely in Law No. 6 of 2018 does not contain the rights and obligations of the central government during the PSBB period and also in Law No. 6 of 2018 also does not contain special sanctions for PSBB violators, which contain only sanctions in general. So in this case the criteria from a misdemeanor to a severe offense have the same legal consequences. Considering the meaning of PSBB and Health Quarantine has a different meaning. The proper application for prokes violators is to prioritize the application of the principle of *ultimum remedium*, so that administrative sanctions are prioritized. This is because the implementation of administrative sanctions in the form of fines not only deters prokes violators, but also tries to make the situation as it was before the occurrence of prokes violations. This sanction is considered more efficient because it can be applied without having to go through the procedural judicial body and can also overcome problems in correctional institutions that have overcapacity. If after all sanctions are applied that are administrative, but violators still commit violations of the health program, then the implementation of criminal sanctions is needed. It also requires various considerations given the harshness of criminal sanctions. As for the application of the principle of *primum remedium* so that criminal sanctions are prioritized, it is entirely a consideration of the state in order to maintain the public interest, the effectiveness of criminal application, the loss suffered by the victim, and the loss cannot be recovered is very difficult to determine, because it is the absolute authority of the state to apply criminal sanctions as *primum remedium* or the main means to enforce the law. However, specifically the violation of the health program was also followed by the elements of the delik listed in the Criminal Code or other laws that regulate criminal acts as considered by the state, causing administrative sanctions and criminal sanctions to be carried out separately.

Reconstruction of the legal relations of the central and local governments in the context of handling the Covid-19 pandemic requires a more comprehensive arrangement with reference to the constitution of the 1945 Constitution. In order to realign the central-regional relationship in a more harmonious direction, it is time to develop progressive thinking based on complementary and interdependent relations. That is, although hierarchically the local government is lower, but the regulation of the legal relationship of the central and local governments mandates the enactment of the principle of partnership and interdependence between the two, especially when considering the nature of local communities that basically have had autonomy before. The logical consequence of this thinking is the need for the enactment of the view of regional autonomy as a "contract" between the central government and the local government through representatives of the regional people. This new perspective is expected to not only guarantee a partnership and interdependent relationship between the centers but also can be the basis for a more harmonious relationship between the two parties in the future. Collaboration is more important than withdrawing authority. Especially if observed, the emergence of these problems is due to the loss of enthusiasm to always consult between units of state organs. In fact, deliberation is the identity of the nation that has crystallized in

the fourth precept of Pancasila. For this reason, it is important to formulate the right strategy to fight the Covid-19 pandemic within the framework of governance between the central government and local governments.

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