



Author Notifications
22 March 2023
Final Revised
26 March 2023
Published
28 March 2023

Mobile Internet Analysis in Prevention of Negative Impacts of Information and Communication Technology in Indonesia

Muhamad Rio Nauvaldi¹

Faculty of Science and Technology, Information Systems Study Program, concentration in
Business Intelligence, University of Raharja
Indonesia

e-mail: rionauvaldi@raharja.info

To cite this document:

Nauvaldi, M. R., (2023). Mobile Internet Analysis in Prevention of Negative Impacts of Information and Communication Technology in Indonesia. IAIC Transactions on Sustainable Digital Innovation (ITSDI), 4(2), 137-145. Retrieved from <https://doi.org/10.34306/itsdi.v4i2.582>

Abstract

The development of information technology's development can create a global world and create space for a new life in society, namely the life of a virtual community. However, it cannot be denied that not all internet activities are always positive. However, the internet also has a negative side, so it is necessary to find more effective and preventive ways of dealing with the negative impacts of information technology. The aims of this research are: 1) To find out the negative impact of mobile internet usage in Indonesia. 2) To find out how the law prevents the negative impact of information technology in Indonesia. 3) To find out the sanctions that will be given and the regulations that can be used to ensnare perpetrators of mobile internet irregularities in Indonesia. This study uses a normative juridical approach, and the method used is qualitative. The data sources taken in this study consist of primary, secondary and tertiary. Data analysis was carried out by analyzing and describing the data collected to make a research conclusion and using a field approach, namely by examining internet crime cases so that this research can be obtained as an answer to the problems discussed in this study.

Keywords: mobile internet, technology, communication, information, prevention.

1. Introduction

Improvements in science and technology have driven the development of society towards a more modern life in today's era because technology always dominates people's mindsets and lifestyles[1]. Technology is created to improve the quality of life and make human activities more effective and efficient. But it cannot be denied that besides having a positive side, technology also has a negative side[2].

Even in various research studies, technological developments prove a positive correlation with increasing crime rates; for example, in virtual society, the method of life is similar to real life. Social processes, interaction, control, communication, building culture, and even system development exist[3]. Crime and others Mobile Internet bring many conveniences in many aspects of human life because it makes distance and time unlimited. The existence of chat, e-mail and web-cam facilities is a solution to the problem of computer use[4]. Addiction,



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neglect, lack of understanding or intentional use of computers will have adverse effects if not balanced with a positive mental attitude[5].

One result of advances in information technology created at the end of the 20th century is the Internet[6]. Internet technology brings humans into a new civilization where the reality of life is pushed aside from actual activities to virtual (virtual), called cyberspace[7]. The development of information technology is capable of creating a global world and developing a new living space for society, namely the life of the cyber community (cyber community). Cybercommunity is a life of human society that cannot be directly sensed through human senses but can be felt and witnessed as a reality[8].

One of the problems of cybercrime which is also very frightening and gets the views of various groups is the problem of cybercrime in the field of cyber pornography (especially child pornography) and cybersex[9]. This problem has also received serious attention from the international community, namely the first World Congress Against Commercial Sexual Exploitation of Children, Stockholm, 27 - 31 August 1996 and the International Conference on "Combating Child Pornography on the Internet", Vienna, Hofburg, on September 29 - October 1, 1999. On the website www.computeruser.com, cyberporn is defined as "pornographic material available online" ("Pornographic material available online")[10].

There is much pornographic material on the Internet, and it is easy to find. Catherine MacKinnon states, "Pornography in cyberspace is pornography in a wider, deeper, worse, and more abundant scope" ("Pornography in cyberspace is Pornography in society-just broader, more profound, worse, and more of it"[11]. According to estimates, 40% of various sites provide materials like that. American Demographics Magazine, in its report, stated that the number of pornographic sites increased from 22,100 in 1997 to 280,300 in 2000 or jumped ten times more in three years[12].

Being like mushroom porn sites is caused by the magnitude of the benefits of decency[13]. Types of cybercrime in the field of righteousness are often disclosed financially obtained from this business. Several countries have taken legal steps to draft laws that can prosecute perpetrators of cyber crimes[14]. Considering the negative impact of the Internet is not only related to moral, cultural and human rights issues but also economic, commercial, entertainment and political issues. Therefore there must be remarkable improvements to prevent the negative impact of this multiproblem[15].

2. Research Method

The main issue of this study is the legal review of the mobile internet, which aims to prevent the negative impact of information and communication technology in Indonesia. Therefore, the approach to this problem is indistinguishable from a policy-oriented approach. The political approach includes a general understanding of goal-oriented, rational, economic, pragmatic, and values-based approaches. This research is focused on legal substance related to mobile internet, both the current positive law and the law that is aspired to.

Research on mobile internet to deter the negative impacts that occur in information and communication technology in Indonesia uses a normative juridical approach; what is meant by normative juridical is by analyzing secondary data in the form of legal materials. And most importantly, primary legal materials and secondary legal materials, by understanding this legal data as a set of rules and also positive norms in the legislative system, all of which have been regulated regarding human life. Normative legal research is research which is carried out by examining literature. And according to Soerjono Soekanto and Sri Mamudji, normative legal research includes research on legal principles,

1. research on legal systematics,
2. research on the level of vertical and horizontal synchronization,
3. legal comparisons,
4. legal history.

Meanwhile, according to Ronny Hanitijo Soemitro, normative legal research also includes research on points (1), (2) and (3). This thesis focuses on legal principles, legal systematics, levels of vertical and horizontal synchronization, comparison of law and inventory of positive law. The existence of a comparative law approach is needed to provide an overview and input for criminal law formulation policies that should be formulated. When comparing

laws between countries, it is essential to point out similarities and differences, although these may vary according to economic and political developments.

The specification in this study is descriptive-analytical research, namely research that describes in detail the analysis results regarding legal principles, legal systematics, vertical and horizontal synchronization levels, legal comparisons and positive legal inventory. A descriptive study aims to provide accurate information about people, conditions, or other phenomena.

Standard legal research has always focused on secondary data sources. Secondary research materials can be divided into primary legal materials, secondary legal materials and tertiary legal materials. In this study obtained from secondary data as follows:

- a. Primary legal materials, namely mandatory legal materials, such as the Indonesian Criminal Code and the Criminal Code of several foreign countries and their laws and regulations that are outside the Criminal Code and related to mobile internet issues;
- b. Secondary legal materials, which provide explanations for primary legal materials, such as the 2005 Criminal Code Concept, the Draft Law on Utilization of Information Technology (RUU PTI), the Draft Law on Anti-Pornography and Pornoaction (RUU APP), research results and scientific papers;
- c. Tertiary legal materials, namely materials that provide instructions and descriptions of primary and secondary legal materials, such as the Big Indonesian Dictionary, English dictionaries, computer and internet term dictionaries and legal dictionaries.

Data collection methods used in research depend on the scope and objectives of the investigation. According to Ronny Hanitijo Soemitro, data collection techniques comprised literature studies, observations, interviews and questionnaires. Based on this research's scope, objectives and approach, the data collection techniques used consisted of a literature study and documentation of the secondary data being analyzed. Data analysis was carried out qualitatively and normatively based on the problems and research objectives. Normative studies include policy analysis on current and future criminal law formulations within and outside the Criminal Code. A comparative study must also support this normative study during a qualitative analysis of existing legal foundations and whether they are related.

3. Results and Discussion

3.1 Development of Information Technology in a Global Order

The Internet is a global (worldwide) collection of thousands of computer networks and millions of freely managed private computers[16]. The Internet has made communication between computers possible using the Transmission Control Protocol or Internet Protocol (TCL/IP) supported by communication media, such as satellites and radio packets. TCP / IP is like a language that all types of computers understand so that computers can communicate without a protocol[17]. Computers will not be able to display on the Internet. The Internet can connect computers and computer networks managed by the government, the private sector, and individuals in various countries via the Internet[18]. Anyone can freely access multiple kinds of information at any time and from different places. Information that can be accessed looks more because it is presented in text, graphics, animation, sound, and video. In addition, the information available varies widely and is always up-to-date[19].

The mobile web aims to use data services wirelessly using mobile devices such as cell phones and portable devices connected to cellular networks[20]. The mobile web accessed via mobile devices must be made by monitoring the dependence of mobile devices such as a mobile phone with a screen with a limited size or some limitations on a mobile device[21].

In May 2005 the mobile web was issued by the W3C under the name Mobile Web Initiative (MWI) with the aim of making the web accessible from a mobile device as simple as accessing the web from a desktop computer[22]. Making a mobile web requires implementation for improvements in terms of interoperability, usability and accessibility on a mobile web. The Mobile Web is generally lightweight in that each page is written in Extensible Hypertext Markup Language (XHTML) or Wireless Markup Language (WML) to deliver content to mobile devices. In addition, several techniques, such as using Adobe Flash Lite or Sun's J2ME, make it possible to create a wider variety of mobile devices. Limitations of processor

speed in executing processes:

1. RAM dependencies
2. The screen size is not too large, and also the physical screen size variations and the settings for each unit (although currently there are browsers such as Opera which can display entire pages like a browser on a PC).
3. Input attachment on each mobile device.
4. The battery strength is different for each device.
5. Apart from that, in terms of software, browser compatibility and supporting mobiles are quite influential in running a mobile web.

The presence of internet technology emerged from the development of information technology and telecommunications[23]. These two technologies have given birth to a new technology known as the internet. Starting from the description of several computers from a place, room, or building called a LAN (Local Area Network), there is another LAN in another building. If several of these LANs are combined or strung together, they eventually become a LAN group called a WAN (Wide Area Network)[24]. Some of these WANs can be assembled into more extensive and more WANs and not only connected between buildings but also between cities, provinces and even between countries that are strung together, that is, the internet.

Internet history can be divided into 4 (four) aspects, namely:

1. There is a technological advancement perspective that started with research on packet switching (packet switching) ARPANET (along with its equipment technology) where at that time research was being carried out to continue developments in insight into data communication infrastructure covering several dimensions such as scale, performance/reliability, and so on. high level of functionality;
2. There is a point of view from the implementation and administration of a global and complex infrastructure;
3. There is a social perspective that gives birth to a large group of people consisting of Internauts who work together to make and keep this technology advanced;
4. The existence of a commercial point of view that gave birth to an extreme but effective change from an analysis that triggers the formation of a large and useful information infrastructure.

The past internet was first developed in 1969 by the United States Department of Defense under the name ARPAnet (United States Department of Defense Advanced Research Projects Agency)[25]. ARPAnet was built to create a distributed computer network to avoid the concentration of information in one place that is considered vulnerable to destruction in the event of war. On January 1, 1983, the ARPANET changed its central chain protocol from NCP to TCP/IP. This was the beginning of the internet as we know it today.

At first, the internet was used more for academic purposes by connecting it to several universities, such as UCLA, the University of California at Santa Barbara, the University of Utah and Stanford Research Institute. However, after opening the Usenet and Bitnet services, the internet can be accessed by computers. Currently, the internet network has reached nearly a hundred countries around the world. The internet is a technological need that continues to be used and developed in developed countries. In developed countries, the internet is no longer a new tool but a necessity for operation. This is following the statement of internet theorist Nicholas Negroponte that the digital revolution has ended and the internet has become a standard technology, nothing extraordinary or strange.

When the internet was born in Indonesia, it was a rare commodity used by a few people, such as lecturers, researchers or government officials. However, with the launch of commercial Internet services in Indonesia in early 1994, people can now access the internet quickly and at affordable prices. Since then, the internet has developed into a new commercial business environment. The internet network in Indonesia continues to grow and develop as many companies, schools, campuses and even homes have internet networks. Apart from that, many WARNETs (internet cafes) have started to emerge, and an Indonesian WARNET association was established on May 25, 2000.

In July 2001, the Indonesian Telematics Coordinating Team (TKTI), Kadin, the Indonesian Internet Cafe Association (Awari) and the Indonesian Wartel Entrepreneurs Association (APWI) launched the "500 thousand Internet Cafes/Wartel" program throughout Indonesia.

Indonesia's more comprehensive internet network is positive for the Technology Stuttering Prevention Program. But in reality, the breadth of the network is not always directly proportional to the increase in internet users. In 2003, out of around 240 million Indonesians, only 3-4 million Indonesians used the internet. This is caused by many factors, one of which is the lack of socialization and the uses and benefits and how to avoid negative impacts. As a result, people first avoid the internet, stay away and even say because the information that people receive is only negative, such as pornographic content.

The internet has several features and advantages that other media may not have, both mass and pre-existing electronic media. There are several examples of the privileges and benefits of the internet: efficiency, without limits, online 24 hours (open 24 hours), interactive, hyperlinked, without a license and without censorship (uncensored). Another advantage that can be enjoyed via the internet is from several types of services, including:

E-Commerce, is a business transaction via the internet. Here products can be offered between different countries;

1. E-Banking, is banking in cyberspace (virtual) via the internet. This service allows customers to carry out various transactions such as checking balances, transferring money, paying bills and others without having to go to the bank;
2. E-Government, is a government that uses the internet to provide various information such as work programs/policies and various public services to the public;
3. E-Learning, is a process of teaching and learning in schools in digital form/in cyberspace.

This causes various forms of crime and violations to occur in cyberspace, such as the emergence of cybercrime, cyberporn, cybersex and others. Regarding "The Prevention of crime and the Treatment of Offender. (which is held every 5 years) has also discussed this issue up to three times, namely at the VIII/1990 Congress in Havana, X/2000 Congress in Vienna, and finally at the XI/2005 Congress in Bangkok (18-25 April 2005). In the "background paper" of the "Measures to Combat Computer Related Crime" workshop of the XI UN Congress it was stated, that "new global technologies in the field of communication and information provide a "dark shadow" (a dark shadow) because it allows for new forms of exploitation, opportunities new to criminal activity, and even new forms of crime.

3.2 Mobile Internet Conception according to Experts

The use of internet technology has formed a new world society, no longer limited by the essential territorial boundaries of countries that have been predetermined, namely cyberspace, a world without borders or virtual reality. This is a Boundless World. The development of information technology is not only able to create a global world but also to develop space for social life, namely the life of a virtual community (cyber community). In the cyber community, all activities, interactions, communications, social processes, creations, etc., can be carried out freely and without limits. All activity in cyberspace is separate from the national jurisdiction of any country and, therefore, worthless.

Onno W. Purbo stated that most people, users and social observers see the internet as a world without borders, a world without rules, and a world of freedom. This causes various forms of crime and rights violations in cyberspace, such as the emergence of cybercrime, cyberporn, cybersex and others.

David Greenfield, a psychologist in America, found that about 6% of internet users experience addiction. These people share the same symptoms as drug addicts who waste time online. Most people become internet addicts because they find fulfillment on the internet that they don't find in the real world. Most of them are trapped in harmful activities such as gambling and internet sex.

According to Ronald Moglia of New York University, these connoisseurs search the internet every night for new or existing customers. Computers and modems have replaced

street vendors and street lamps as outlets. This phenomenon also occurs in Indonesia. Polda Metro Jaya once revealed that there was a mode of offering commercial sex workers (PSK) through the poskota.net site. This case is a natural phenomenon because the internet is a trading medium (E-Commerce), including in the offer of Commercial Sex Worker (PSK) services. A message board on the internet entitled "Information on Commercial Sex Vendors" hosted on ezbo***.com. The contents include exchanging information related to sex, including names and cellphone numbers.

Jerry Ropelato, in his presentation on "CyberPorn and Internet Safety" (2003), stated that every day there are 270 million internet users and 68 million or 25%, search for pornography in cyberspace which is made more accessible by the existence of sites, that search for all forms of information (web search engines), including searches for addresses of pornographic sites. The August 28, 1997 issue of USA Today magazine found in a media survey that 28.2% of Americans had visited pornographic sites online, and 20% had used search engines to find locations—the sexual. Nathan Tabor says that statistics show that search engines request that 25% of everything on the internet be linked to pornography and conduct various pornographic searches.

According to the author, there are several factors that cause children to consume pornography, especially the internet, namely:

1. Lack of parental supervision and guidance for their children regarding the benefits and negative impacts of the internet;
2. The closed attitude of parents towards their child's sexual education, which causes their curiosity to be so great that they seek answers outside the home, for example in internet cafes;
3. In this way, technology-illiterate parents meet their children's Internet needs at home, but parents themselves do not control it, and are not even aware of the negative effects of the Internet;
4. Lack of protection efforts by parents who have internet at home or in children's rooms, namely not equipping it with software to block porn sites;
5. Lack of information and school training on sex education and the negative effects of the internet and pornography;
6. The orientation is financial gain for internet cafe owners, so that anyone can rent internet including children or teenagers, even during school hours. In addition, the closed rooms available in internet cafes make children feel comfortable and safe to open porn sites;
7. The low cost of being able to consume and even possess pornographic photos or videos by downloading them from a pornographic site and storing them on diskettes, CDs or flashdisks;
8. The open attitude of society, including parents, who are slowly recognizing pornography as taboo. As a result, social control over pornography decreases.

A large number of Internet pornography enthusiasts is reflected not only in the number of prospective porn sites but also in the number of mailing lists. The "nonaman****" mailing list of porn lovers on Yahoo Group.com has more than 9,000 members. 120 This number far exceeds IT mailing lists such as GENETIC (National Telematics Movement), which only has 2,000 members.

Regarding the attitude of openness, society is essentially a social process that can arise through the influence of modern values and technological developments that change people's perspectives. However, this effect must be filtered through existing norms so that social control, including aspects of pornography and sexuality, persists.

3.3 Legislation Regarding Mobile Internet

The criminal responsibility formulation system is very closely related to the subject of the offence. According to the Criminal Code, the issue of a crime can be a person as an individual. This follows § 59 StGB, which states that legal persons/entities cannot be punished. The official elucidation of Article 59 of the Criminal Code (Memorie van

Toelichting) says that only people can commit crimes, and fiction about legal entities cannot be applied in criminal law. Therefore, the perpetrators of crimes that can be held accountable for offences against good morals are only individuals/persons. The formulation of criminal responsibility for immoral acts is based on guilt or the principle of accountability. This can be seen as intentional or careless. The element of error in the form of deliberate/dolus appears in the formula "it is known that the contents of the writing, picture or object are contrary to good morals". While the element of error in the form of negligence/culpa can be seen in the formula "if there is a strong reason for him to suspect that the writing, image or object violates decency".

The Criminal Code follows an alternative system for formulating criminal law and the formulation of the basis for criminal law. An alternative word system can be seen in the wording of criminal threats, namely "threats of imprisonment/jail... or fines...". The existence of imprisonment merely indicates the use of one primary system of drafting criminal law. Criminal sanctions (transport) imposed on criminal acts according to the Criminal Code are confinement, confinement and fines. There are three types of punishment for indecent crimes, while horrendous crimes only carry a prison sentence or a fine. At the same time, the length of the sentence (punctuation marks) is formulated differently. The size of imprisonment for crimes of decency ranges from 4 months to 12 years, while the acceptable ranges from Rp. 4,500.00 (four thousand five hundred rupiahs) to Rp. 75,000.00 (seventy-five thousand rupiahs). As for violations of decency, the imprisonment is between 3 days and three months, and the fine is between Rp. 225.00 (two hundred and twenty-five rupiahs) to Rp. 4,500.00 (four thousand five hundred rupiahs).

3.4 Criminal Aspects in Mobile Internet

Delict in the Criminal Code adheres to an alternative criminal formulation system and a single basic illegal formulation. The alternative formulation system can be seen from the formulation of the criminal threat, namely "threatened with imprisonment/confinement... or a fine...". A prison sentence alone indicates using a single principal illegal formulation system. Types of criminal sanctions (transport) in decency offences in the Criminal Code consist of imprisonment, confinement and fines. The three types of sanctions are threatened with crimes of decency, while violations of decency are only threatened with imprisonment or fines. Meanwhile, the sentence length (strafmaat) is formulated in various ways. The size in prison for crimes of decency ranges from 4 months to 12 years, while the acceptable ranges from Rp. 4,500.00 (four thousand five hundred rupiahs) to Rp. 75,000.00 (seventy-five thousand rupiahs). As for violations of decency, the imprisonment is between 3 days and three months, and the fine is between Rp. 225.00 (two hundred and twenty-five rupiahs) to Rp. 4,500.00 (four thousand five hundred rupiahs).

The rise of pornography and pornography circulating freely in society through various media, with widespread negative impacts, and efforts to protect women and children and the current weakness of criminal justice policies to overcome them, especially eradicating cyberporn, criminalizing pornography and pornography. The APP Law is needed in connection with community protection and the implementation of social life following religious and moral values.

The existence of cybercrime in the concept of the 2005 Criminal Code is an effort to anticipate and deal with the rise of pornography in cyberspace. In this criminalization process, attention must be paid to the causes of the negative impacts of mobile internet, which cover various aspects such as economic and socio-cultural aspects and anomalies or deviations in sexual behaviour. In addition, preventive measures and considerations to protect victims, the morale of perpetrators of crimes, children and the general public, both through criminal and other channels.

4. Conclusion

Based on the discussion in the research results and data analysis above, the authors draw the following conclusions:

1. The negative impact of using mobile internet in Indonesia was created as a tool to disseminate all kinds of positive data. However, the internet has now changed its role as a means of spreading harmful things. Following are some of the negative impacts of internet use: Pornography, cyber addiction, gambling, information overload, violence, kidnapping, cyberbullying, online black market trading, and security hacking. Apart from that, the negative impact of the internet can result in a person's economic factors.
2. Legal efforts to prevent the negative impact of information technology in Indonesia include implementing legal policy initiatives through enacting laws that can involve perpetrators of information technology crimes. In addition, member countries are encouraged to increase their efforts to combat computer abuse by taking into account the following resources: modernizing material criminal law and criminal procedural law, developing computer prevention and security measures, taking measures to sensitize citizens, court officials and law enforcers regarding the importance of preventing computer-related crimes, conducting training efforts for judges, officials and law enforcement officials regarding economic crimes and expanding the "rules of ethics" in the use of computers and their teaching in IT curricula, adopting victim protection policies following the UN Victims Declaration and implementing measures to encourage victims to report crimes related to information technology and call on Member States to take international action to address them; it's from the increased effort. The negative impact of information technology is recommended to the Information Technology Control and Prevention Committee.

Sanctions and criminal regulations can be used to ensnare perpetrators of information technology crimes. There are 2 (two) types of criminal sanctions in pornography crimes: imprisonment and fines. The amount of the penalty, which is between Rp. 300,000,000.- to Rp. 3,000,000,000 - should be reviewed, due to the continued increase in profits that corporations receive in current information technology, especially on pornographic sites.

4.1 Suggestion

Based on the facts above, the following can be suggested:

To prevent the negative impact of information and communication technology in Indonesia, special provisions must be made for crimes committed on the mobile internet so that legal officials and related parties can take firm action against IT criminals.

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