



Legal Certainty in the Management and Supervision of Donations for Humanitarian Purposes in Indonesia

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ABSTRACT: The rapid progress of information technology has greatly enhanced public fundraising via donation-based crowdfunding platforms that use social media and digital channels. This innovation expands public access and fosters community involvement in social initiatives, yet it functions within a framework of legal ambiguity due to the lack of specific regulations governing the mechanisms, oversight, and accountability of online donation activities in Indonesia. This study seeks to examine the operational procedures of donation-based crowdfunding in Indonesia, identify regulatory deficiencies, and provide legislative remedies to enhance protection for contributors, platform operators, and recipients. This study utilizes a qualitative normative research technique, using legislative and conceptual methods, to analyze existing legislation and various instances of purported donation fund misappropriation. Research reveals that existing regulations, including Law No. 9 of 1961, Government Regulation No. 29 of 1980, and Minister of Social Affairs Regulation No. 8 of 2021, inadequately address the contemporary realities and risks of the digital donation landscape, leading to transparency deficiencies, opportunities for fraud, and diminished legal accountability. This thesis asserts that legislative change, enhanced supervisory mechanisms, and extensive legal literacy initiatives are essential to guarantee that donation-based crowdfunding functions in a reliable, responsible, and sustainable way within Indonesian society.

KEYWORDS: Crowdfunding, online donation, regulation, social media, legal protection

INTRODUCTION

The rapid advancement of information technology has significantly transformed philanthropic practices in Indonesia, particularly through the rise of donation-based crowdfunding platforms. Utilizing popular social media channels such as Instagram, X, TikTok, and WhatsApp, these platforms have made it possible to mobilize public support quickly and efficiently for various humanitarian causes. This digital innovation has effectively eliminated traditional geographical barriers, allowing donors from diverse regions to contribute regardless of location, and fostering broader community participation in social initiatives.

The advancement of information technology in Indonesia has redefined the landscape of public fundraising, particularly through the proliferation of donation-based crowdfunding platforms that leverage social media and various digital channels. This technological innovation has made it possible for individuals and organizations to mobilize support for humanitarian causes rapidly and seamlessly, eliminating traditional geographic limitations and encouraging greater community involvement. The integration of digital platforms such as Instagram, WhatsApp, X, and TikTok into the donation ecosystem not only fosters public solidarity but also democratizes giving, enabling both small and large contributions to reach vulnerable populations efficiently. However, despite its potential, this new fundraising paradigm presents multifaceted challenges—especially with regard to the certainty of law, transparency, and accountability in the management and supervision of online donations.

Donation-based crowdfunding has thus become an important medium for promoting social solidarity, raising awareness of humanitarian needs, and facilitating access to assistance for vulnerable populations. However, despite its benefits, this new fundraising model also presents significant challenges related to legal certainty, transparency, and accountability. Current regulations like Law No. 9 of 1961 concerning the Collection of Money or Goods, Government Regulation No. 29 of 1980, and the Ministry of Social Affairs Regulation No. 8 of 2021 still predominantly reflect frameworks designed for traditional offline fundraising, failing to fully accommodate the operational realities and risks associated with digital donation ecosystems.

The analysis concludes with a summary of findings and actionable recommendations for strengthening the Indonesian donation-based crowdfunding ecosystem.

A. Existing Regulatory Frameworks and Limitations

Indonesia's existing legal framework governing the collection and management of donations includes Law No. 9 of 1961 concerning the Collection of Money or Goods, Government Regulation No. 29 of 1980, and the Ministry of Social Affairs Regulation No. 8 of 2021. These regulations primarily address conventional, offline fundraising practices and have not kept pace with the fast-evolving nature of digital donation platforms. Several specific limitations emerge:

- The absence of explicit provisions regulating the separation of accounts for donation funds during online fundraising, which increases the risk of fund mixing and complicates financial audits.
- Lack of integration between different regulatory bodies and oversight mechanisms, causing overlapping authorities and ineffective supervision.
- Legal ambiguity about the accountability of fundraising platforms, many of which enforce unilateral agreements shielding themselves from donor claims or losses—as illustrated by the disclaimers on Kitabisa.com and other platforms.
- Inadequate protection for donors and beneficiaries, leaving them vulnerable to misuse or misappropriation of funds, fraud, and violations of privacy

B. Supervision Mechanisms and Law Enforcement Challenges

Supervisory oversight in the realm of online donations is fragmented and often insufficient for several reasons:

- The Social Affairs Office still relies on traditional verification methods and is not fully equipped with digital tracking systems to monitor donations across decentralized online platforms.
- Transparency and accountability remain limited. The case of Agus Salim—where more than IDR1.5 billion was collected after an acid attack, but later alleged to have been used improperly by the recipient's family—exposed severe gaps in reporting, audit trails, and public access to financial reports
- Mechanisms for reporting, investigating, and prosecuting online fundraising fraud remain underdeveloped. Victims must often initiate reports themselves, but ambiguities in jurisdiction and platform responsibility can stymie effective legal recourse.
- Data privacy issues are pressing concerns: Effective application of Indonesia's Personal Data Protection Law and the Information and Electronic Transactions Law is critical, as platforms amass large amounts of sensitive donor and beneficiary data susceptible to theft or misuse.

C. Roles and Responsibilities of Stakeholders

- Donors: While enjoying greater access to donation campaigns, donors are often left with limited recourse if funds are misused, due to the fine print of platform user agreements and an absence of statutory protection.
- Fundraising Platforms: Many function as neutral intermediaries with minimal accountability, disclaiming responsibility for any campaign misconduct. This weakens both supervision and donor protection.
- Beneficiaries: The absence of clear guidelines and supervision can lead to misuse and public mistrust, as in the case highlighted.
- Supervisory Bodies: Agencies such as the Ministry of Social Affairs and the Financial Transaction Reports and Analysis Center (PPATK) play limited but crucial roles in monitoring and checking suspected transactions. Judicial oversight—in both administrative and criminal matters—must consistently uphold fairness and transparency

Furthermore, the legal standing of donors is precarious, since unilateral agreements sometimes classify crowdfunding platforms as service providers, absolving them of comprehensive liability for donor losses or fraud. For instance, sites such as Kitabisa.com specifically renounce responsibility for losses incurred by contributors as a result of campaign malfeasance. This legal uncertainty increases donor risk and undermines confidence in digital fundraising.

The safety of digital data exacerbates these issues, since personal information gathered during online contribution procedures need protection against theft and abuse. The implementation of data protection legislation, including administrative sanctions and criminal penalties under pertinent rules like the Personal Data Protection Law and the Information and Electronic Transactions Law, is essential. Safeguarding privacy and security on contribution platforms is crucial for preserving public trust.



This paper seeks to comprehensively examine the legislative frameworks regulating donation-based crowdfunding in Indonesia, emphasizing regulatory shortcomings, oversight tactics, and punitive measures for violations. This research employs a qualitative normative method, using statute and case studies, to investigate the inadequacies of present legislative requirements in ensuring openness and accountability, which therefore diminishes the effectiveness and reliability of online fundraising.

To tackle these challenges, recommendations propose extensive reform that aligns and updates current regulations, enhances internal audit systems within foundations and platforms, requires transparent fund reporting available to the public, and empowers independent oversight bodies. Public legal literacy and awareness initiatives are prioritized to instruct contributors on recognizing legitimate fundraising efforts, comprehending their rights, and understanding the protocols for reporting suspected fraud. Moreover, inter-agency collaboration, particularly the involvement of the Financial Transaction Reports and Analysis Center (PPATK), is essential for identifying and mitigating illicit financial activity in the crowdfunding sector. Judicial monitoring must be enhanced to guarantee that court rulings maintain justice, morality, and integrity, so bolstering societal confidence in law enforcement.

This research aims to facilitate sustainable development of technology-driven philanthropy in Indonesia, underpinned by a strong legislative framework that protects all parties and fosters a culture of responsible digital giving.

CONCLUSION

This study finds that Indonesia's current regulatory and supervisory approach to donation-based crowdfunding remains inadequate for the digital age. The main problems stem from outdated legal frameworks, ambiguous accountability for digital platforms, insufficient monitoring systems, and weak legal protections for both donors and beneficiaries. Cases of misuse of funds, such as the Agus Salim controversy, undermine public trust and starkly demonstrate urgent needs for reform.

RECOMMENDATIONS

- Comprehensive reform of existing regulations to accommodate digital fundraising, including mandatory separation of donation accounts, public audit trails, and periodic transparency reports.
- Improved supervisory mechanisms: Platforms and foundations must implement internal audits, ensure accessible public reporting, and facilitate independent, third-party external audits.
- Strengthened data protection and privacy safeguards to prevent leakage and misuse of donor and beneficiary information, with robust implementation of the Personal Data Protection Law.
- Enhanced public legal literacy: Ongoing education for both donors and the public on their rights, how to identify credible fundraising campaigns, and how to report suspicious activities.
- Interagency cooperation—including roles for PPATK, Kominfo, and the judiciary—should be expanded to track, investigate, and prosecute financial crime and digital fraud effectively.
- Clear, enforceable responsibilities for digital platforms in handling donations, including liability in cases of proven misconduct or negligence.

By adopting these recommendations, Indonesia can foster sustainable and responsible growth in the digital philanthropy sector, protect vulnerable stakeholders, and uphold public trust in online humanitarian donation initiatives

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