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As the output of the conference, the committee proudly publishes the dissemination issue had discussed in the conference by collecting the student's paper in this proceeding. For this reason, this proceeding may inform the readers about the legal issue, particularly, in Indonesia, South Korea and Malaysia.

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Foreword

Assalamualaikum, wr., wb.,

In the age of pandemic Covid-19 had impacts toward the humans. In relation with the humans has correlation with the development of law, and thus the committee held the 2020 International Students Colloquium with the topic of “Law and Development During Pandemic Era: Alleviating the Disadvantages to the Law that Affected by Covid-19”. The objective of the conference is to acknowledge the participants regarding how the settlement should be the problem and disadvantage that caused by the pandemic; to engage the participants to think critically to the polemic issue of law during pandemic; and as a venue for lecturer, student, and community in respond to poor resolution from each country.

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Wassalamualaikum wr. wb.

Editor in Chief,

Dodik Setiawan Nur Heriyanto, S.H., M.H., L.L.M., Ph.D.

Encourage the Advance of Artificial Intelligent in Replacement the Position of Civil Servant Apparatus During Pandemic to Reduce the Nepotism in Indonesia's Bureaucracy

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Abstract

Artificial Intelligent is intelligent demonstrated by machines that's specifically have some similarities with human intelligences, Indonesia reported have the ARTIFICIAL intelligent ROBOT, the intention of Mr. President to replace the ASN with Artificial Intelligent in the government will soon be realistic, Indonesia actually now have a great Artificial intelligent robot, but the utilization of AI robot in Indonesia still very lack, it's still need the transition era for this in replacement. The use of AI robot still rise so many questions in law, on how the position of AI regulated in Indonesian Law, as we know that its robot intelligently work like human that they can understand and can respond like human, but what become the question law or provision drafting is about the emergence situation, the robot still cannot detect whether it's it rushing situation or not, the drafting of the law in the AI itself always can be related with cyber law, but in my own understanding even though the draft of law in cyber law are enough to regulate about Artificial intelligent itself but the law need to ruled more about the Artificial intelligent, there can be any error, the question arise that who should we blame with those artificial intelligent commit error during the process of bureaucracy then affect so many system in another sector, so the law should draft more about that in order to prevent the error that can be caused by the AI itself, in order to achieve bureaucracy 4.0, the government have to work seriously without involving the personal interest in nit, bureaucracy 4.0 has four indicators. These indicators are service acceleration, service efficiency, service accuracy, work flexibility, and social impact. With the flexibility of ASN working time, work does not have to be done in the office. In the future, some jobs can be done via smartphones, which of course will be more efficient and shorten the flow of bureaucracy. It is in this context that explained about ASN that can work from home which is the attention of the mass media.

Keywords: *Artificial Intelligent, Civil Servant, State Administrative Law*

1. INTRODUCTION

The global war nowadays are entering and turning into digital, all countries from all around the world are utilizing the digital platform to spread the issue, and the most important thing that those digital platform now are using for easing many kind of political action from all around the world, many advanced countries from all around the world are exercising the artificial intelligent into the next level, Those issues become the primary issue right now that we have to attend more, in the sector of civil servant apparatus, Indonesia are pushing in encouraging the civil to adapt with new innovation of artificial intelligent in order to compete with other countries.

Digitalization of bureaucracy for the optimal service that cannot be denied, that we are as the developing country should be adaptive with new innovation, according to global talent competitiveness index Indonesia is on 77th position among other countries, it's such little position for Indonesia portion that we all know and realize that we have to improve, by that issue To improve the index, the government through the Ministry of Administrative Reform and Bureaucratic Reform (PANRB) implemented a Human Capital Management Strategy towards Smart ASN 2024.

SMART ASN 2024 become the main target of Indonesia bureaucracy and administrative in order to push the Indonesia's position, the government has a program called 6P, which is included in the Human Capital Management Strategy. The 6P program covers planning; recruitment and selection capacity building; performance appraisals and awards; promotions, rotations and careers; as well as increasing welfare. This is a strategy to prepare ASN talents for the digital era, as we know that the Pandemic situation push the government to create any critical and immediate innovation to prevent any economical and sociological issue.

In employment provision as we acknowledge that there is merit system that become the main program and system operated by the ministry to qualify the high and standard quality of ASN based on their own competence, its aimed to make every sector handle by people which is the best in their own sector, as we can see nowadays that many public or government sector operated by the people that actually not specifically have expertise and skills in that area, its can cause so many maneuver that affect our economic and law development, by implementing this system its can prevent those kind of maneuver that cause by many incompetent civil servant.¹

The optimization of the merit strategy is the main way to achieve a world class Indonesian bureaucracy. We have to emphasized that 2019 is the last year of the 3rd RPJMN in which the merit system is the focus of ASN development. This means that every government agency is familiar with this system and must really implement a merit system in every selection. Keep in mind, the merit system is a policy and management of human resources of state apparatus based on qualifications, competence and performance in a fair and reasonable manner. Fair and fair means without distinguishing political background, race, color, religion, origin, gender, marital status, age, or disability.

¹ Septiana dwiputrianti, *Reinventing Public Administration in a Globalization World: A Non-Western Perspective (AAPA 2018)*, Proceeding of the Annual Conference of AAPA, arch 2018.

2. PROBLEM FORMULATION

- a. Whether the intention of mar president to replace as with artificial intelligent will be suitable with the legal dynamics and also the technology that developed in Indonesia?
- b. How is the position of Indonesia legal bureaucracy if its applicable?

3. ANALYSIS

a. The profile of smart ASN based on *grand design* development 2020-2024 derived from employment law provision.

There are so many aspects that have to rely on, the issue of lack of transparency recruitment is still in the surface of the issue around the civil servant in Indonesia, the bad recruitment affects so many aspects, we can imagine we accept the inconsistent and incompetent worker or employee that basically have no skills in area that we put he/she on it will affect to another system I another sector to be slow in process of bureaucracy.

Bureaucracy is really important matter that have to fix right now, the impact to bureaucracy came from the lack of standardization in recruitment of ASN, as we know, there are still many ASN that have no knowledge in IT, they still lack in operating many online system, then it affect the system of bureaucracy in Indonesia to be quaked, we can see the reality that we face now when we want to process any identity card or KTP, there are still many places in Indonesia that process the KTP more than 2 weeks, how can we achieve smart ASN 2024 if the basic system like processing the KTP still wasted so much times.²

Actually we don't have to discuss about IT at first because as we know Indonesian people are highly qualified sometimes, but what we have to highlight is about the transparency system during the process of bureaucracy, the bribery culture still in the system as long as the bribery still in the system, we can do nothing, here is the scenario about it, when we still insist to push the IT and Artificial intelligent development in ASN but there are still so many ASN that can be bribed, it's useless and have no impact to our development, because still so many process are in lining up because the ASN prioritize the process of document by some peoples who pay.

In order to achieve bureaucracy 4.0, the government have to work seriously without involving the personal interest in nit, bureaucracy 4.0 has four indicators. These indicators are service acceleration, service efficiency, service accuracy, work flexibility, and social impact. With the flexibility of ASN working time, work does not have to be done in the office. In the future, some jobs can be done via smartphones, which of course will be more efficient and shorten the flow of bureaucracy. It is in this context that explained about ASN that can work from home which is the attention of the mass media.³

² Robby Kurniawan and Aries Djanueri, *Evaluasi Kebijakan Manajemen ASN Ditinjau dari Aspek Perencanaan, Perekrutan, dan Pengembangan Kompetensi di Kementerian Perhubungan Republik Indonesia*, Jurnal Papatung Vol. 3 No. 3 2020.

³ Firman Hadi Rivai, *Beureaucracy Culture Enforcement to Encounter Industrial Revolution 4.0*, Jurnal Transformasi Administrasi, Vol. 9 No. 2.

The situation of pandemic pushed the innovation of the youth to build the platform and improve the artificial intelligent that help the ASN can work from home, the AI system right now develop in so mint countries, in Indonesia the improvements are significant during the pandemic, that the government created the special group to improve it.

Digital era demands the ability to take advantage of opportunities for advances in science and technology to make new breakthroughs in facing the challenges of disruption in the era of the industrial revolution 4.0. For this reason, ASNs, especially millennial ASNs who are familiar with technology must always be thirsty for positive knowledge to improve their insights and skills wherever, whenever, and in any situation. Including in the midst of the Covid-19 pandemic which requires ASN to work from home.

b. Encourage the Artificial Intelligent improvement during era of pandemic of COVID 19 in accelerating to achieve the SMART ASN 2024

Indonesia reported have the ARTIFICIAL intelligent ROBOT, the intention of Mr. President to replace the ASN with Artificial Intelligent in the government will soon be realistic, Indonesia actually now have a great Artificial intelligent robot, but the utilization of AI robot in Indonesia still very lack, it's still needed the transition era for this in replacement.⁴

The application of Artificial intelligent robot in the bureaucracy of Indonesia will reduce the rate of KKN or nepotism, that as our knowledge that the AI robot cannot do cheating because its followed by the intelligent programming, therefor its mainly aimed to decrease number of nepotisms then it's can push the lack and slow process of Indonesia bureaucracy, moreover during the PANDEMIC situation, all things are going online.

c. AI in Indonesian Law

The use of AI robot still rise so many questions in law, on how the position of AI regulated in Indonesian Law, as we know that its robot intelligently work like human that they can understand and can respond like human, but what become the question law or provision drafting is about the emergence situation, the robot still cannot detect whether it's it rushing situation or not, the drafting of the law in the AI itself always can be related with cyber law, but in my own understanding even though the draft of law in cyber law are enough to regulate about Artificial intelligent itself but the law need to ruled more about the Artificial intelligent, there can be any error, the question arise that who should we blame with those artificial intelligent commit error during the process of bureaucracy then affect so many system in another sector, so the law should draft more about that in order to prevent the error that can be caused by the AI itself.⁵

By contrast, the idea of emergent behavior may seem far more “essential” to robotics, especially when we consider robots together with AI systems generally. But

⁴ Tole Sutikno and Mochammad Facta, *Progress in Artificial Intellegence Techniques: From Brain to Emotion*, Telkonnika Vol. 9 No. 2, August 2011, p. 201-202.

the importance of this feature, too, is produced by the interaction of new technologies with existing law. If law had easy or obvious solutions to injuries by robots and AI systems, we would not consider the fact that robots and AI systems make decisions for themselves to be particularly distinctive or salient in the eyes of the law, even though this fact might be important for technological, moral, or philosophical reasons.

4. CONCLUSION

Smart ASNs that are not technologically illiterate or clueless will lead the Indonesian government system to the 4.0 bureaucracy, which is certainly in line with the 4.0 industrial revolution. All types of public services provided by the government will be digital and integrated. Of course, the digitalization of this government system is also balanced with capable cyber security. bureaucracy 4.0 has four indicators. These indicators are service acceleration, service efficiency, service accuracy, work flexibility, and social impact. With the flexibility of ASN working time, work does not have to be done in the office. In the future, some jobs can be done via smartphones, which of course will be more efficient and shorten the flow of bureaucracy. It is in this context that explained about ASN that can work from home which is the attention of the mass media. That system isn't any time soon. A mature system and regulations are needed to regulate a work system similar to the startup company. There is flexibility in work, we are planning that. We can work from home, we just have to make the rules, that in the idea that continues to be developed, ASN can work at home with a clear and agreed performance measure and be carried out selectively for ASNs that have been proven to perform well,

Jokowi's motivation to replace civil servants with artificial intelligence is to accelerate the existing bureaucracy in Indonesia. However, until now, there has been no further information regarding the use of artificial intelligence to reduce the number of civil servants. Although Jokowi is targeted to start running in 2020, this of course still requires approval from the DPR.

In addition to the use of artificial intelligence, Jokowi also revealed that his target in this second term is to reduce dependence on natural resources. According to Jokowi, it is time for Indonesia to switch to a more sophisticated manufacturing industry, for example, such as the production of electric cars. that it is time for bauxite or coal to be used for domestic production purposes, not only for export purposes. Indeed, the industrial transformation will later require foreign investment, but he is optimistic that the improvements in the government agency structure and bureaucracy will help improve the business environment in Indonesia.

REFERENCES

Books

- Schwab, K. (2017). *The Fourth Industrial Revolution*: New York: Crown Publishing.
- Sukirno, S. (2010). *Pengantar Teori Makro Ekonomi* (ed 3). Jakarta: PT. Raja Grafindo Persada

Journals

- Nugraha, J. T. (2018). *E-Government dan pelayanan publik (Studi Tentang Elemen Sukses Pengembangan E-Government di Pemerintah Kabupaten Sleman)*. *Jurnal Komunikasi dan Kajian Media*, 2(1), 32-42.
- Prasetyo, H., & Sutopo, W. (2018). Industri 4.0: Telaah Klasifikasi Aspek dan Arah Perkembangan Riset. *J@ Ti Undip: Jurnal Teknik Industri*, 13(1).
- Prihatmoko, D. (2016). Penerapan Internet Of Things (IoT) Dalam Pembelajaran di UNISNU Jepara. *Simetris: Jurnal Teknik Mesin, Elektro dan Ilmu Komputer*, 7(2).
- Rohida, L. (2018). Pengaruh Era Revolusi Industri 4.0 Terhadap Kompetensi Sumber Daya Manusia. *Jurnal Manajemen Dan Bisnis Indonesia*, 6(1).
- Sutriadi, Dahlan, Hasim (2018). Keefektifan Pelayanan Kartu Tanda Penduduk Elektronik pada Dinas Kependudukan, Catatan Sipil, Tenaga Kerja dan Transmigrasi Kabupaten Soppeng. *Jurnal Ilmiah Ilmu Administrasi Publik: Jurnal Pemikiran dan Penelitian Administrasi Publik*, 8(1).

Miscellaneous

- Putra, R. M. D. (2018). *Inovasi Pelayanan Publik Di Era Disrupsi (Studi Tentang Keberlanjutan Inovasi E-Health di Kota Surabaya)*. Skripsi: Universitas Airlangga.
- Thomas, V. F. (2019, 11 28). [www.tirto.id](https://tirto.id/jokowi-mau-hapus-dan-ganti-eselon-iii-iv-dengan-kecerdasan-buatan-emtk). Retrieved from Tirto.id: <https://tirto.id/jokowi-mau-hapus-dan-ganti-eselon-iii-iv-dengan-kecerdasan-buatan-emtk>