

A STUDY ON THE CONTROVERSY OF FUNDRAISING FOR VICTIMS OF VIOLENCE THROUGH SOCIAL MEDIA (ETHICAL AND LEGAL REVIEW)

Suyani¹

¹PDKU Law Study Program, Merdeka University of Malang

*Corresponding author: suyani@unmer.ac.id

Abstract.

The research with the title of a study on the controversy about fundraising for victims of violence on social media from an ethical and legal point of view was carried out because this phenomenon occurs a lot in the era of digitalization, with the aim of providing assistance and support to victims of physical and psychological violence. However, lately we have encountered online fundraising that has become a public spotlight on the grounds that the funds obtained are not channeled correctly. This raises ethical and legal issues, especially when the content used exploits the victim's emotional state or is used without the victim's consent. The research methods used are juridical-normative and ethical analysis, where the research focuses on victim exploitation on social media and relevant legal regulations. The findings of the study show that the phenomenon of fundraising on social media helps victims, especially in terms of financial support and building public awareness to empathize with others in distress. However, ethical matters such as the safety and comfort of victims, the risk of exploitation, and the risk of social stigmatization must be considered. From a legal point of view, the ITE Law is the legal basis for online fundraising, but it does not specifically regulate the protection of victims who are the object of fundraising. This study recommends clear regulations and ethical guidelines related to online fundraising for victims of violence. This recommendation is expected to encourage more ethical fundraising and protect the rights of victims in the fundraising process on social media.

Keywords: fundraising, ethics, law

1. Introduction

In today's digital era, social media has become the main platform for various types of social interactions, including in terms of fundraising. Fundraising platforms are still found in Indonesia in terms of donation-based crowdfunding to help people who need funds in a donation-based way, made by the community. According to the Great Indonesian Dictionary, fundraising has the meaning of process, way of doing, collecting, gathering, and directing. The word or term fundraising is classified as an absorption word and is not very popular in Indonesia. This term has not yet received a proper and agreed-upon equivalent word as a standard word. According to Abidin & Kurniawati (2004:17), some people interpret it as "generosity", "love", "affection", "solidarity", and so on, which are free translations of philanthropy. The word philanthropy itself comes from the Greek language, namely *phillen*, which means to love, and *Anthropos*, which means human, so the word philanthropy is interpreted as "an expression of love for fellow humans". Webster's Dictionary does not give this restriction on the expression of love in the form of money or goods, but rather "work or effort intended to increase a sense of love for neighbor and humanity". (Putri et al., n.d.) (Rahmaniah et al., 2021) (Heryanto et al., n.d.)



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One of the phenomena that is growing rapidly is the use of social media as a means to raise funds for victims of violence, be it physical, psychological, sexual, or other social violence. YouTube content and various other social media have become a space for individuals, communities, and organizations to raise funds as a form of solidarity and support for victims of violence. One of them is those whom we often know as influencers or celebrities. An influencer is someone who has the power to persuade their followers (Sextpiani et al., 2021)

However, while the good intentions to help victims of violence through these fundraisers have great potential to bring benefits, the practice is not uncommon to cause controversy. Fundraising conducted on social media is often accompanied by a variety of complex ethical and legal issues. Some argue that this kind of fundraising can be emotionally exploited by irresponsible parties, either by fundraisers or third parties trying to take advantage of the situation. There is a case that is currently viral, such as the case of hard water that befell Agus Salim. The funds collected should be for medical purposes; there are indications of misuse of the collected funds. This raises questions about the extent to which fundraising conducted through social media can be considered legitimate, fair, and in accordance with applicable ethical norms.

The government provides an umbrella law for fundraising activities carried out by associations or foundations, namely Presidential Regulation No. 9 of 1961 concerning the Collection of Money or Goods. (President Republic of Indonesia, 1961). This is further regulated in the Regulation of the Minister of Social Affairs Number 8 of 2021 concerning the Implementation of the Collection of Money or Goods. In essence, all fundraising, either directly or through the mass media (online), must first obtain permission from the authorized officials. As in these two regulations, money is meant by the collection of Money or Goods, which is any effort to obtain money or goods for development in the fields of social, mental/religious/spiritual, physical, and cultural welfare. (Minister Social Republic of Indonesia, 2021)

Ethically, there are concerns that fundraising on social media could involve emotional exploitation of victims. In many cases, photos and stories of the suffering of victims of violence are disseminated with the aim of attracting public sympathy and fundraising. This can potentially harm victims, especially when it comes to their privacy and honor. In addition, it is not uncommon for fundraisers to fail to provide clear and transparent information about the use of the funds collected, which can damage public trust and cause further losses to victims.

Meanwhile, from a legal perspective, this phenomenon also causes big problems. Without permission from the authorities, fundraising practices on social media are vulnerable to abuse, both by the fundraiser and the party being assisted. Some cases show fraud that occurs in fundraising, where the funds collected are not used for the victim as promised, or instead, there are parties who use the victim's identity without permission for personal gain. On the other hand, these fundraisers also often do not meet the legal provisions governing public financial transactions, which can risk causing legal problems for the parties involved.

In Indonesia, although there are many efforts to tackle illegal practices in cyberspace, there is actually a legal umbrella that overshadows this. Along with the development of advanced technology like today, of course, there must be an effort to re-upgrade the regulations that regulate fundraising through social media, including the ITE (information and electronic transactions) law. This needs to be done because the existing laws and regulations are not considered adequate enough to handle the new dynamics in fundraising in this digital era.

In this context, it is very important to study the controversy of fundraising for victims of violence through social media. This research aims to explore how ethics and law play a role

in regulating and supervising the practice of organizing fundraising through social media. this kind of thing. By analyzing existing cases, as well as identifying challenges and opportunities in online fundraising. Furthermore, this research will provide a better understanding of the ethical boundaries that must be respected and the legal steps that must be taken to ensure justice for victims of violence.

Starting from the background as mentioned above, the formulation of the problem arises, namely, how the ethical perspective relates to fundraising through social media (fundraising) and what the legal implications of fundraising for victims of violence through social media are.

2. Method

In this study, the author aims to analyze the phenomenon of fundraising through social media that is rampant today. The approach taken is a qualitative approach to understand the ethical and legal issues that arise and a comparative analysis between fundraising practices that are in accordance with regulations or those that violate the law This research is a literature study, so the priority data is secondary data by taking data sources from books, journals, and articles related to fundraising in social media. Meanwhile, the data analysis technique of this study uses qualitative data analysis. According to Bogdan and Biklen in Maleong (2014:248), qualitative data analysis is an effort made by working with data, organizing data, choosing, sorting, synthesizing, searching, and finding patterns, finding what is important and what is learned, and deciding what can be told to others. In this study, the researcher uses inductive data, which is the process of analyzing specific facts and then drawing generalizations that are general (Heryanto et al., n.d).

3. Results and Discussion

An ethical perspective in fundraising for victims of violence through social media leads to a set of moral principles and values that should be upheld by fundraisers, social media platforms, and other relevant parties. Fundraising in cyberspace, while aimed at helping others, can create a number of ethical dilemmas related to the manner and purpose of the fundraising. Therefore, it is important to analyze in terms of ethics what needs to be considered in fundraising for victims of violence, so that good intentions are not abused and do not cause harm or injustice to the parties involved, especially victims.

3.1 Transparency and Accountability in the Use of Funds

One of the key ethical principles in fundraising is transparency and accountability. Fundraisers, both individuals and organizations, have an obligation to provide clear information regarding the purpose of the fundraiser and how the funds raised will be used. This is not only a legal issue, but also a fundamental ethical issue. First, Honesty in Conveying Goals: Fundraisers must honestly explain the reason for the fundraiser and the details of the use of the funds. If the fundraising is carried out to help victims of violence, then there must be certainty that the funds are actually used for the needs of the victims, such as medical treatment costs, psychological assistance, or legal assistance. Second, Accountability: Once the funds have been raised, the fundraiser needs to provide a clear and open report on how the funds are being used.

This openness will help maintain the trust of donors and ensure that there is no misuse or diversion of funds for other purposes.

3.2 Protection of Victims' Privacy and Honor

The use of social media as a fundraising platform often involves the publication of stories of victims of violence, including photos or videos depicting their suffering. In an ethical context, this raises a dilemma about the extent to which victims' privacy rights should be respected, as well as the extent to which such information can be shared for fundraising purposes. Ethical Considerations, i.e., Information Approval: Fundraisers must obtain approval from the victim or the victim's family before publishing stories or photos related to the incident of violence. Respecting the honor and privacy of victims is an ethical principle that must take precedence. Furthermore, Avoid Exploitation: Shared stories and images should not be positioned to exploit the victim's suffering for personal gain or for other inappropriate purposes. Fundraising should be done with the intention of helping, not to attract attention or build empathy in a manipulative way.

3.3 Justice in Aid Distribution

Fundraising for victims of violence often focuses on cases that receive greater attention on social media. This can create inequities in the distribution of aid, where victims who are not well-known or who do not have access to social media platforms may be missed. In an ethical context, fundraisers must ensure that aid is distributed fairly and does not discriminate against victims based on their social status, popularity, or access to social media.

Ethical Considerations: Equality and Justice: Every victim of violence deserves appropriate assistance regardless of their background or ability to mobilize public attention. Fundraising should not only prioritize viral cases, but also give fair attention to all victims who need help. Priority on Victim Needs: Fundraising should focus more on the basic needs of the victim, such as physical and psychological recovery, rather than pursuing popularity or personal gain for the fundraiser or social media platform.

3.4 Honesty in Telling Stories

In fundraising, the delivery of victims' stories is one of the main tools to generate empathy and support for fundraising. However, there is often a tendency to present the story dramatically or even exaggerate the victim's situation to attract public attention. In this case, ethics demands that the story be told honestly and not excessively.

Ethical Considerations: Accuracy and Truth of the Story: Fundraisers must ensure that the stories presented are accurate and fact-based, without excessive embellishment. It maintains the integrity of the campaign and ensures that donors make donations based on correct information. Avoid Manipulation: Fundraisers should be careful not to manipulate victims' stories to obtain more funds in an unethical way. Fundraising should be based on the intention to help, not to exploit suffering.

3.5 Respect for Victim Autonomy

Fundraising ethics also include respect for the autonomy of victims of violence in choosing whether or not they want to be involved in fundraising. Some victims may feel uncomfortable with the publication of their story or with being the subject of a fundraiser.

Ethical Considerations: Consent and Choice: Fundraisers must first ask permission from the victim or the victim's family before publishing their story or image. The autonomy of victims to decide whether or not they want to share their stories must be respected. **Respecting the Victim's Decision:** If the victim does not want to be involved in fundraising, their wishes must be respected without any pressure or coercion from the other party.

Fundraising for victims of violence through social media can have various legal implications that must be considered by all parties involved, whether fundraisers, social media platforms, or donors. The implications of this law are related to the existing legal arrangements in Indonesia, be it regarding the protection of individual rights, the enforcement of justice, and the supervision of fundraising practices carried out online. Some of the legal implications related to fundraising through social media for victims of violence include personal data protection, fraud and misuse of funds, legal responsibility of fundraisers, and weak regulatory aspects.

1) Personal Data Protection and Privacy

One of the legal issues that often arises in fundraising for victims of violence is the protection of victims' personal data. In many cases, victims' stories and images, which often include personal information, are published on social media platforms to support fundraising. This practice poses risks associated with violations of privacy rights and unauthorized use of personal data.

Legal Implications: Violation of the Personal Data Protection Law (PDP Law): Based on Law No. 27 of 2022 concerning Personal Data Protection, any use of personal data, including images, stories, or other sensitive information, must obtain permission from the party concerned. Fundraising involving personal data without consent may be considered a violation of an individual's privacy rights, which risks legal consequences for the fundraiser or the platform involved. **Liability for Privacy Violations:** If a victim's personal data, such as photos or stories related to violence, is used without explicit consent, this may result in legal action against the victim, such as a claim for damages or defamation.

2) Fraud and Fake Fundraising

The phenomenon of fundraising carried out on social media is often used by irresponsible parties to commit fraud. In some cases, unauthorized or even fictitious fundraisers can deceive donors by claiming to be victims of violence, even though they have nothing to do with the incident.

Legal Implications: Criminal Fraud: Based on Article 378 of the Criminal Code (KUHP), anyone who deliberately deceives others to gain illegal profits, can be subject to criminal penalties. Fraud related to fundraising can be charged with fraud, which can be punished in the form of imprisonment. **Crime of Forgery:** If a person forges an identity or document for the purpose of fundraising, then the act can also be subject to the article of forgery in accordance with Article 263 of the Criminal Code.

3). Legal Responsibilities of Fundraisers

In fundraising for victims of violence through social media, fundraisers have a significant legal responsibility to ensure that the funds collected are used in accordance with the goals promised to the donors. These responsibilities also include transparency and accountability.

Legal Implications: Accountability for Use of Funds: If fundraisers are not transparent in communicating the purpose of using the funds or misusing the funds collected, they can be charged with criminal or civil charges. Fundraisers must be prepared to account for every transaction and use of funds in accordance with the agreements listed in the campaign. **Crime of Embezzlement:** If the collected funds are not distributed to the victim as promised, the fundraiser may be subject to criminal sanctions on the basis of embezzlement in accordance with Article 372 of the Criminal Code. **Legal Liability by Organizations or Platforms:** If fundraising is carried out by an organization or institution, they may be subject to administrative sanctions or fines in case of violations in the management of funds. Social media platforms, although not directly involved in the management of funds, still have an obligation to supervise the campaigns carried out through their services.

4) Limited Legal Provisions and Regulatory Weaknesses

One of the main legal implications of fundraising for victims of violence on social media is the inaccuracy of regulations. Currently, Indonesia does not have rules that specifically regulate online fundraising, especially related to social media. Applicable laws often cannot keep pace with the rapid development of technology and the use of social media for fundraising.

Legal Implications: Weaknesses in Regulation and Supervision: Regulations such as Law No. 19 of 2016 concerning Information and Electronic Transactions (ITE) do regulate several aspects related to online transactions, but fundraising through social media is still relatively minimal in terms of supervision and regulation. This makes it difficult to crack down on illegal fundraising practices. **Need for Specific Regulation:** To be more effective, there needs to be more specific regulations regarding internet-based fundraising involving social media. These regulations should include how fundraising can be done legally, how the funds collected must be accounted for, and dispute resolution mechanisms in the event of fraud or misuse of funds.

5) Protection for Victims of Violence

In the context of fundraising for victims of violence, there are legal implications related to victim protection. If fundraising is carried out without careful consideration of victim protection, this can add to the psychological and social burden on them.

Legal Implications: Abuse of Vulnerable Victims: Fundraising that exposes vulnerable victims without due consideration can violate victims' rights, including the right to be protected from exploitation. Fundraisers must ensure that their actions do not worsen the victim's condition or take advantage of the victim's difficult situation for personal gain.

4. Conclusion

This research focuses on the controversy of fundraising for victims of violence through social media, with a review of ethical and legal aspects. Based on the results of the analysis carried out, it can be concluded that fundraising for victims of violence through social media does have great potential to help ease the burden of victims, but it also raises a number of problems and dilemmas both in terms of ethics and law.

- 1) From an ethical perspective, fundraising through social media should consider several basic principles, such as: Transparency and accountability: Fundraisers



should be honest and open about the use of the funds raised to ensure that the aid reaches the victims as it should. Protection of victims' privacy: The use of victims' personal data, photos, or stories must be obtained with clear and valid permission from the victim or his or her family to avoid exploitation or violation of privacy rights. Fairness in the distribution of aid: Fundraising must ensure that aid is distributed fairly and does not discriminate against victims based on their social status or the popularity of their cases on social media. Honesty in telling stories: Fundraisers must be careful not to exploit the victim's suffering to gain greater attention or benefit from the donor.

- 2) From a legal perspective, fundraising through social media also presents various legal implications, including: Personal data protection: The use of victims' personal data must comply with the Personal Data Protection Law (PDP Law), which regulates explicit consent from individuals regarding the use of their personal information. Scams and fake fundraisers: Cases of fraud in fundraising often occur on social media platforms. Unauthorized or fictitious fundraisers can be subject to legal sanctions based on the Criminal Code (KUHP) related to fraud and forgery. Legal responsibility of fundraisers: Fundraisers are responsible for ensuring that the funds raised are used in accordance with their intended purpose, and they may be subject to sanctions if they misuse the funds. Weaknesses in regulation and supervision: Until now, legal arrangements related to fundraising through social media are still limited. This causes difficulties in monitoring and enforcing laws against unauthorized or non-transparent fundraising practices.

5. Suggestions

Based on the results of research on the controversy of fundraising for victims of violence through social media with ethical and legal reviews, there are several suggestions that can be given to improve the effectiveness, transparency, and fairness of fundraising carried out on social media platforms. These suggestions are addressed to fundraisers, social media platforms, governments, and society in general.

- 1) For Fundraisers: Increased Transparency and Accountability: Fundraisers must ensure that each fundraiser is carried out with full transparency regarding the purpose for which the funds are used. Once the funds have been collected, the fundraiser is required to provide a clear and accountable report on the use of the funds, including supporting evidence such as receipts or medical reports if the funds are used for the treatment of the victim. Respecting Victims' Privacy: Fundraisers should always obtain explicit consent from the victim or victim's family before publishing stories or images that touch on privacy. This is important to avoid potential exploitation or violations of the victim's right to privacy. Application of Ethical Principles: Fundraisers must implement ethical principles in every step, such as avoiding misappropriating the victim's vulnerable circumstances for personal gain. Fundraisers must be careful in describing the victims' conditions without adding to their suffering further. Use the Right



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- Platform: Fundraisers need to choose a social media platform that has clear policies and supports regulations related to transparency and personal data protection.
- 2) For Social Media Platforms: Strict Scrutiny: Social media platforms must increase oversight and verification of fundraising campaigns conducted by their users. They must have a mechanism in place to verify the veracity of the stories shared, as well as ensure that the funds raised are used for legitimate purposes and in accordance with the promises. Clear Policy Enforcement: Platforms should draft and enforce clear internal policies regarding online fundraising. This policy should include procedures for handling cases of fraud, non-transparency, or abuse related to fundraising on social media. Education for Users: Social media platforms may host educational programs or guides for fundraisers, which include ethical and legal principles that need to be followed, as well as ways to maintain victims' privacy and avoid potentially harmful excesses.
 - 3) For the Government: Preparation of Special Regulations on Online Fundraising: The Government needs to immediately develop more specific regulations related to fundraising through social media. The regulation should include clear rules on transparency obligations, the legitimate use of funds, the protection of personal data, and enforcement mechanisms against violations. Legal Protections for Victims of Violence: The government should also ensure stronger protections for victims of violence related to the misuse of personal data and exploitation that may arise in fundraising through social media. Inter-agency Coordination: The government must coordinate with various relevant agencies, including the Financial Services Authority (OJK), the Ministry of Communication and Information Technology, and law enforcement agencies to ensure that regulations related to online fundraising can be implemented properly and adequately.
 - 4) For the Community and Donors: Increased Awareness and Awareness: The community and donors need to be more careful and verify the legitimacy of the fundraisers they are participating in. Before donating, it is important to check that the fundraising campaign has enough transparency, such as clear information about the purpose and management of the fund. Participation in Surveillance: The public can take an active role in overseeing fundraising campaigns by reporting suspicious or potentially deceptive campaigns through mechanisms provided by social media platforms. Education Regarding Fundraising: The public needs to be educated about legitimate fundraising methods and how to avoid becoming a victim of fraud or manipulation that often occurs on social media platforms.
 - 5) For Social Institutions or Organizations: Collaboration with Platforms and Fundraisers: Competent social institutions can collaborate with fundraisers to ensure that the funds collected are used in accordance with legitimate and appropriate purposes. These institutions can provide independent oversight to enhance credibility and transparency. Mentoring and Supervision Facilitation: Social organizations may also provide legal and social assistance to fundraisers to ensure that they adhere to ethical and legal principles in each campaign.



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- 6) For Academics and Researchers: Further research: Further research on the legal and social impacts of online fundraising can help enrich understanding of the challenges faced in fund management.

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