

LEGAL PROTECTION FOR DONATORS AGAINST ACTIONS BY DONATION RECIPIENTS WHO MISAPPROPRIATE DONATION MONEY

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Abstract

In reality, collecting donations often does not match the original purpose of providing the funds. This is a common occurrence and is frequently reported by television, mass media, and online media. In this study, several issues are examined, including the implementation of regulations regarding donations, the legal protection afforded to donors against the misuse of donation funds by recipients, and the solutions for actions taken by recipients who misuse donation funds. The form of this research is normative legal research, utilizing secondary data as its primary source of information. The data analysis used is qualitative descriptive analysis. Legal protection for donors in the context of acts of misuse of donation money by recipients of donations is a complex issue and requires serious attention. On the one hand, existing regulations have provided a sufficient legal framework to protect donors; on the other hand, there are still many challenges to their implementation in the field. Cases of misuse that occur show that the existing regulations are not fully effective in preventing misuse of funds. It is essential to strengthen the supervision and accountability of institutions that collect donations. Transparency in fund management, independent audits, and certification for trusted foundations are some steps that can be taken to increase donor trust. In addition, educating the public about their rights as donors is also crucial in building better legal awareness. With the various solutions proposed, the donation ecosystem in Indonesia can become more efficient and transparent. The public must feel safe and confident that every donation given will be used for the right purpose. Only in this way can we build a healthy and sustainable donation culture in Indonesia.

Keywords: Donors, Donations, Legal Protection

INTRODUCTION

Humans are social creatures, which means that humans need other humans in their lives. The existence of humans as social creatures is evident in their concern and togetherness for one another. This concern can be manifested in the form of assisting those in need. Assisting can be realized in various forms and ways. The form of aid provided can be in the form of money, necessities, or supporting tools, according to the recipient's needs. Meanwhile, the method of assistance can be done face-to-face or via online collection (Sari, et al., 2023).

Assistance given to people in need is often referred to as a donation. Donation is assistance provided by individuals, groups, or organizations aimed at alleviating the burden or suffering of people who are less fortunate or in need. This donation can be made using *platforms* specific as intermediaries for distributing donations. *The platform* is typically established as a legal entity. The foundation, as an intermediary for distributing donations, collects funds from the community with a specific purpose, which is then distributed to those in need (Farudin & Setiawan, 2025).

Donations made by individuals or specific groups are often referred to as donors. Donors, with their sincerity, assist trusted institutions that serve as fund collectors, distributing the assistance accordingly. The activity of collecting donation funds is often referred to as *donation-based crowdfunding*. In *donation-based donation-based crowdfunding*, donors do not receive any compensation for the donations they give to the collectors, as the contributions are made out of sympathy for the people they are helping (Agustini, et al., 2025).

This collection of donation funds can be seen almost every day in the form of charity boxes for donations to specific places of worship or concerts to raise funds for flood victims, landslides, and other causes. Any party cannot simply carry out the collection of donation funds. This is because the collection of donation funds is regulated in Law Number 9 of 1961 concerning the Collection of Money and Goods for Social Interests, Government Regulation Number 29 of 1980 concerning Procedures for Collecting Community Donations, and Regulation of the Minister of Social Affairs Number 8 of 2021 concerning the Implementation of the Collection of Money and Goods (Alibi, 2025).

The collection of donations often fails to align with the original purpose of the funds. This is a common occurrence and is frequently reported by television, mass media, and online media. Similar to the case of Cak Budi, who requested donations through platformkitabisa.com to help people experiencing poverty using a personal account, the donation results were then used to purchase mobile phones and private vehicles. Then there is the case of a sure page created through a fundraising site by himself, in which he managed to collect donations for the victims of the Palu and Donggala earthquakes, amounting to Rp. 20,000,000 (Two Million Rupiah), and then used for personal interests. Additionally, there is the case of Agus Salim, who misused the money collected for personal needs rather than his treatment (Farudin & Setiawan, 2025).

The above problems often occur in the practice of collecting donation funds. Donors who assist frequently experience disappointment when the donated money is misused. This disappointment can lead to a decline in trust in the management of donations. Donors who make donations are usually unable to take action against acts of misuse of donations by recipients. Therefore, the author is interested in raising the title Legal Protection for Donors Against the Actions of Donation Recipients Who Misuse Donation Money.

RESEARCH METHOD

The type of research used to analyze problems employs the normative legal research method. This method aims to examine aspects of related legal rules based on laws, regulations, legal doctrines, or applicable legal principles (Marzuki, 2005). The data used in this study are secondary. Namely, data obtained from sources other than primary sources (Soekanto, 2003). This research also collects primary, secondary, and tertiary legal materials.

Primary legal materials are analytical materials related to regulations related to collecting donation funds and other rules related to this research (Nurhasan, n.d.). Secondary legal materials are resources that provide explanations related to the need for primary legal materials, such as journals, seminar results, and expert opinions (Pamungkas, 2023). Tertiary legal materials are supporting legal materials that explain primary and secondary legal materials, such as legal dictionaries (Soekanto, 1986).

The data analysis employed in this study is a qualitative descriptive approach. This method involves describing research results based on data collected through primary, secondary, and tertiary legal materials and then interpreting and analyzing these data using relevant theories (Akbar, et al., 2025).

RESULTS AND DISCUSSION

Donation Provisions

Donations are a form of social contribution that plays a crucial role in supporting various social, humanitarian, and environmental activities (Behl, A., & Dutta, 2020). In Indonesia, regulations regarding donations are regulated in various laws and regulations, including Law No. 16 of 2001 concerning Foundations, which provides a legal framework for organizations that receive donations. The collection of donation funds is regulated by Law No. 9 of 1961 concerning the Collection of Money and Goods for Social Interests and Government Regulation No. 29 of 1980 concerning Procedures for Collecting Community Donations. Additionally, there is Regulation of the Minister of Social Affairs No. 18 of 2018 concerning the Implementation of the Collection of Money and Goods, which regulates the procedures for collecting donations, including the obligation for transparency in the use of funds.

In this context, it is essential to understand that any organization or individual who collects funds must comply with applicable legal provisions. For example, they are required to submit periodic financial reports to the authorities. Data from the Ministry of Social Affairs shows that in 2020, as many as 15% of donations received by social organizations were not reported transparently, raising concerns among donors (Affairs, 2020).

Additionally, the regulation on donations also protects donors. In practice, donors often face the risk of misuse by recipients of donations. Cases that occur, such as misuse of funds by irresponsible foundations, show the need to strengthen regulations regarding transparency and accountability in the use of donation funds. Maintaining public trust in institutions engaged in the social sector is crucial (Sari & Muslim, 2023).

Furthermore, the regulation on donations also covers taxation aspects. Donations given to registered institutions can provide tax benefits for donors, thus encouraging more people to contribute. However, a lack of understanding of this mechanism often hinders the potential for greater fundraising. Data from the Central Bureau of Statistics shows that only 10% of donors take advantage of this tax incentive (Azis, et al., 2024).

Thus, the regulation of donations must be viewed holistically, not only from a formal legal aspect but also in terms of how its implementation in the field can protect both donors and recipients of donations. This presents a challenge for the government to continually improve and strengthen existing regulations, thereby creating a healthy and transparent donation ecosystem.

Legal Protection for Donors Against Misuse of Donation Funds by Donation Recipients

Legal protection for donors is a crucial aspect that must be considered to prevent the misuse of donated funds. In the legal context, this protection can be seen from two perspectives: preventive protection and repressive protection. Preventive protection involves the creation of clear and firm regulations, while repressive protection relates to law enforcement against violations that occur.

One aspect of legal protection for donors is monitoring the use of donated funds. According to Article 22 of the Foundation Law, foundation administrators are required to prepare an annual report that includes a detailed account of the funds used. This report must be publicly accessible so that donors can see where their funds are allocated. However, many foundations do not comply with this provision, and as a result, donors lack adequate access to information.

The theory of legal protection explains that every individual has the right to be protected from detrimental actions (Farudin & Setiawan, 2025). In this context, donors have the right to know and be accountable for the use of their funds. Protection in this concept focuses on the purpose, the party providing the protection, and its nature. The purpose of this protection is to give a sense of security to victims, protect them from harm, prevent disturbance, and create a calm atmosphere free from fear or worry. This protection is temporary and is implemented by a court order. Temporary protection will be provided directly by the police, social institutions, or other relevant parties pending a court's official decision. On the other hand, protection based on a court order is a decision issued by the court to protect victims (Hadjon, 1987). This protection is a form of service that law enforcement officers or security forces must implement to ensure the physical and mental security of victims and witnesses from threats, harassment, terror, and violence from anyone, which applies during the investigation, inquiry, prosecution, and trial processes in court.

Legal protection for the actions of donation recipients generally does not have a direct relationship between the donor and recipient, as a third party is usually involved, namely the foundation or management *platform*. Even though if you look at it realistically, the recipient of the donation should be held accountable for it. Report to donors regarding the use of their donation funds. However, there is no legal regulation that states that recipients of donations must provide a report about its use. The existence of the foundation as an intermediary between donors and recipients of donations can also be

said to imply that the foundation/manager *platform* serves as a recipient of donations. Although, in reality, the foundation or manager *platform* is only a party that distributes donations to recipients, based on the Foundation Law, foundations are required to report the use of their donation funds.

In principle, acts of misuse of donation funds by donation recipients can be protected by repressive law, namely by using Article 378, which pertains to embezzlement, if prosecuted criminally, or can be prosecuted civilly through a lawsuit for unlawful acts.

In conclusion, the legal protection of bag donors against acts of misuse of donation money needs to be improved through strict supervision, transparency of financial reports, and swift law enforcement. Only in this way can the public trust in fundraising institutions be rebuilt.

Solution

Addressing the problem of misuse of donations by recipients requires a comprehensive and sustainable approach. One solution that can be implemented is increasing transparency and accountability in the management of donation funds. Organizations or foundations seeking to raise funds must be required to publish publicly accessible financial reports. Thus, donors can monitor the use of the funds they provide.

Additionally, the use of information technology can also be an effective solution for increasing transparency. For example, a crowdfunding platform that offers a tracking feature for the use of funds can help donors see how their money is being used in real time. Education and training for administrators of donation-collecting institutions is also an important step. By providing training on fund management ethics and accountability, institutional administrators can better understand their responsibilities in managing donation funds. In addition, donation-collecting institutions must also have a clear code of ethics that all members adhere to, minimizing the potential for misuse.

The application of strict sanctions to institutions proven to have misused donation funds is also a necessary step. These sanctions can take the form of revocation of operational permits, fines, or even criminal charges against the administrators involved. With clear sanctions, it is hoped that donation-collecting institutions will be more careful in managing funds and comply with existing regulations.

Ultimately, collaboration among the government, the community, and non-governmental organizations (NGOs) is crucial in fostering a healthy ecosystem for effective donation management. By working together, all parties can contribute to increasing transparency, accountability, and trust in donation collection institutions, thereby minimizing the misuse of donation funds.

CONCLUSION

Legal protection for donors in the context of acts of misuse of donation money by recipients of donations is a complex issue and requires serious attention. On the one hand, existing regulations have provided a sufficient legal framework to protect donors; on the other hand, there are still many challenges to their implementation in the field. Cases of misuse that have occurred show that existing regulations are not yet fully effective in preventing misuse of funds.

It is essential to strengthen the supervision and accountability of institutions that collect donations. Transparency in fund management, independent audits, and certification for trusted foundations are some steps that can be taken to increase donor trust. In addition, educating the public about their rights as donors is also crucial in building better legal awareness.

With the various solutions proposed, it is hoped that the donation ecosystem in Indonesia can become more efficient and transparent. The public must feel safe and confident that every donation given will be used for the right purpose. Only in this way can we build a healthy and sustainable donation culture in Indonesia.

REFERENCES

- Affairs, M. of S. (2020). *Ministry of Social Affairs Annual Report 2020*.
- Agustini, S., Situmeang, A., & Agustianto, A. (2025). Legal Analysis Regarding Donation Fraud Through Online Media. *JUSTISI*, 10(2), 282-295.
- Akbar, D. A., Asikin, Z., & Bayo Sili, E. (2025). Establishment of a Limited Liability Company after the Effectiveness of Law Number 6 of 2023. *RESEARCH REVIEW International Journal of Multidisciplinary*, 10(1), 07-17.
- Alibi, F. (2025). Implications of Agreements on Deviations in the Use of Donation Funds Based on Legislation in Indonesia. *State Islamic University of Jakarta*.
- Azis, M. A., Rahayu, N., & Widjayanti, A. (2024). Implementation of the Single Data Population Policy at the Central Bureau of Statistics and the Directorate General of Population and Civil Registration of the Ministry of Home Affairs. *Journal of Public Administration and Government*,

- 6(1), 35-41.
- Behl, A., & Dutta, P. (2020). Social and financial aid for disaster relief operations using CSR and crowdfunding: Moderating effect of information quality. *Benchmarking: An International Journal*, 27(2), 732-759.
- Farudin, M., & Setiawan, H. H. (2025). Perlindungan Hukum Bagi Yayasan Terhadap Penyalahgunaan Penggunaan Donasi Sosial Oleh Penerima Donasi. *Jembatan Hukum: Kajian Ilmu Hukum, Sosial Dan Administrasi Negara*, 2(1), 157-180.
- Hadjon, P. M. (1987). *Legal Protection for the Indonesian People*. Surabaya: Bina Ilmu.
- Marzuki, P. M. (2005). *Legal Research*. Jakarta: Prenada Media.
- Nurhasan, S. N. R. (n.d.). *JOURNAL OF LEGAL RESERCH*.
- Pamungkas, A. P. (2023). The Role of the Women's Empowerment and Child Protection Service in Assuring the Rights of Children as Victims of Sexual Intercourse in South Central Timor District. *Jurnal Restorasi: Hukum Dan Politik*, 1(1), 29-38.
- Sari, K., Firdaus, F., & Putra, S. (2023). Pertanggungjawaban Perdata Terhadap Pemberi Dana Donasi Masyarakat Secara Online. *SIBATIK JOURNAL: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi, Dan Pendidikan*, 2(7), 1951-1964.
- Sari, R., & Muslim, M. (2023). Accountability and Transparency in Public Sector Accounting: A Systematic Review. *Amkop Management Accounting Review (AMAR)*, 3(2), 90-106.
- Soekanto, S. (1986). *Introduction to legal research*. (Issues 23-24.). UI-Press, Jakarta.
- Soekanto, S. (2003). Sri Mamudji, Normative Legal Research. *A Brief Overview*, PT. Raja Grafindo, Jakarta.