
THE RESPONSIBILITY OF SOCIAL WELFARE INSTITUTIONS IN THE IMPLEMENTATION OF COLLECTING MONEY OR GOODS IN THE DIGITAL ERA

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Abstract

The implementation of the collection of money or goods is carried out by the community through legal entity social organizations, consisting of associations or foundations. The organization of the collection of money or goods must be obtained a permit from the minister who organizes government affairs in the social sector, governor, or regent/mayor in accordance with their authorities, with the requirements, including that they must attach a registration document of a social welfare institution. In this digital era, the implementation of money or goods collection is mostly performed through digital applications, electronic money services, and social media. In order to organize the collection of money or goods, the licensed organizer is obliged to provide a report along with the progress report. Furthermore, the monitoring process is carried out by the government's internal supervisory officers, the curbing task force, and the community. The normative juridical method is used in this research, with a statutory approach based on secondary data obtained through document studies. Then, it would be analyzed using deductive logic. The legal issues in this research are: First, how is the responsibility of social welfare institutions in organizing the collection of money or goods in the digital era. Second, why is it necessary to supervise the implementation of money or goods collection carried out by social welfare institutions in the digital era. From this research, the writer expects to obtain a formulation of norms that can provide legal knowledge about the responsibility of social welfare institutions in organizing the collection of money or goods in the digital era.

Keywords : The responsibility of social welfare institutions, Collection of money or goods, Digital era.

INTRODUCTION

The attempt to collect donations, which are the collection of money or goods for development purposes in social welfare, is one of the social welfare activities organized by, from, and for the community based on the spirit of mutual cooperation (Munauwir, 2017). It aims to realize and improve the level of social welfare, both in individual life and in community life (Amalia & Syawie, 2015).

Collection of Money or Goods (Pengumpulan Uang atau Barang/PUB) is any attempt to obtain money or goods for development of social, mental/religious/spiritual, physical and cultural welfare. PUB is carried out with the principles of order, transparency, and accountability, which is carried out voluntarily, without threats and violence, and/or in ways that can threaten the community. Currently, the implementation of PUB is mostly carried out by Social Welfare Institutions (Lembaga Kesejahteraan Sosial/LKS). LKS is a social organization or social association that carries out the implementation of social welfare formed by the community, both legal entities and non-legal entities (Sitepu, 2011).

The implementation of PUB must obtain permission from the minister who administers government affairs in the social sector, governor, or regent/mayor in accordance with the authority, provided that, among other things, the LKS registration certificate must be attached. To be able to carry out PUB, a permit must be obtained. This is intended as a preventive measure, so that public security, order, and safety are not disturbed from the actions of irresponsible people.

In fact, there is a lot of PUB activities to be held by individuals and also non-legal entities, which do not have a PUB permit. This is contrary to the applicable regulations as stipulated in the Regulation of the Minister of Social Affairs Number 8 of 2021 concerning the Implementation of the Collection of Money or Goods, which stipulates that the implementation of PUB is carried out by the community through community organizations that are legal entities, consisting of associations, or foundations. In addition, there are also institutions that already have a PUB permit, but use money or goods collected from the community for operational activities of the institution that exceed the applicable provisions. In this case, Government Regulation No. 29 of 1980 concerning the Implementation of Contribution Collection has stipulated that the financing of donation collection is a maximum of 10% (ten percent) of the results of the collection of the relevant donations.

METHOD RESEARCH

A. LKS accountability in the implementation of PUB in the digital era

Social institutions basically cannot be separated from government institutions, social institutions, family institutions, and individual institutions. Social institutions are an accumulation of various individual elements, and these individuals come from various families. If we look at social institutions in their development, they consist of various groups, while there are social groups that are regular and some are irregular (Ginting, n.d.). These social institutions include the form of LKS.

LKS is part of a non-profit (Nirlaba) organization. The meaning of Nir is empty or nil. Non-profit can be interpreted as zero profit (Sidang, 2020). Selfless who do not expect anything and do something without expecting excessive material and rewards. Nir, which does not expect material things, has a source of funds from donors. Most donors know that the funds they provide are for the community and are intended for the benefit of those who in need.

The implementation of PUB or also known as fundraising for institutions such as LKS is like blood that play an important role for the body to sustain life. Fundraising will maintain the sustainability of an institution in order to survive and grow (Apriliani et al., 2021). Fundraising becomes very important for institutions, such as LKS, because it is not only a process of seeking funds, but also there is a spirit of transfer of ideas and kindness. In fact, the fundraising process is to mobilize goodness to the public so that they understand about it and then join together to 'mobilize' the goodness. The times have also influenced the way people make donations. In this digital era, the collection of money or goods is mostly done through digital applications, electronic money services, and social media. The key word in this digital era is convenience. With everyone holding a device, information about programs and campaigns carried out by LKS must reach it. Without moving and a long process, people can make donations anywhere and anytime.

The challenge for PUB organizing organizations such as LKS at this time is not only to be strong from the sustainable program it has, but also to be strong to raise funds. A sustainable program needs to be supported by a strong fundraising. The most important element is how a PUB organizer is able to prepare its fundraising strategy to answer the current and future needs of the community (Panuju, 2019). Presenting fundraising innovations through digital channels does not mean eliminating offline fundraising methods. This is because the presence of offline services is still an inseparable part of fundraising activities for a PUB organizer. The entry of a new round of people's habits today into various social media platforms is also a factor that cannot be separated from the changing patterns of concerns for others. Humanitarian social projects that are offered through digital platforms will certainly

not be able to give results if they are not distributed massively to the community.

The results of PUB or fundraising organized by LKS can be in the form of money or goods. PUB in the form of money are distributed with provisions for physical development and/or rehabilitation must have been distributed no later than 1 (one) year after the collection period ends, and for handling other than physical development and/or rehabilitation, it must be distributed no later than 3 (three) months after the collection period ends.

Meanwhile, the PUB in the form of goods with the provision that consumables are distributed no later than 1 (one) month after the collection period ends, and for non-consumables, they are distributed no later than 3 (three) months after the collection period ends. The implementation of PUB generally come from four sources, namely: individuals, companies, government institutions, and business revenues. Some PUB organizers do not focus on raising funds from one source. However, from the four sources, most of the donors come from individuals. Meanwhile, not all of the funding sources that will be provided by the government have been implemented. This is due to the unharmonious relationship between PUB organizers and the government, a negative image, and the lack of information about programs developed by the government.

For LKS organizing PUB that is already licensed, as a form of accountability, it is obliged to carry out the implementation of PUB in accordance with the provisions contained in the PUB permit decision letter and the provisions of the legislation, and provide a report on the implementation of PUB accompanied by evidence of accountability.

The report prepared by the licensed PUB organizing LKS contains details and the amount of the collection results, details of the distribution of assistance, a statement of absolute responsibility, documents on audit results of public accountants for collections above IDR 500,000,000.00 (five hundred million rupiahs), and documentation distribution implementation. The report is submitted to the licensor no later than 30 (thirty) days after the completion of the distribution of the PUB program.

Currently, LKS as PUB organizers can no longer underestimate the issue of openness and accountability for funds received from the public. Even though the donors submitted their funds sincerely, the accountability process for these funds must be fulfilled by the PUB organizing institution that manages the funds. As an organization entrusted with the mandate by the community, the PUB organizing institution in managing the organization must not deviate from the mandate that has been given. Organizational management must be in accordance with the mandate, and must be accountable or proven to the public. PUB organizers that are not able to account for the mandate of the community do not deserve to be trusted.

B. Supervision of the implementation of PUB by LKS in the digital era

Application for PUB permit submitted to the minister who administers government affairs in the social sector, provided that the PUB is held in more than one province, 1 (one) province but the applicant is domiciled in another province, and is intended for overseas assistance. Meanwhile, the application for a PUB permit is submitted to the governor with the stipulation that the implementation of PUB is carried out in more than 1 (one) regency/city in 1 (one) province. The PUB permit application is submitted to the regent/mayor, provided that the implementation of PUB is carried out in 1 (one) regency/city area. PUB permit is given in the form of a decree and for a maximum period of 3 (three) months, and can be extended 1 (one) time for a maximum period of 1 (one) month (Ardiasti, 2019).

The implementation of PUB that does not require a permit consists of:

1. Zakat.

2. Collection in places of worship.
3. An emergency in a confined environment.
4. Mutual cooperation in a limited environment in schools, offices, community units or neighbours, sub-districts or villages or other.
5. In spontaneous limited meetings.

The minister who carries out government affairs in the social sector, governors, and regents/mayors conducts guidance, supervision, monitoring, and evaluation. Coaching is carried out to organizers who have obtained PUB permits. Such guidance is carried out to ensure that the application for a PUB permit is in accordance with the provisions of the legislation.

In terms of supervision, monitoring and evaluation, it is carried out periodically at least 2 (two) times a year (Diamantina, 2010). The supervision is carried out by the government's internal control apparatus and the enforcement task force (Rizkie, 2017). Supervision carried out by the government's internal control apparatus is carried out in accordance with the provisions of the legislation. The task force for control is determined by the Director General in charge of implementing PUB. In addition, the public can supervise the implementation of PUB in accordance with the provisions of the legislation. The monitoring is carried out to find out irregularities, fraud, violations, obstacles, and developments in the implementation of PUB. Meanwhile, the evaluation is carried out to ensure that the implementation of PUB is in accordance with the laws and regulations (Agustyati & Junaidi, 2015).

If there is a violation, then the PUB organizers who have a permit or those who do not have a permit can be given sanctions, in the form of administrative and/or criminal sanctions. Administrative sanctions for PUB organizers who have PUB permits are in the form of written warnings, suspension of permits, and/or revocation of permits. Meanwhile, administrative sanctions for PUB organizers who do not have a PUB permit are in the form of a written warning and/or announced publicly in the mass media (Romli, 2017). The criminal sanctions for PUB organizers for those who have PUB permits and those who do not have PUB permits are carried out in accordance with the provisions of laws and regulations. In this case, referring to Law Number 9 of 1961 concerning Collection of Money or Goods, which stipulates that the punishment is a maximum imprisonment of 3 (three) months or a maximum fine of Rp. 10,000 (ten thousand rupiah), whoever:

1. Organize, recommend, or help organize the collection of money or goods without obtaining prior permission.
2. Does not meet the requirements and orders stated in the decision to grant the permit (Setiadi, 2020).
3. Has not made adjustments to the implementation of PUB which was being held before the enactment of Law 9/1961, at the latest within a period of six months.

Regarding the maximum fine of IDR 10,000, - (ten thousand rupiah), then based on the Supreme Court Regulation Number 2 of 2012, it is multiplied to 1,000 (one thousand) times. Thus, the amount of the fine becomes Rp. 10,000,000, - (ten million rupiah). Money or goods obtained as a result of the crime are confiscated and used wherever possible to finance similar welfare efforts (Rasidi, 2022).

CONCLUSION

The responsibility of LKS in the implementation of PUB in the digital era is carried out by the implementation of PUB in accordance with the provisions contained in the PUB permit decree and the provisions of laws and regulations. In addition, LKS provides a report on the implementation of PUB accompanied by evidence of accountability. The report is submitted to the licensor no later than 30 (thirty) days after the completion of the distribution of the PUB program.

The minister who carries out government affairs in the social sector, governors, and regents/mayors conducts guidance, supervision, monitoring, and evaluation. In terms of supervision, it is carried out periodically at least 2 (two) times a year (Indonesia, 2014). The supervision is carried out by the government's internal control apparatus and the enforcement task force. Supervision carried out by the government's internal control apparatus is in accordance with the provisions of the legislation. The task force for control is determined by the Director General in charge of implementing PUB. In addition, the public can supervise the implementation of PUB in accordance with the provisions of the legislation (Sari et al., 2016).

REFERENCES

- Agustyati, K., & Junaidi, V. (2015). *Potret Partisipasi Organisasi Masyarakat Sipil Dalam Pemantauan Pemilu 1999-2014*.
- Amalia, A. D., & Syawie, M. (2015). Pembangunan Kemandirian Desa Melalui Konsep Pemberdayaan: Suatu Kajian Dalam Perspektif Sosiologi. *Sosio Informa: Kajian Permasalahan Sosial Dan Usaha Kesejahteraan Sosial*, 1(2).
- Apriliansi, F. T., Wibowo, H., Mulyana, N., & Adiansah, W. (2021). Inovasi Sosial Strategi Fundraising Sekolah Relawan. *Jurnal Kolaborasi Resolusi Konflik*, 3(2), 219–228.
- Ardiasti, B. N. (2019). *Peran Masyarakat Desa Slahung Terhadap Pengendalian Dan Pengawasan Minuman Beralkohol*. Universitas Muhammadiyah Ponorogo.
- Diamantina, A. (2010). Pengawasan Atas Penyelenggaraan Pemerintahan Daerah Untuk Mewujudkan Pemerintahan Daerah Yang Efektif Dan Efisien. *Masalah-Masalah Hukum*, 39(1), 36–43.
- Ginting, E. C. (N.D.). *Implementasi Lembaga Sosial Dan Pranata Sosial*.
- Indonesia, P. N. R. (2014). *Undang-Undang Nomor 5 Tahun 2014 Tentang Aparatur Sipil Negara*.
- Munauwir, M. (2017). *Manajemen Sumber Daya Manusia Dalam Wakaf Uang (Studi Kasus Di Tabungan Wakaf Indonesia Dompot Dhuafa Republik)*.
- Panuju, R. (2019). *Komunikasi Pemasaran: Pemasaran Sebagai Gejala Komunikasi Komunikasi Sebagai Strategi Pemasaran*. Prenada Media.
- Rasidi, M. (2022). Analisis Perampasan Aset Oleh Negara Dalam Kasus Tindak Pidana Pencucian Uang (Money Loundering) Di Tinjau Dalam Perspektif Hak Asasi Manusia (Ham). *Dinamika: Jurnal Ilmiah Ilmu Hukum*, 28(10), 4523–4542.
- Rizkie, A. (2017). *Pengawasan Internal Terhadap Oknum Pegawai Dinas Perhubungan Dalam Praktik Pungutan Liar Kepada Angkutan Umum Di Jalan Raya (Studi Di Dinas Perhubungan Kota Medan)*.
- Romli, K. (2017). *Komunikasi Massa*. Gramedia Widiasarana Indonesia.
- Sari, N. W. L. P. E., Pujianiki, N. N., & Purbawijaya, I. B. N. (2016). Persepsi Masyarakat Terhadap Implementasi Undang-Undang Pengelolaan Wilayah Pesisir (Studi Kasus: Pantai Sanur, Denpasar). *Jurnal Ilmiah Teknik Sipil*, 20(1).
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- Setiadi, W. (2020). Simplifikasi Regulasi Dengan Menggunakan Metode Pendekatan Omnibus Law. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 9(1), 39.
- Sidang, N. K. (2020). Analisis Efisiensi Kinerja Keuangan Lembaga Amil Zakat (Laz) Rumah Zakat Indonesia Dengan Metode Data Envelopment Analysis (Dea).
- Sitepu, A. (2011). Konstruksi Lembaga Kesejahteraan Sosial Untuk Pemberdayaan Masyarakat Dalam Rangka Penanggulangan Kemiskinan. *Sosio Konsepsia: Jurnal Penelitian Dan Pengembangan Kesejahteraan Sosial*, 16(1), 1–15.

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