

## Komisi Penyidikan Korupsi (KPK) Corruption Investigation Agency in Strengthening Movement with the Civil Society Perspective

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### Abstract

The phenomenon of changing the contents of the Komisi Penyidikan Korupsi (KPK) law article became the most highlighted political problem in Indonesia at the end of 2019. The reason for this incident was predicted to be the end of the triumph of the journey of the KPK institution as the only independent institution authorized to follow up on corruption cases in Indonesia. Thus, this research aimed to study the Komisi Penyidikan Korupsi (KPK) Strengthening Movement in The Civil Society Perspective. The data source of this research is based on events that occurred at the end of the year, as well as the many local and national media outlets that covered this event as a historic event during the reign of the president of the Republic of Indonesia at this time. Researchers conducted further literature studies to obtain in-depth information with the support from a bit of news published online, as well as others supporting this journal. Collecting data using descriptive research methods by relying on literature studies, and the thoughts of experts with data analysis, as well as accurate information through news media and other literary assistance, and uses analytical theory as a basic guideline for researching a case.

The results found that: Community actions or movements created by many students throughout Indonesia, as well as the surrounding community, are a picture that most of the people of the State of Indonesia care about the principles of justice that will be deliberately relaxed by the ruling government at this time. So that this community movement seized the attention of the people of the State of Indonesia to participate

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by supporting the demonstration to strengthen the KPK as the only corruption investigating institution established in the State of Indonesia. The basic principle of the investigative regulation that is being redesigned is considered detrimental to the KPK institution in investigating every case of corruption. The planned amendment to the article of the KPK law that will be ratified has drawn a lot of pros and cons that caused turmoil among the people. So that the Indonesian people must unite by creating a social movement to fight for justice for institutions that are responsible for fighting corruption which is a classic problem of the Indonesian nation. Another purpose of making this article is as a flashback of legal and political problems that occurred in Indonesia at that time. So that the community and the government of the State of Indonesia can also learn to improve the government system and legal system in the future.

**Keywords:** KPK, Revisions, Demonstrations, Social Movements

## Introduction

The Fact about the revision of the Komisi Penyidikan Korupsi as known as ‘KPK’ Law is suspected to be a hot polemic for the people of Indonesia. The proposed revision of the Law on the Corruption Eradication Commission (KPK) which suddenly emerged to the surface of the community that was proposed by the House of Representatives drew a lot of responses from the community and even led to pros and cons that could lead to conflict and complicated debate who came from all walks of life. Starting from politicians, activists, students, to the public, agreed to reject any changes to the contents of the article of the KPK that will be ratified. The Fact about the revision of the KPK Law is suspected to be a hot polemic for the people of Indonesia. The proposed revision of the Law on the Corruption Eradication Commission (KPK) which suddenly emerged to the surface of the community that was proposed by the House of Representatives drew a lot of responses from the community and even led to pros and cons that could lead to conflict and complicated debate who came from all walks of life.

Starting from politicians, activists, students, to the public, agreed to reject any changes to the contents of the article of the KPK that will be ratified. And this can be illustrated by several community actions, students, and political activists in various

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regions who deliberately took to the streets to hold community movements such as demonstrations to get people's representatives or the House of Representatives to accept the opinion of the public who wanted the KPK Law to be passed and revised because the community considers that the revision of the article or contents of the KPK Law will bring its impact for this State institution. The community considers that the amendment of several articles will make the authority and full authority of the KPK to monitor corruptors increasingly loose or reduced. The KPK was first established in 2002 by the 5<sup>th</sup> President, Megawati Sukarnoputri. The formation of the Corruption Eradication Commission was created because Megawati at that time saw the attorney and police institutions as too dirty, so they were considered unable to arrest the corruptors.

Because prosecutors and the police were difficult to disperse, an institution was finally formed to handle and supervise corruptors known as the KPK. Even before the Megawati administration, the initial idea of forming the KPK had begun to emerge since the government of the 3rd President of the Republic of Indonesia, Bacharuddin Jusuf Habibie (BJ Habibie) (Putri, 2019). The planned revision of the KPK law has come up since SBY's presidential administration 'Susilo Bambang Yudhoyono', in which the House of Representatives or the House of Representatives is very determined to revise the articles in the KPK Law which in the end was never realized and never happened. Then, in the era of President Joko Widodo "Jokowi", the revision of the KPK Law re-emerged. In 2015, the Republic of Indonesia DPR tried to revise the KPK Law, but it did not happen because Jokowi delayed the revision of the KPK Law.

And also, in 2019, the discourse re-emerged. This time, the Indonesian Parliament succeeded in revising and ratifying the KPK Law revision. Jokowi approved several points of change in the KPK Law and did not refuse. This has begun to become a polemic in the community, and the community considers that Jokowi also weakened the KPK. The fact of this event is one of the factors arising from the rejection of various levels of society in Indonesia and arising from various regions so that citizens and communities who are contravening the decision of the People's Representative (DPR) and President Joko Widodo have initiated to create a movement with the hastag of SAVEKPK. This refusal incident could create chaos in several areas. And this is a reflection of the results of mass actions or social

movements that appear to go down the road and carry out a social movement, in the form of a movement to strengthen the KPK over the revision of the Law to be ratified at that time.

This research was conducted to open a window of knowledge regarding the positive side of the actions or movements of society that occurred in Indonesia and the world. That the demonstration can be carried out peacefully without any supporting violence, and with the sustained demonstration taking place, it is hoped that all demands will be reached to create harmony between communities, and there will be no friction between the community and the incumbent government. The other purpose of the existence of this research is that the Indonesian people can learn what should be done as a good society to express opinions to the government properly and freely through this demonstration.

### **Literature Reviews**

The 'Corruption Eradication Commission' or better known as KPK has the meaning of a state institution formed to increase the effectiveness and effectiveness of efforts to eradicate corruption. The KPK is independent and free from the influence of any power in carrying out its duties and authorities. The KPK's task is to coordinate with agencies authorized to eradicate corruption; supervise agencies authorized to eradicate corruption; carry out investigations, investigations, and prosecutions of corrupt acts; take actions to prevent corruption, and monitor the implementation of state government. In carrying out its duties, the KPK is guided by five principles, namely legal certainty, openness, accountability, public interest, and proportionality.

Besides, the KPK is also responsible to the public and reports openly and periodically to the President, Parliament, and BPK. The KPK is also authorized to request information on the eradication of corruption from the relevant agencies; hold hearings or meetings with institutions authorized to eradicate corruption; as well as requesting reports from relevant institutions regarding the prevention of corruption (Putra, 2019). All these basic duties, policies, and powers are already stated in the KPK Law. But in the end, the House of Representatives or the DPR clearly hardened to amend the Law which became the basis of this policy. Reporting from 'IDN TIMES Jabar', the existence of a revision of the KPK Law which was ratified by the DPR RI is said to have killed the KPK.

According to the Executive Director of the Indonesian Legal Institution Foundation (YLBHI), Asfinawati, with the enactment of Law number 30 of 2002 that have been revised later, it is feared that it could make the process of investigating mega corruption cases neglected. All these basic duties, policies, and powers are already stated in the KPK Law. But in the end, the House of Representatives or the DPR clearly hardened to amend the Law which became the basis of this policy. Reporting from 'IDN TIMES Jabar', the existence of a revision of the KPK Law which was ratified by the DPR RI is said to have killed the KPK. According to the Executive Director of the Indonesian Legal Institution Foundation (YLBHI), Asfinawati, with the enactment of Law number 30 of 2002 that have been revised later, it is feared that it could make the process of investigating mega corruption cases neglected.

Moreover, there are rules in the Act that state that investigators and investigators who work at the interfaith commission must be the State Civil Apparatus (ASN) (Putri, 2019). Meanwhile, investigators who currently work at the KPK are not all ASNs. In this case, it can be concluded that cases that had been handled by previous KPK investigators could be considered illegal because the investigators were not investigators with ASN status or the State Civil Apparatus. YLBHI's director 'Asfinawati' also considered that all this time what President Jokowi had done regarding the eradication of corruption was just a lie. Because, despite his promise of nomination, he often said that he would continue to strengthen the KPK, but in reality, the former Governor of DKI Jakarta finally took part in ratifying the revision of Law number 30 of 2002. The articles to be ratified in the revision were the Consideration Section of Law 30 / 2002 which reads that;

"Government institutions that handle cases of corruption have not functioned effectively and efficiently in eradicating criminal acts of corruption."

And revised to;

" That the police, the prosecutor's office and the Corruption Eradication Commission as institutions that handle corruption criminal cases need to be improved in synergy so that each can be effective and effective in efforts to eradicate corruption based on the principle of equality of authority and protection of human rights."

Where in this case it can be concluded that the KPK investigating team must pay attention to human rights "Human Rights" as a basis for decision making, both criminal decisions, and punishment. Besides, Article 3 states that;

"Corruption Eradication Commission is a state institution that in carrying out its duties and authorities is independent and free from the influence of any power" Being; "The Corruption Eradication Commission is a state institution within the executive power group which in carrying out its duties and authorities is independent and free from the influence of any power".

From the contents of the revision of this law, it can be concluded that the KPK or the Corruption Eradication Commission is currently working under the supervision and auspices of the executives. Things like this make the Indonesian people furious and distrust the government because the government under the administration of President Joko Widodo is considered to have failed to lead the country with its decision to weaken the authority of the KPK authority which is an institution to eradicate corruptors. Reporting from 'detiknews', ICW Researcher Donal Fariz said Jokowi listened more to political parties than to the voice of the people.

He said that "With the signing of the Surprise it will be the worst history in Jokowi's leadership. He listens more to the will of the party than the voice of the people and figures who want the KPK to be strong and independent (Hidayat, 2019). Activists and political observers in Indonesia also believe that at this time the KPK is at the end of horns, and they as observers claimed to be disappointed at Jokowi's decision on 'Supres' (presidential letter) on the revision of the KPK Law. President Jokowi is judged to have failed to meet public expectations and failed to carry out promises over his nomination in 2019 to strengthen the KPK in eradicating corruption.

Based on this decision, which was considered wrong, the community gathered to hold a social or strengthening movement (reinforcement action), as well as a rejection action with the aim that the revision of the Law on the KPK be invalidated or canceled. There are several community movements held in various regions, including demonstrations and peaceful actions. In a peaceful rally in Jakarta, Corruption Eradication Commission (KPK) employees held the #SAVEKPK action by distributing around 1,000 flower stalks to residents on a car-free day (CFD) activity in the Hotel Indonesia Roundabout area. This action is a form of rejection of the draft revision of the Law on the Commission which is considered problematic (Rachman, 2019).

In addition to the peaceful action, there were several student actions in various regions taking to the streets to hold a demonstration by demanding the cancellation of the revision of the KPK Law which was considered not in favor of the people. The demonstration which was defeated by students in various regions in Indonesia also had caused a riot in various places where they held a demonstration. As reported by CNN Indonesia that the demonstration rejected the revision of the KPK Law, which was held by many student elements in the Riau Islands (Riau Islands) which led to chaos. The mass of which is students involved in physical contact with security forces in the building of the Riau Islands Regional Representative Council (DPRD) (Wicaksono, 2019).

These KPK strengthening movements, as well as the demonstrations that took place, are a picture that Indonesia can be categorized as a country that upholds the form and system of democracy. Where all citizens have equal rights in making decisions that can change their lives. The community has the right and freedom to express their opinions, and the community also has the right to speak out on the government's decision for the common good. So that they have the right to issue their opinions in any form, including demonstrations or holding social actions and social movements that are positive.

In this case, it can be seen that the social movement itself has the meaning of social activity in the form of a kind of group activity which is an informal group in the form of an organization, a large number of individuals who specifically focus on social or political issues by implementing, rejecting, or campaigning a social change. In his theory, Anthony Oberschall said that a social movement emerged because people were not satisfied with a decision that had been taken, and this theory was put into the Resource Mobilization Theory (RMT) (Sukmana, 2013).

The development of social movements is seen as a product of environmental forces both internal and external to the movement. Internal factors include leadership, the level of availability of resources, group size, and the level of internal organization. While external factors include: the level of repression from the community (the level of societal repression), the level of external sympathizers (extent of external sympathizers), and the number and strength of political groups (number and strength of polity groups) (Sukmana, 2013).

This theory is proven by the existence of Pichardo's opinion in his research (1988) regarding 'Mobilization' that the interaction of various factors is referred to as a

determining factor for the development and behavior of a social movement. Another opinion came from Rajendra Singh, an Environmental from India, he argues that social movements are when humans can express collective efforts to demand equality and social justice and can mobilize members of society to try to voice complaints against the enemy whether it is the state, institutions or other parts of society (Singh, 2010).

From the perspective of Civil Society, social movements are manifested into several types, firstly symbolic resistance which includes various indirect actions to control state domination. The main purpose of this type of activity is to display various complaints and claims symbolically in the form of writing, art performances, and discussion with a tone of criticism. Second, pragmatic resistance is carried out as a direct reaction to government policies or the ongoing socio-economic-political system. This kind of resistance usually involves mass organizations, political parties, and even students. Third, symbolic-pragmatic resistance is both direct and indirect action that demands the creation of a better socio-political situation (Parmudi, 2017).

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The strengthening movement and the mass action of the community at that time was a picture of democracy as outlined in the demonstration by voicing their aspirations as a society. Democracy itself has a meaning as a form of government in which all citizens have equal rights in decision-making that can change their lives. The principle of democracy also gives the right to participate in citizens' participation, whether directly or through representation - in the formulation, development, and lawmaking. In his theory Samuel P Huntington, director of the Center for International Affairs (CFIA), Harvard University revealed that;

"Democratization is an ongoing process, and one that is becoming increasingly irreversible". (Miftahusyaian, 2012)

Understanding the expression of Huntington above, democracy is considered as a historical necessity that is currently ongoing and it is impossible to return backward. The world is currently making democracy a "grand experiment" to organize its social and political life, not least with what is happening in Indonesia. In its history - democracy has always led to various meanings according to the conditions of culture, times, and political sentiments. In the Indonesian context, the face of democracy has metamorphosed several times. In 1945-1958 Indonesia used the term Liberal Democracy.

However, in the span of its implementation, it was only in 1955 when the first general election was held, that Indonesia implemented a complete 'Liberal Democracy'. Then, during the reign of President Sukarno in the final days of his power to make the term Guided Democracy which tends to be authoritarian and in the New Order era - Soeharto popular with the term Pancasila Democracy (Miftahusyaian, 2012) Another view came from Sugeng Winarno, Media Literacy Activist who said that the Demonstration was an expression of the expression of a democratic system. He considers that this is a phenomenon that is considered valid. Reporting from 'MalangPostOnline', he revealed that the demonstration was a movement guaranteed by law.

Demonstrations are manifestations of people's freedom of speech and freedom of expression. Demonstrations in countries that embrace democracy are a natural thing. Demonstrations as the distribution of aspirations that may be blocked or deliberately killed by the authorities or certain parties. Sugeng Winarno also revealed that the demonstration was good, as long as it was by the rules of the game. All demonstration activities must be licensed and comply with the rule of law. Demonstrations must not interfere and harm others. A good demonstration certainly cannot be anarchist by making a ruckus and destruction. The demonstration is one way to channel good aspirations, so the intention and method of the demonstration must also be done well too (Winarno, 2019).

### **Research Methodology**

The method used in this study is a descriptive research method with data analysis, as well as accurate information through news media and other literary assistance, and

uses analytical theory as a basic guideline for researching a case. The research method that will be used is a descriptive qualitative research method. A descriptive method is a method of researching, an object, a condition, a system of thought, or an event at this time. The purpose of this study is to find accurate facts related to problems that occur as described in this article. With another aim that this article can become one of the useful literature to be an alternative reading about cases of weakening the authority of the Corruption Eradication Commission in Indonesia.

### **Research Results**

Movement or action to strengthen the KPK first appeared on 8 September, when the Corruption Eradication Commission (KPK) staff held the #SAVEKPK action by distributing around 1,000 flower stalks to residents on the car-free day activities in the Hotel Indonesia Roundabout area. This movement became the beginning of the emergence of mass actions that took to the next road in various regions in Indonesia. When the students came from various regions, they supported to hold peaceful actions, as well as KPK strengthening actions by giving speeches and marching directly in the respective regional representative building, to reject the ratification of the latest KPK Law revision (which will be authorized).

The occurrence of this movement is certainly a special spotlight for the people of Indonesia, the article of these movements caused some riots like those that occurred in the student action in Bandung, where demonstrations were carried out which led to chaos when the authorities tried to disperse the masses. The riots that occurred in Bandung caused as many as 433 students and students from various campuses and schools had to be evacuated to UNISBA (Bandung Islamic University), and 38 others had to be referred to several hospitals due to injury. This conflict event was allegedly caused by the masses feeling that the aspirations they had answered were not heard by the council at that time.

The same thing also happened in the capital city of Jakarta, as reported by Kompas.com. Student demonstrations which were originally held in an orderly manner in front of the DPR Building turned into chaos and caused the atmosphere around the House of Representatives (DPR) to be gripped all night. The masses of these

demonstrations were forced to meet with DPR leaders to mediate the demands given (Carina, 2019). But the efforts made by the demonstrators were not welcomed, and requests to meet with the leaders were rejected. This was the trigger factor for the riots, so a group of students took the initiative to enter the DPR building to meet with the DPR leadership.

For this attitude, the security forces or police who were on standby inside the capitol fired water from a water cannon at the students to drive them away and the commotion broke out. In addition to demonstrations, the community and students in various regions also flocked to hold peaceful demonstrations. As happened in the city of Yogyakarta, several students and people who call themselves the People's Alliance Moves to carry out the 'Gejayan Memanggil' peace rally on September 23, 2019, which is centered on the Gejayan Intersection or Jalan Affandi. This movement is suspected as a social movement that aims to give the KPK Institution justice.

Some people believe and consider that the 'Gejayan Calling' action is a movement to strengthen the KPK that is not affiliated with any campus so that it brings the people's aspirations to some issues today from the postponement of the RKUHP to the revision of the KPK Law. Confirmed about the actions of the student and community movements that took place, the Expert in Rural Sociology from Syiah Kuala University, Prof. A Humam Hamid, said the mass action that caused thousands of students to take to the streets to protest was naturally based on instincts. He considered that the revision of the KPK Law and several other laws were things that could injure a sense of justice.

This has become important and must be fought for. Prof. Humam stated that this phenomenon could eventually be categorized in policies produced by a group of people. Prof. Humam believes that all of this is a reflection of the "wisdom of the crowd", which has meaning as the wisdom of the people in achieving a certain goal. And he also stressed that the mass movements that occurred could not be bent and happened purely on social movements regarding the demand for a revision of the law and this matter was not related to other objectives and certainly was not ridden by any group (Anwir, 2019).

## **Conclusion**

This fact regarding the revision of the law in Indonesia is a political case that needs to be highlighted. The occurrence of this revision certainly damages the law of justice, so that the people of the State of Indonesia can easily assume that the ruling on a State that has power. So that with the event the amendment to this law is feared to be a separate boomerang for the people of Indonesia. Another fact that the revision of this law has caused turmoil for the people of Indonesia, resulting in riots among police officers and the public when holding demonstrations to illustrate the action of a rejection. So that this phenomenon should be used as a lesson for the community and the government to further improve a better government system for the sake of the Indonesian people.

## **Discussion**

In the community movement that took place in Indonesia, the students and activists who held the demonstration demanded that the government want to revise the KPK Law. And students who took part in the action also asked President Joko Widodo to cancel the draft revision of the KPK Law that would be passed. The people who took part in the demonstration by taking action on the streets are also a picture of the people's protest against the Land Bill and Penal Penitentiary. A number of these bills are considered not following the mandate of reform. Thus, creating riots that led to mass protests. The community, students, and activists urged President Joko Widodo to postpone or cancel this bill because this bill was deemed problematic and paralyzed the authority of several institutions that actively acted well.

Like the KPK as the only institution in Indonesia that has the authority to carry out investigations into parties suspected of committing acts of corruption, within an institution or corporation. This triggers differences of opinion between the public and the government, the article revision of the latest Law is feared to weaken the authority of the KPK institution so that it will create new problems such as the mushrooming of corruptors in Indonesia because the authority of the KPK institution as an investigative institution is weakening, or will even disappear with the passage of applicable regulations. As the researchers discussed in the Literature Review, one of the new draft contents of

the article in the KPK Law that will be amended is the article that will be ratified in a written revision in the Act on the Consideration Section of Law 30/2002 which reads that;

"Government institutions that handle cases of corruption have not functioned effectively and efficiently in combating corruption."

And revised to;

"That the police, prosecutors, and the Corruption Eradication Commission as institutions that handle corruption criminal cases need to be improved in synergy so that each can be effective and effective in efforts to eradicate corruption based on the principle of equality of authority and protection of human rights."

Where investigative employees must pay attention to the principle of Human Rights in prosecuting defendants who are proven to have committed acts of corruption so that the defendant cannot be severely punished because the sentence to be imposed on the defendant is bound to Human Rights in force in Indonesia.

### **Suggestions**

As a researcher and Indonesian community, I hope that this research can be used as a lesson for the government and the community in the future so that the government and the community will also act better in the future. With the hope that the Indonesian people can live peacefully without any pressure from the government, the government can do its job well, based on the wishes of the people. Because in Indonesia the government is known by the slogan "From the people for the people" as the real power is in the hands of the citizen because the government is only a media or a group of people whose task is to regulate their citizens.

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