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## Legal Analysis Regarding Donation Fraud Through Online Media

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**Abstract:** Indonesia already has regulations in place to regulate digital fraud matter, but these regulations have not been able to accommodate current needs. The novelty in this research is that this research discusses current issues where fraud is carried out using sophisticated technology, namely through cyberspace, even fraud can also be carried out for the reason of a good cause, namely making a donation. The purpose of this study is first, to analyze the laws governing online donation fraud. Second, to identify cases or phenomena regarding fraud that occur online and resolve these cases. then through this research can produce a recommendation or legal solution will be found in overcoming the online fraud case. The method in this study is normative juridical which uses a statutory approach consisting of laws, namely Law Number 9 of 1961 concerning Collection of Money or Goods, Government Regulation Number 29 of 1980 concerning Implementation of Contribution Collection. Then the data collection technique is through literature studies and studies through fraud cases that have occurred. Based on the results of the research, it was found that online donation fraud cases are currently being tried using the criminal law code and the law on information and electronic transactions. However, the two regulations have different elements of fraud and sanctions. Even though Indonesia has a regulation that specifically regulates the collection of donations, however, these two regulations do not regulate the forms of donations that can be made online.

**Keywords :** Scams; Donations; Online.

### INTRODUCTION

Technology has experienced many developments which at the end of these developments also influence developments in the media. <sup>1</sup>The influence of media on human

<sup>1</sup> Eco Nurisman and Vania Virginia, " Review Juridical To Act Criminal Showing Loaded Video Pornography To Children under Age ", Syntax Literate: A Journal Indonesian Science 6, no. 9 (2021).

life is also very large. This development was also triggered by the presence of the internet in human life. This development is usually called online media.<sup>2</sup>

According to Jhon Echols and Hasan Shadily, online means "on" which means ongoing and "line" means lines, rows and distances so that in short online means a process of accessing ongoing information through internet media.<sup>3</sup> Online media is a form of journalism in online form which has the meaning of providing information and facts that are disseminated online via internet networks. According to Asep Syamsul M. Romli, online media means mass media that is presented online on a website.<sup>4</sup> The presence of online media is expected to provide a new culture to the world of press in Indonesia. The task of this online media is getting bigger because of its increasing distribution in Indonesia.<sup>5</sup> Online media is not only on one platform, namely the website, but the existence of online media is also on various other platforms such as Facebook, Twitter, Instagram, Youtube, Tik Knock and so on.<sup>6</sup>

Indonesia is one of the countries where the spread of online media use occurs very quickly. This is proven by data from the Ministry of Communication and Information (Kemenkominfo) which states that currently there are 63 million Internet users in Indonesia. 95 percent of people use the internet for social networking purposes. Director of International Information Services at the Directorate General of Public Information and Communication (IKP), Selamatta Sembiring, said the social media most accessed were Facebook and Twitter.<sup>7</sup>

In January 2022, there were 191 million Indonesians actively using social media. Meanwhile, in the previous year, social media use was only around 170 million people. The social media most widely used by Indonesians is the WhatsApp application, followed by social media users Instagram and Facebook. Then followed by the use of TikTok and Telegram.<sup>8</sup> Then, if you look at the amount of social media usage from year to year, it has also increased. The following is data on social media usage from 2017 to 2026:

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<sup>2</sup>Asep Syamsul M. Romli, *Online Journalism: A Practical Guide to Managing Online Media* (Bandung: Nuansa Scholar, 2014).

<sup>3</sup>John M Echols and Hassan Shadily, *English - Indonesian Dictionary: An English - Indonesian Dictionary* (Jakarta: Gramedia Pustaka Utama, 2006).

<sup>4</sup>Brad Schultz, *Broadcast News Producing* (California: Sage Publications, Inc., 2005).

<sup>5</sup>Asep Setiawan, "Online Media Needs to Improve Itself," medcom.id, 2020, [https://www.medcom.id/pilar/kolom/Wb70Wyak-media-onlineperlu-berbenahdiri?utm\\_source=apps\\_android&utm\\_medium=share&utm\\_campaign=share](https://www.medcom.id/pilar/kolom/Wb70Wyak-media-onlineperlu-berbenahdiri?utm_source=apps_android&utm_medium=share&utm_campaign=share).

<sup>6</sup>Woro Harkandi Kencana et al., "Use of Social Media in Online News Portals," *IKRAITH-HUMANIORA Journal* 6, no. 2 (2022).

<sup>7</sup>Ministry of Communication and Information of the Republic of Indonesia, "Kominfo : Internet Users in Indonesia 63 Million People," Berita Kominfo, 2013, [https://www.kominfo.go.id/index.php/content/detail/3415/Kominfo+%3A+Pemguna+Internet+di+Indonesia+63+Million+People/0/berita\\_satker](https://www.kominfo.go.id/index.php/content/detail/3415/Kominfo+%3A+Pemguna+Internet+di+Indonesia+63+Million+People/0/berita_satker).

<sup>8</sup>M Ivan Mahdi, "Social Media Users in Indonesia Reach 191 Million in 2022," DataIndonesia.id, 2022, <https://dataindonesia.id/internet/detail/user-media-social-di-indonesia-capai-191-juta-in-2022>.

**Table 1. Use of Social Media in 2017-2026**

No	Tahun	Presentase
1	2017	47,03
2	2018	57,67
3	2019	61,83
4	2020	66,05
5	2021	69,99
6	2022	73,29
7	2023	76,04
8	2024	78,32
9	2025	80,23
10	2026	81,82

*Sumber: Statista*

Based on this, the development of social media use in Indonesia is considered very fast and high. With the large and high use of social media, there are various interests that must be protected legally. This was triggered by the many legal cases that occurred through social media, such as levying levies or collecting donations using online methods. According to data obtained from the Charitable Aid Foundation regarding the World Giving Index in 2018, Indonesia is ranked first as the country that gives the most donations.<sup>9</sup>

Regarding the procedures for collecting donations online, it is regulated in Article 5 paragraph (1) PP Number 29 of 1980 concerning the Implementation of Donation Collection. This regulation emphasizes that the procedures for collecting donations can be carried out with various conditions, namely collecting funds can be done through holding performances, bazaars in the form of sales, making a charity box placed in public places. Based on these regulations, the procedures for collecting donations that are carried out online do not meet the requirements as specified in these regulations. Donations made online have attracted various legal polemics because various cases of fraud related to online donations have been discovered through this. For example, the first is fraud under the pretext of donations in the name of the Malang City Government. Circulating on WhatsApp on (8/3/2021), a fraudulent message in the name of Malang City Government Finance Staff Agus Budiono was initiated by a perpetrator. Reporting from the official Kominfo website, in the message the person provided grant funds as a form of donation from the Malang City Government, to one of the Al-Qur'an Education Places (TPQ). Even though the City Government certainly does not have a donation assistance program for Islamic boarding schools or TPQ at all. Second, the Makassar Police Criminal Investigation Unit, South Sulawesi, succeeded in uncovering the fraud method in the names of victims of the Palu-Donggala earthquake, Central Sulawesi.<sup>10</sup>

<sup>9</sup>Tantimin and Jiko Sastrawanto Ongko, "Law Enforcement Against Humanitarian Action Donation Fraud in Indonesia," *Journal of Citizenship Education Undiksha* 9, no. 3 (2021), <https://doi.org/10.23887/jpku.v9i3.38549>.

<sup>10</sup> Kominfo , " Fraud Undercover Donation In the name of Staff Finance Malang City Government ", - <https://www.beritasatu.com/nasional/743337/penipuan-berkedok-donasi-catut-nama-pemkot-malang>

The perpetrator's method of opening a donation account. These perpetrators take advantage of advanced technology to deceive potential victims. The police confiscated the perpetrator's equipment, namely a laptop, one tablet, seven cellphones, 13 internet modems and dozens of SIM card providers which were changed to deceive the victim .<sup>11</sup> Based on this background, there are 2 (two) problem formulations, namely first, what is the phenomenon of fraud cases that occur online and what is the right solution to resolve these cases ? Second, how do the laws and regulations regulate and overcome online donation fraud? Second,

## **METHODS**

The type of research in this research is normative juridical with the point of view of statutory and case study approaches. There are 3 case examples that are used as material for analysis in this research. The case studies conducted were cases related to fraud under the guidance of online donations. <sup>12</sup>The type of data used is Primary Legal Materials, namely binding legal materials in the form of a law. In this study, the law was used, namely Law Number 9 of 1961 concerning Collection of Money or Goods, Government Regulation Number 29 of 1980 concerning Implementation of Collection of Donations.

## **DISCUSSIONS**

### **1. The Phenomenon of Contribution Fraud Through Online**

At present the crimes that occur cannot be categorized as physical crimes only, but crimes are currently also experiencing developments along with the flow of modernization of life. Ikka believes that in the world of the Internet, the potential for criminals to commit crimes is enormous and very difficult to detect because the people in this virtual world are mostly fictitious or the identities of individual persons are not real. <sup>13</sup>Fraud that occurs in the cyber world today can be done in various ways, ranging from simple to complex. Fraud in a simple way, for example by sending fake news or acting as someone else illegally and committing fraud via the internet while complex ones can be seen from the workings of actors who are in groups or have networks.<sup>14</sup>

Fraud according to article 378 of the Criminal Code by Moeljatno as follows:

"Anyone who intends to benefit himself or other people unlawfully by using a false name or false dignity ( hoednigheid ) by trickery, or series of lies, moving others to submit something

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<sup>11</sup>Teguh Firmansyah, "Police Reveal Fraudulent Contribution of Funds for the Central Sulawesi Earthquake," *Republika*, 2018, <https://news.republika.co.id/berita/pgg5a9377/polisi-besar-penipuan-sumbangan-dana-untuk-gempa-sulteng>.

<sup>12</sup>Depri Liber Sonata, "Normative and Empirical Legal Research Methods: Typical Characteristics of Legal Research Methods," *Fiat Justisia Journal of Legal Studies* 8, no. 1 (2014), <https://doi.org/10.25041/fiatjustisia.v8no1.283>.

<sup>13</sup>Ikka Puspitasari, "Criminal Liability of Perpetrators of Online Fraud in Positive Law in Indonesia," *HUMANI Journal* 8, no. 1 (2018): 1–14, <https://doi.org/10.26623/humani.v8i1.1383>.

<sup>14</sup>Tony Yuri Rahmanto, "Law Enforcement Against Fraud Crimes Based on Electronic Transactions," *Journal of De Jure Legal Research* 19, no. 1 (March 27, 2019): 38, <https://doi.org/10.30641/dejure.2019.v19.31-52>.

to him, or to give a debt or something writing off receivables, threatened with fraud, with a crime maximum imprisonment of four years”.

There are several elements of criminal acts of fraud also stated by Togat as follows:<sup>15</sup>

- a. The element of moving others is actions, either in the form of actions or words that are deceptive.
- b. The element of giving up an object. Giving up something does not have to be carried out directly by the person who is deceived to the person who is deceiving. In this case the surrender can also be made by the deceived person to the envoy of the deceiving person.
- c. Only in this case, because of the intentional element, does it matter the element of surrender must be a direct result of the efforts made by the fraudster.
- d. The element of using a false name. The use of this fake name will occur if someone mentions the name of a name that is not his name, resulting in receiving the goods that must be handed over to the person whose name was mentioned earlier.
- e. The element of wearing false dignity. With false dignity is meant to mention himself in a state that is not true and which causes the victim to believe in him, and based on the belief that he surrenders an item or gives a debt or writes off a receivable.
- f. The elements of using deception and the elements of a series of lies. The element of deception is a series of words, but rather an act that in such a way that the act creates trust in other people. While a series of lies is a series of lying words or words that are contrary to the truth which gives the impression as if what was said was true.

Based on previous research, donations that are not transparent are vulnerable to fraud. Summarized from Aristiana's study, many respondents looked at trust on a site/application donations have a big impact. This is because Trust is something that insiders believe in use of this technology. If things don't form to believe, people will also doubt the use of this technology, so The impact will not attract interest in using donations/zakat digital. This study also adds that the Millennial generation aged 22-25 years, interested in paying zakat or donations through the platform digital. Especially if they have sufficient understanding of digital donations and trusting related institutions as mediators payment via online.<sup>16</sup>

The following are some cases of fraud committed through online donations:

- a. Fraud on the pretext of donations in the name of Malang City Government  
Having circulated on Whatsapp on (8/3/2021), a fraudulent message on behalf of the Financial Staff of the Malang City Government, Agus Budiono, was initiated by an actor. Reporting from the official website of Kominfo , in the message the person

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<sup>15</sup>Syawal Amy Siregar and Kristofel Ablio Manalu, "Legal Study of the Crime of Fraud Based on Debts and Receivables," *Rectum Journal* 3, no. 1 (2021).

<sup>16</sup>Giri Lumakto, Nur Kumala Dewi, "Understanding The Mode and Prevention of Online Donation Scam", *Jurnal Bimas Islam* 14, no. 2 (2021).

gave a grant as a form of donation from the City Government of Malang, to one of the Qur'an Education Places (TPQ). Even though it has been confirmed that the City Government does not have any donation assistance programs for Islamic boarding schools or TPQ at all. This is clearly a form of fraud. Head of the Malang City Communication and Information Service ( Diskominfo ), Muhammad Nurwidiyanto asked the public to always be aware of various modes of fraud under the pretext of donations.

- b. Under the guise of a donation, this fraud is in the name of the KPK  
Based on information from Okezone.com, there was an update in the fraudulent mode of fundraising or requests for donations under the guidance of Wakaf Lailatul Qadar , citing names of institutions and officials of the Corruption Eradication Commission (KPK). KPK spokesperson Ali Fikri said on Sunday (9/5/2021) quoted by Okezone.com, that it has been confirmed that the KPK has never worked with other parties regarding fundraising. Apart from that, both the KPK as an institution and as individual leaders, the Supervisory Board ( Dewas ), and even employees, are prohibited from asking for donations. They finally appealed to the public to always be careful, to re-verify the truth regarding the KPK, and to report to law enforcement officials if there are parties who claim to be part of the KPK and then ask for donations.
- c. Online donations for victims of the Russian and Ukrainian conflicts  
The Russia-Ukraine conflict is being used as a cover for fraud by online fraudsters who exploit the goodwill of people who donate. Online fraudsters not only steal money, but also user credentials. The conflict between Russia and Ukraine has caught the attention of many people, including those who have good intentions to help the affected victims. Throughout the past week, Kaspersky researchers have observed an increase in fraudulent activity marked by the appearance of various fake donation websites spreading on the web. This kind of fraudulent activity claims to divert funds from legitimate organizations. Donation scams are not new, they are generally held in response to disasters or emergencies. This time, the Ukrainian conflict has become the 'mask' of these fraudsters. Kaspersky researchers reported many phishing pages impersonating donations and charity sites. Online fraudsters not only steal users' money and credentials, but they also profiteer the names of legitimate organizations from these donations. Most of these pages do not contain sufficient information about the organizer of the fundraiser, the recipient of the donation, or other documents proving the legitimacy of their activity. The only thing a user can do when visiting the page is donate. The website also does not explain how the organization will disburse funds. Despite the lack of information, online fraudsters ensure that donors can transfer money easily and comfortably, including the option of transferring money from credit cards and crypto wallets. Another sign of a fraudulent donation site is the use of 'situation pressure' tactics, such as stressing urgency and

using highly emotional language.

In the mass spam messages Kaspersky found, fraudsters disguised themselves as victims of a conflict, and pretended to seek financial assistance for their families. With the banks closed, they requested money transfers via Bitcoin and left Bitcoin wallet addresses.<sup>17</sup> Based on the phenomenon or case of online donation fraud, there are a number of things that must be considered, namely related to the requirements in imposing criminal responsibility on the perpetrators of online fraud crimes, namely the fulfillment of all elements of the crime and the purpose of the act can be proven that it was deliberately carried out under the circumstances aware that the act is reprehensible by law.

378 of the Criminal Code regulates that there are 2 (two) elements of fraud, namely the element objectively, namely the act of actuating, it is the person who is moved, the purpose of the act is to hand over objects, give and write off receivables. As for the subjective element, which consists of the intention of the act is to benefit oneself and or others, by breaking the law.

In addition to the provisions in the Criminal Code, there are also elements regulated in Article 28 paragraph (1) of the ITE Law, namely objective elements consisting of the act of spreading, what is spread is fake and misleading news. From this act a constitutive consequence arises, namely consumer losses in electronic transactions. Then the subjective element which consists of the element of error, namely deliberately carrying out the act of spreading false and misleading news which results in consumer losses in electronic transactions, against the law without rights.

## **2. Legal Review Regarding Contributions Through Online Media**

Humans are social beings who are essentially always in touch with each other. Humans have an instinct of compassion for others so they have the awareness to help others. Help or assistance can be given in various forms and ways. Assistance can be given in the form of money or goods, by way of face-to-face contact between the giver and recipient, or by means of collecting donations. Along with the development of technology, methods of giving donations are currently supported by internet-based technology, namely through the platform. Through this platform, potential donors can see who are the parties who need assistance, and can follow up on giving donations or channeling funds to the intended party. For example, in Indonesia there is the platform Kitabisa.com, Aksi Fast Responsive and so on.<sup>18</sup>

Fundraising or requesting donations can be found easily in various parts of Indonesia. Historically, it is known that charitable institutions progressed from 1870 to 1900.

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<sup>17</sup>CNN Indonesia, "Beware of Ukrainian Online Donation Fraud Sites, Can Steal Money and Data," 2022, <https://www.cnnindonesia.com/technology/20220316183222-192-772245/waspada-penipuan-donasi-online-ukraina-sites-can-steal-money-and-data>.

<sup>18</sup>Thommy Budiman and Rahel Octora, "Legal Protection for Donors in Online Donation Based Crowdfunding Activities," *Kertha Patrika Journal* 41, no. 3 (2019): 222–37, <https://doi.org/10.24843/KP.2019.v41.i03.p04>.

The progress of this donation action is also influenced by the existence of teachings in religion. The influence of religious teachings is very strong on values in society. This has an influence on the cultural system which incarnates in various sacred symbols originating in religion.<sup>19</sup>

Fundraising or donation actions are currently growing rapidly. One of the developments is the method of collecting donations, which is currently carried out online. Online media has positive and negative sides for society. The positive side is that information is personal, can be accessed by anyone, anywhere, while the negative side is that online media must use computers and internet devices which are quite expensive and not all regions of Indonesia have a good internet network.

There are several things that form the basis for a person's consideration in deciding to use online transaction services, one of which is the perception of a company's security. The security factor is one of the things that will be considered as the basis for someone to make a decision to use online transaction services.<sup>20</sup> Apart from being related to security perceptions, one of the factors that usually makes someone decide to use a service is the ease of use of the system, does not rule out the possibility of levels the complexity of using the service makes a potential user of the service decide not to continue or use the service if that system applied is fairly complicated and difficult to understand, because of the understanding of each candidate users are definitely different.

Then the next factor is the level of religiosity which is one of the factors that will be tested for its influence on the decision to donate. Indonesia is a country where the majority of its citizens are Muslims, of course, in carrying out their daily activities, many Indonesian people use the principles of Islam. In terms of regulating fundraising actions or donations, Indonesia already has a set of regulations to accommodate this. The regulation in question is regulated in Law Number 9 of 1961 concerning the Collection of Money or Goods.

In addition, it is also regulated in implementing regulations, namely Government Regulation of the Republic of Indonesia Number 29 of 1980 concerning Implementation of Contribution Collection. According to this regulation, the collection of donations has the meaning that "Collection of donations is any effort to obtain money or goods for development in the social welfare, mental/religious/spiritual, physical, educational and cultural fields, as referred to in Article 1 of Law Number 9 Year 1961 concerning Collection of Money or Goods". As well as the meaning of efforts to collect donations, namely "all programs, efforts and activities in collection of donations".

Article 4 explains "The purpose of collecting donations is to support activities in the

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<sup>19</sup>Mohammad Holis, "Construction of Donation Seeking Communities on Highways (Case Study of Mosque Charity Searches on Highways, Pamekasan Regency)," *NUANSA: Journal of Islamic Social and Religious Research* 14, no. 1 (2017), <https://doi.org/10.19105/nuansa.v14i1.1313>.

<sup>20</sup>Dhimas Muhammad Zulfian, "Factors that Influence the Decision to Donate Online Through Financial Technology Crowdfunding Platforms" (2020); Dyah Citra Harina, "Legal Politics of Reforming Law Number 9 of 1961 Concerning the Collection of Money or Goods in Philanthropic Activities in Indonesia," *Lex Renaissance Journal* 4, no. 1 (2020): 179, <https://doi.org/10.20885/JLR.vol4.iss1.art10>.



fields of: social; education; health; sport; religion/spirituality; culture; other areas of social welfare; which do not conflict with laws and government programs in the field of social welfare. Then in article 5 it is explained about the technique of collecting donations. Collection of donations can be organized by: holding a show; holding a bazaar; sale of goods by auction; selling invitation cards to attend a show; sale of charity stamps; distribution of lists (lessons) of charity; sale of donation coupons; placement of donation boxes in public places; sale of goods/materials or services at a price or payment that exceeds the actual price; sending blank money orders to solicit donations; request directly to the person concerned in writing or verbally.

Based on these regulations, Law Number 9 of 1961 concerning Collection of Money or Goods and Government Regulation of the Republic of Indonesia Number 29 of 1980 concerning Implementation of Contribution Collection are no longer relevant to the current conditions where technological developments have changed the way of human life including in terms of providing donation. Donations can currently be made through online media, whereas in Law Number 9 of 1961 concerning Collection of Money or Goods and Government Regulation of the Republic of Indonesia Number 29 of 1980 concerning the Implementation of Collection of Contributions it does not accommodate the technique of collecting donations made using the online method. This is understandable because the regulation was formed at a time when technological developments had not progressed rapidly. However, it can be seen that the law is no longer relevant to the current conditions. This is of course a separate legal problem, especially for online donations.

Fraud cases committed via online media have also been regulated in Article 378 of the Criminal Code regarding fraud carries a maximum sentence of four years. The current method of fraud is through online media. Because the fraud method used is using online media, it can also be referred to Law Number 11 of 2008 concerning Electronic Information Technology. specifically regulated in Article 28 paragraph 1 and Article 45 paragraph 2 which stipulates that if you spread false news you can be subject to a maximum sentence of six years in prison.

In this case, it is necessary to reform the law. So that legal renewal can be binding and have legal force that is certain so that order in society can be achieved, it is necessary legal certainty.<sup>21</sup>The rule of law should be neutral towards individual and group interests, but must be in favor of a sense of justice in society. The law is tasked with protecting its citizens from discriminatory treatment. The rule of law in order to better guarantee the aspect of certainty, it is necessary to formulate products of statutory regulations. The rule of law must be clear and consistent so as not to confuse citizens. An uncertain law certainly does not have binding force, and this is something bad.<sup>22</sup>

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<sup>21</sup>Harina, "Legal Politics of Reforming Law Number 9 of 1961 Concerning the Collection of Money or Goods in Philanthropic Activities in Indonesia."

<sup>22</sup>B Wibowo Suliantoro, "Dynamics of the Direction of Legal Certainty in the Midst of Socio-Cultural Transformation in the Perspective of Sociological Jurisprudence School of Thought," *Journal of Philosophy* 17, no.

Legal reform, namely related to Law Number 9 of 1961 concerning Collection of Money or Goods, is a very urgent thing to do in connection with technological developments that affect society and give rise to community needs that must be protected, such as donations made online. This is said to be an urgency because it refers to the purpose of law by Gustav Radbruch who argues that there are 3 (three) basic values that serve as the goal of establishing a law, namely legal justice, legal benefits, and legal certainty.

**First**, regarding legal justice. Justice is one of the legal goals to be achieved. Gustav Radbruch emphasized that the value of justice is one of the values that the law wants to achieve. Justice has several characteristics, namely justice is normative, which means that through justice it can give birth to positive law. Justice can also be constitutive, which means that justice is an element that must exist in the law so that if a law does not have justice then it is not worthy of being a law.<sup>23</sup>

**Second**, Legal benefits have a goal, namely achieving the greatest possible welfare for all people. In order to achieve legal benefits, it is necessary to carry out an evaluation of the application of the law. Based on this, a legislative product must be able to provide maximum welfare for the people.

**Third**, legal certainty. Legal certainty is also one of the goals that the law wants to achieve. Legal certainty is closely related to legal positivism. The relationship between the two is that they both aim to provide confirmation and clarity of a law through written laws.<sup>24</sup> Legal certainty also has an ultimate goal, namely to provide guidance and protection to the public interest.<sup>25</sup>

Based on these three legal objectives, it is very necessary to reform the law regarding Law Number 9 of 1961 concerning Collection of Money or Goods and Government Regulation of the Republic of Indonesia Number 29 of 1980 concerning Implementation of Contribution Collection in terms of providing and or achieving three legal objectives, namely legal certainty. This legal certainty is very important in a paradigm or positivistic school. In the flow of positivism, law appears as an explicit product of a certain legitimate source of political power. In this case, the main law is manifested as explicit orders that have been positively formulated to ensure certainty, such as laws and regulations that apply nationally in a country. Therefore, it can be said that the operation of these schools is based mainly on positive legislative norms from the positive normative realm.

Law should be a means of changing people's behavior. This is confirmed through

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1 (2007).

<sup>23</sup>Bernard L Tanya, *Legal Theory of Human Orderly Strategy Across Space and Generations* (Yogyakarta: Genta Publishing, 2012).

<sup>24</sup>Mario Julyano and Aditya Yuli Sulistyawan, "Understanding the Principle of Legal Certainty Through the Construction of Legal Positivism Reasoning," *Credito Journal* 1, no. 1 (2019): 13, <https://doi.org/10.14710/crepido.1.1.13-22>.

<sup>25</sup>A Ridwan Halim, *Evaluation of Legal Philosophy Lectures* (Jakarta: Ghalia Indonesia, 1987).

Theory of Law is a tool of social engineering by Roscoe Pound which states that law is a means of social engineering. The long-term legal goal that should be achieved is to provide behavioral change in society.<sup>26</sup>

Referring to this theory, a legal product that has been created should be able to change and bring changes to people's behavior. In this case, the law or regulation that regulates the collection of donations or contributions must be able to change people's behavior to have the right behavior in the process of collecting donations so that they are not misused or even tricked into committing fraud and enriching themselves. However, in reality, Law Number 9 of 1961 concerning Collection of Money or Goods and Government Regulation of the Republic of Indonesia Number 29 of 1980 concerning Implementation of Contribution Collection have not accommodated the problems that are currently developing. The existence of this regulation was made before the rapid development of technology.

Therefore, there are several suggestions or recommendations for answering the problem, namely as follows:

- a. In order to achieve legal certainty, Indonesia must make changes to the laws and regulations governing subangan and donations. Currently there are regulations that regulate this matter, but unfortunately these regulations do not yet regulate contribution techniques made online, so these regulations do not seem to have been adapted to current changes. So when fraud occurs through online contributions, refer to Law Number 19 of 2016 concerning Electronic Information and Transactions and the Criminal Code.
- b. In order to achieve justice and legal benefits, Indonesia not only makes regulations at the statutory level regarding donations made online, but also needs to make implementing regulations and determine which institutions are legal to collect donations online. . This can also help people who want to make donations online, so that the donations are ensured to be given to the right institutions and distributed to the right people.

## CONCLUSION

Current technological developments bring various benefits to human life. Not only benefits but also brings various changes to people's lives. One of the technological changes that has had a big influence is the use of the internet network. Indonesia is a country that uses the internet quite a lot. One of the uses of the internet is for the use of social media. Social media that is known and often used by the public, such as Instagram, WhatsApp, Facebook, and so on. Various activities can be carried out through social media. Because of this, various phenomena or legal cases have arisen as a result of the use of social media, one of which is the collection of donations made online through various social media

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<sup>26</sup>Nazaruddin Lathif, "Legal Theory as a Tool for Reforming or Engineering Society," *PALAR / Pakuan Law Review* 3, no. 1 (2017), <https://doi.org/10.33751/palar.v3i1.402>.

applications.

Humans are basically social creatures who are very happy to take action to help for the sake of these human values. However, this is misused or exploited by some people in seeking profit by using the sophistication of technology that is currently developing. Some examples of cases that are happening in Indonesia at the moment are cases of collecting donations for victims of the Ukrainian and Russian conflicts, acts of collecting donations on behalf of government agencies.

Indonesia itself already has a set of regulations governing the collection of donations or donations. However, based on these regulations, it does not regulate the form of donations made online. So that when fraud cases occur under the guidance of donations using the online method, they can be tried under the Criminal Code and Law Number 19 of 2016 concerning Information and Electronic Transactions. The two regulations also have different elements of blowing and different sanctions so that this also becomes a legal problem.

Based on the background and discussion in this study, the advice that can be given is that the government has to take steps to reform the law . This legal renewal is considered very important in order to achieve one of the legal goals, namely to provide a sense of legal certainty for the community. The legal certainty in question is creating a regulatory product at the statutory level that regulates donations made via online media. Things that are regulated are methods, techniques, indicators, supervisory bodies and sanctions regarding donations made via social media.

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