

Strengthening Anti-Corruption Concept to Elevate Society 5.0: Belong to the Rule of Law Mixing with Information Technology

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ABSTRACT

The study of the anticorruption activity could not be covered by the scope of one state only, but also compare it with others. Retrieved from data Indonesia's CPI (Corruption Perception Index) in 2020 is at a score of 37 with a ranking of 102 out of 180 countries surveyed. According to ROLI indicators of the absence of corruption in 2020, Indonesia ranked 92 out of 128 countries with a score of 0.39. Meanwhile, in 2019 Indonesia was ranked 97 out of 126 countries with a score of 0.38. this study aims to eliminate this problem and to discuss more significant ideas about how to reduce Indonesian corruption by using anti-corruption campaigns within information technology to reach social impact in elevating Indonesian society 5.0. This research is promoted to explain the extent of the anti-corruption concept and re-arranged by Indonesian law with juridical normative methodology, and comparative aspect with emphasizes results. Finally, this research describes how important the anti-corruption concept is to eliminate corruption, to the next Indonesian Society 5.0. The approach method is related to doctrinal legal research.

Keywords: *anti-corruption, rule of law, society 5.0, information technology*

1. INTRODUCTION

Talking about law and legislation cannot be separated from humans, society, or the nation. The nation-state was built through a group of people who agreed to unite the vision and desire to live in a politically common system. Meanwhile, on the other hand, they also agreed to erode their rights so that they do not conflict with the rights of other individuals. Therefore, humans as individuals can always flexibly place themselves in groups. Humans themselves are referred to as social beings (*homo homini lupus*) or even as political people (*zoon politicon*).

However, problems arise when the community group is running to realize its visions and goals. The concept of the Indonesian rule of law is a combination of the two concepts between *Rechtstaat* and the rule of law. Previously, the concept of state law in Indonesia was directed to *Rechtstaat* which was characterized by Civil Law, then supposed to be Pancasila Rules of Law, this name is given by the New Order era and before the amendment to the 1945 Constitution of the Republic of Indonesia. After it became a democratic legal state during the reformation period.

One of the behaviors that become the enemy of a state of law, the enemy of Human Rights and Humanity is

corruption. Corruption has existed in Indonesia for a long time before the independence, namely the tradition of giving tribute by the community to the authorities. Corruption has now become a global problem, which is classified as a transnational crime (YM Saragih, 2020), even with the multidimensional bad implications of large economic and state financial losses, corruption can be classified as an extraordinary crime so it must be eradicated. Eradication of corruption is a priority on the government's agenda to be addressed seriously and urgently and as part of the program to restore the trust of the people and the international community to increase economic growth.

In Lambsdorff's research, corruption is a crime in Indonesia committed by more than one perpetrator and divided into two variables that support each other, namely between leaders and subordinates. It stated, "there is a strong relationship between the head and subordinates in the act of corruption called 'corrupt head' and 'corrupt subordinate'". Lambsdorff's research was used as an analytical knife in exploring the factors that greatly influence corruption in Indonesia. From the sociological aspect, about the corruption crimes that occur in Indonesia, it turns out that the perpetrators of corruption in committing acts are not alone, but more than one person (I Ketut Seregig 2018). Corruption is generally a crime by the upper-middle

class, or white-collar crime, which is a crime committed by people who have excess wealth and are considered honorable because they have an important position both in government and in the economy (Sudarto, 1997, J. Pope, 2003) and even perpetrators. Corruption is not a random person because they have access to do such corruption, by abusing the authority, opportunities, or facilities available to them (Harkristuti, 2002).

According to ICW, the condition of eradicating corruption can be seen generally in the Rule of Law Index report in 2020. In general, Indonesia ranked 59th out of 128 countries with a score of 0.53 points on a scale of 0-1. The lower the value, the index of the rule of law is getting worse or vice versa. In 2019, Indonesia was ranked 62 out of 126 countries with a score of 0.52 points, ranking has increased from the previous year. Meanwhile, in terms of points, Indonesia only increased by 0.01 points. Corruption is the misappropriation of public office for personal gain utilizing bribes or illegal commissions (otto sano, 2003).

Indeks Persepsi Korupsi Indonesia, 2004-2020



Figure 1. Indonesia Corruption Perception Index 2004-2020

Some of the obstacles that make corruption are still found, including:

- The inability of any individual or institution to solve widespread corruption problems;
- Lack of commitment from national leaders;
- Too dependent on law enforcement;
- Reform efforts are piecemeal and uncoordinated;
- Excessive expectations of the law as a suggestion to carry out reforms in realizing a clean government;
- Lack of focus and comprehensive efforts to eradicate corruption;
- Lack of sustainable institutional mechanisms;
- Potential corruption among institutions that handle the eradication of corruption. (Fahri Hamzah, 2012)

By looking at the various obstacles that exist, it does not necessarily discourage. As the first step for agents of change, namely the younger generation, and as corruption cases occur, there is still hope. How is the anti-corruption behavior index is increasing (Lokadata,2020).

Indeks Perilaku Anti Korupsi, 2012-2020

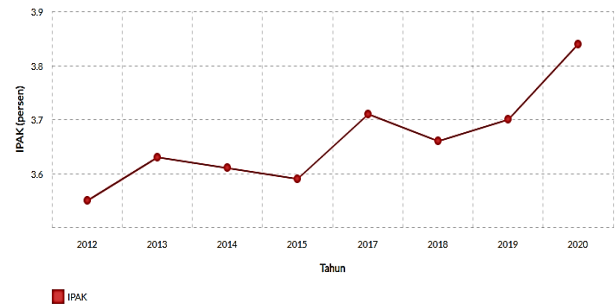


Figure 2. Indonesia Anti-Corruption Behavior Index 2012-2020

Source: BPS (Lokadata)

Based on this premise, it is necessary to reformulate the anti-corruption concept, one of which is by using information technology as an effort to expand the prevention of corruption. If the juridical normative law is at the regulatory level, then the use of information technology is an additional tool to reach the community, of course, all mechanisms must be regulated in such a way so that it can function well, to promote engineering and social restructuring within the process of preventing corruption in Indonesia. In addition, the great ideals of the welfare state must be realized immediately as an effort to elevate people's society 5.0 so that efforts to eradicate corruption must continue and precisely carried out massive.

2. LITERATURE REVIEW

Effectiveness of the legal theory

Theory of effectiveness used as the major theory in this research to hold legal effectiveness issue which related to the problem of difficulties in law definition and law enforcement related to corruption eradication. Hans Kelsen presents the definition of legal effectiveness (Salim HS, 2013) as follows:

“Are people actually acting in a way to avoid sanctions threatened by legal norms or not, and whether the sanctions are implemented whether the conditions are met or not.

Hans Kelsen's concept of effectiveness is focused on subjects and sanctions, where a subject is a person or legal entity that implements the law under the sound of legal norms.

In addition, the theory of legal effectiveness according to Lawrence Friedman (Friedman, 2010) states that it depends on three aspects, namely legal structure, legal substance, and legal culture.

This study using the concept of Society 5.0 also, which focuses on the information society built on Society 4.0, which aims to create a prosperous, human-centered society” (Harayama, 2017). This concept proposes to "advance the potential of the individual's relationship with technology in promoting the improvement of the quality of life for all through a super-smart society" (Serpa & Ferreira, 2018) and which emerged, in part, as a consequence of the adoption of the Industry 4.0 concept. and its impact (Shamim, 2017 et al).

3. METHODS

This research uses the type of juridical-normative research or known as doctrinal with the object or research target in the form of laws and regulations and other legal materials. Normative legal research is library research by examining applicable legal norms with a literature study approach through books, the rule of law, and by using international journal references related to ICT. In addition, this paper also uses a comparative method of various countries related to the prevention and control of corruption by using information technology.

4. DISCUSSION

4.1. regulation

Corruption is related to complex problems, including moral issues/mental attitudes, lifestyle needs as well as culture and social environment, economic needs/demands and socio-economic welfare, economic structure/system, political system/culture, development in mechanisms, and weak bureaucracy/procedures. Administration or within (supervision system) in finance and public services. Realizing the complexity of the problem of corruption amid a multidimensional crisis and the real threat, namely the impact of this crime as an extraordinary crime, eradicating corruption requires serious attention from the government.

On behalf of research by Pratama (Alfan Pratama, 2020) Corruption is one of the problems that havenot been resolved properly in developing countries, especially Indonesia. On the other hand, corruption worsens government practices, causesinstability of government institutions, reduces the quality of public services, reduces law enforcement, and reduces public confidence in government.

In eradicating corruption, the attention from the Indonesian government can be seen in the several policies that are directly related to the prevention of corruption. Various policies in the form of legislation TAP MPR Number XI/MPR/1998 concerning the Implementation of a Clean State, Free of Corruption, Collusion, and Nepotism; Law Number 28 of 1999 concerning the Implementation of

a Clean State, Free of Corruption, Collusion, and Nepotism; Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption; Law Number 30 of 2002 concerning the Corruption Eradication Commission; Law Number 7 of 2006 concerning Ratification of the United Nations Convention Against Corruption 2003; Presidential Decree Number 11 of 2005 concerning the Establishment of a Coordination Team for the Eradication of Corruption Crimes (*Tim Tastipikor*); Presidential Instruction Number 5 of 2004 concerning the Acceleration of Corruption Eradication. In addition, regulations that are not direct but still in the context of eradicating corruption, such as Law Number 15 of 2002 concerning the Crime of Money Laundering as amended by Law Number 25 of 2003 concerning Amendments to Law Number 15 of 2002; and the Mutual Assistance Act. Law Number 15 of 2002 concerning the Crime of Money Laundering as amended by Law Number 25 of 2003 concerning Amendments to Law Number 15 of 2002; and the Mutual Assistance Act. Law Number 15 of 2002 concerning the Crime of Money Laundering as amended by Law Number 25 of 2003 concerning Amendments to Law Number 15 of 2002; and the Mutual Assistance Act.

Corruption is a national problem that must be faced seriously through a balance of firm and clear steps involving all potentials in society, especially the government and law enforcement (Evi Hartanti, 2008). It's not enough to stop there, the problem arises by chasing each other between corrupt behavior, corruptors, and the rule of law in a country.

On the other hand, the issue of legal effectiveness is closely related to the problem of difficulties in defining the law. According to Hans Kelsen's concept of effectiveness, it is focused on subjects and sanctions, where a subject is a person or legal entity that implements the law under the sound of legal norms. Interest factors that cause a person to obey or disobey the law, in other words, the behavior patterns of citizens which greatly affect the effectiveness of legislation are:

1. Can legislation affect the behavior patterns of citizens?
2. To what extent is the behavior of the community members? can be changed by law?
3. To what extent has the behavior change been positive or negative?
4. Can legislation change patterns of social interaction?
5. To what extent have changes in patterns of social interaction occurred (for example regarding relations between ethnic groups or between religious communities in Indonesia?).

The effective rule of law is not only seen from the extent to which the law is obeyed or not obeyed but the degree of effectiveness must be seen further. If someone obeys the law because of his interests or obeys the law

because he is afraid of sanctions then the degree of effectiveness of the law is low, but when obedience to the law because it fits the intrinsic value it holds, then the degree of effectiveness of the law is high.

Some theories explain the concept of state law, namely the theory of *rechtsstaat* and the rule of law. The term *rechtsstaat* was introduced by Immanuel Kant and Friedrich Julius Stahl, while the term rule of law was introduced by AV Dicey. According to Carl Schmitt the concept of *rechtsstaat* was originally due to the influence of Rousseau's views in France only consists of the existence of protection against human rights and existence the limitation of power. (Pataniari Siahaan, 2012)

The purpose of Law according to Immanuel Kant is to guarantee the legal position of individuals in society. According to this concept, the state only acts if there is a dispute among its citizens in carrying out its interests. In its development, the concept of a *rechtsstaat* legal state in which the state only acts as a police officer. This is considered insufficient to guarantee the realization of people's welfare. So, the concept of a rule of law arose in which the state was not enough to act only as a police officer but also had to ensure the welfare of its people. This concept was developed by Friedrich Julius Stahl.

Friedrich Julius Stahl in his work research *Staat and Rechtslehre II*, puts the notion of the state law, as follows: "State" must become a state of law, development. The state must determine as carefully as possible the roads and the limits of its activities, how the environment is impenetrable.

The state must realize or enforce the idea of morality from a state perspective, also directly, no further than it should be according to the legal atmosphere. This is the definition of the rule of law, not for example, that the state only maintains the legal system without the purpose of government, or only protects the rights of individuals. The rule of law, in general, does not mean the purpose and content of the state, but only the way and to make it happen. (Notohamidjojo 2009)

Friedrich Julius Stahl's concept of the state Law is characterized by four main elements, (Juhaya, 2008):

1. Recognition and protection of basic human rights.
2. Country-based on theory Trias Politica (separation of power).
3. The government is organized based on the rule of law or legislation (*wetmatig bestuur*).
4. There is a court state Administration in charge of handling cases unlawful acts by the government.

In Indonesian state law, often translated the *rechstaats* mixed with the rule of law. The law in principle contains the following elements: (Abdul Latif, 2012)

1. Government is carried out by law (principle of legality) where the power and authority possessed by the government are solely determined by law Basic or Act.

2. In the country, Therefore, basic human rights are recognized and respected by the authorities concerned.
3. The power of government in the country is concentrated on one hand, but must be given to the institution state institutions where one supervises the other to create a balance of power between these state institutions.
4. It is possible for government actions carried out by government officials to be submitted to the court impartially authorized to judge whether the government's actions are against the law or not.

In its development, the concept of the state law then underwent improvements, which in general can be seen including (Ridwan, 2013):

1. System state government based on popular sovereignty.
2. The existence and guarantees for human rights (citizens).
3. There is a division of power within the state.
4. The existence of supervision from judicial bodies (*rechterlijke control*) which is free and independent, in the sense of an institution the judiciary is completely impartial and does not come under the influence of the executive.
5. There is a real role of community members or citizens to participate in supervising the actions and implementation of policies carried out by the government.
6. There is a system and economy that can ensure the equitable distribution of resources needed for the prosperity of citizens.

Based on the description above, according to Mahfud MD, (mahfud, 2006) that country Indonesian law based on Pancasila and the LawThe 1945 basis took a prismatic or integrative concept from two concepts namely *Rechtsstaat* and Rule of Law.

The prismatic concept integrates the conception of the rule of law "*Rechtsstaat*" which emphasizes civil law and legal certainty as well as the conception of the rule of law "The Rule of Law" which emphasizes common law and a sense of justice. For Indonesian rule of law has obligations to make welfare for Indonesian citizens. And important to make good legislation to turn back corruption. Like state law, the Indonesian government should be aware of corruption on behalf of normative juridical concepts by law.

4.2. Using Information Technology- ITCs concept

Efforts to prevent and eradicate corruption in Indonesia, in the context of the welfare of the people towards society 5.0, can be achieved with several additional efforts to strengthen law enforcement. One of the efforts that can be done with the innovation of the generation of corruption chain breakers is through the anti-corruption movement

(Action) through online media. The reasons and advantages of using online media:

- Indonesia has entered the era of technological disruption and everything can be reached by using internet services
- Information dissemination is very fast
- Old information or data can be easily opened at any time.
- The form of content delivered is very different, namely text, images, audio, video.
- Easily accessible from anywhere at any time and can be used practically and flexibly. Besides the advantages, there are disadvantages to using online media, namely:
- Users must have a device that supports
- In its use, the internet connection must be stable and not possible in areas that are still isolated from technology.

In Indonesia, there is already a digital platform that provides various public services, but so far in the field of law and especially corruption cases, there are a few fora aimed at the public and the layman. Although the government application already exists (*lapor.id*). but in other public spheres, built by the private society has Different from what already exists and the latest innovations will be continued in the next section.

In correlation with the ICTs, civil society plays an increasing role in governance, promoting transparency and accountability to tackle corruption. Development agencies can strengthen civil society-led, ICT-driven anti-corruption initiatives by funding projects and programs that foster institutional environments conducive to participation in public affairs, promote cooperation and mobilization, and develop capacities. (Marie Chane, 2016).

the role of "liberation technology" like the internet, mobile phones, and social media in empowering individuals, increasing their participation in the political process, facilitating communication and mobilization on social issues, and strengthening an emergent civil society has been widely recognized. If the access to information and press freedom reduce corruption and social media increases the readership of newspapers and facilitates information transmission, then it is plausible that increasing popularity of social media may result in a decline in the corruption in a country (C.K.Jha, 2016)

ICT can reduce unnecessary interventions by public employees that engender the abuse of power, and help to monitor public employees' behaviors at a low cost. ICT also contributes by transparently providing information to the public, and can build social capital by increasing interactions among individuals. The public can access governmental websites and download information as they desire, keeping track of governmental policy-making processes through the Internet. In this approach, basic governmental operations are not altered, and relatively simple information is delivered to information seekers. This approach can prevent the corrupt behavior of public workers

by systematically reducing their arbitrary behavior. Information systems can be integrated even when public organizations are decentralized (Zuurmond, 2005), and horizontal networks among different agencies can be constructed with greater ease. As a result, public service delivery becomes more accessible to the public, and thus government workers will feel that they are more likely to be exposed if they decide to pursue corrupt behavior. (Dong Chul Shim, 2019).

The benefits of technological development are to increase the effectiveness and efficiency of work in industry, business, community service, and law enforcement. Digitalization is a solution to drive productivity and economic growth of a country that impacts the social, cultural, political, and economic sectors. The digitalization process can simplify the government system in a country. (Arfan Pratama, 2020) On behalf of the Indonesian survey from (APJII) 2018, Indonesia has 171.17 million internet users 171.17 or 64.8% from all Indonesian citizens (264,16million) (KPK news, 2019). This is why internet users are the potential to make anticorruption campaign concepts.

In addition to socialization for corruption prevention efforts, it is also a companion in complaint cases. Strengthening the implementation of the system is carried out after monitoring and evaluating the implementation of the system. A strategy for implementing sustainable and synergistic cooperation is important for both law enforcement and the community. To overcome obstacles and seek prevention.

A continuous and synergistic collaboration between various parties from all disciplines is the main requirement for the success of online-based corruption eradication innovation in Indonesia, especially with a team of IT experts, but it does not rule out the possibility for students, because they are the next generation of agents of change and steps to start cutting the chain of corruption from an early age.

The role of students in eradicating corruption includes:

1. As a creative leader
Performing an educational role by providing guidance, counseling, and mentoring in the community. For example, holding anti-corruption counseling either directly or indirectly to the wider community and especially to students. The direct method is in the form of counseling to villages or places where meetings can be held. The indirect method is using an online system in the form of webinars on the topic of anti-corruption or counseling using social media.
2. As an agent of change
Students are expected to actively play a role as agents of change and the driving force of the anti-corruption movement in society.

3. As social control

Students must be able to control deviations that occur in the system, norms, and values that exist in society. Students can also play a role in influencing the public policy of the government.

The ICT process which using online applications -like *the beraksi* concept, by national legislation, or by matching with Public-Made organization / NGO counter corruption. Within the implementation of the innovation by breaking the chains of corrupt generation through the Action movement, hopes that legal problems in Indonesia will decrease precisely, in cases of all corruption aspects which have a bad impact for us. And at the same time preparing for the creation of a superior generation towards SDGs 2030 and a golden generation in one-century celebration of Indonesian independence in 2045.

5. CONCLUSION AND RECOMMENDATION

Eradication of corruption in addition to the field of law enforcement in a juridical manner, supported by information technology in the form of social media and other applications. This is important to measure and eradicate the corruption would be optimized through the eyes of legal effectiveness.

Changes in the socio-cultural field, especially the younger generation, are expected to highlight the understanding of anti-corruption and break the chain of corruption through legal and social approaches towards large-scale migration of the Indonesian people, prosperous, towards society 5.0.

In addition, the implementation of application and social media acts as an effort to use information technology as one way to realize legal effectiveness through the socio-cultural path of society which is theoretically stated by Lawrence Friedmann. This effort upcoming changes Indonesian society as well as preparation for society 5.0.

Recommendations that can be pursued include:

1. Strengthening and controlling public policy
2. Strengthening support for ICT as a tool of control
3. Creating regulations that are aware and compatible with all forms of corruption.

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