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Online Appeals under Old Law: Public Fundraising under Law No 9 of 1961 and the Social Affairs Ministerial Regulations

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ABSTRACT

Appeals for donations now run through bank accounts, payment applications, e-money and social media, but the main law on fundraising in Indonesia was made in 1961. This article asks how that law and the regulations of the Minister of Social Affairs treat online appeals. It is a doctrinal study of Law No 9 of 1961 on the Collection of Money or Goods, Minister of Social Affairs Regulation No 8 of 2021 and its amendment in Regulation No 8 of 2024. It finds that the law defines fundraising broadly enough to include online appeals, that the 2021 regulation names online services, digital applications, e-money and social media as means of collection, and that a permit may be given only to a community organisation with legal status, for a period of three months that can be extended once by one month. The regulation exempts zakat and several small or spontaneous forms from the permit. The article raises five questions: appeals by individuals, the short permit term for continuing campaigns, the position of infaq and alms received by zakat institutions, platforms that carry the campaigns of others, and the weak penalty in the 1961 law. It studies the texts, not practice.

Keywords: public fundraising; donation; Law No 9 of 1961; online giving; Indonesia

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1. Introduction

A donor who sees an appeal on a phone and pays with a payment application is taking part in something that Indonesian law has regulated since 1961. The Law on the Collection of Money or Goods requires a permit for appeals to the public for social, religious and cultural purposes. It was written for street

collections, charity shows and collection lists. The question is how it treats appeals that take place on a bank account, an application or a social media page.

This article reads the texts that answer it: Law No 9 of 1961, and the regulations of the Minister of Social Affairs that implement it, namely Regulation No 8 of 2021 and the amendments made by Regulation No 8 of 2024. It asks what the texts say about online appeals, who may seek a permit, and what they leave open.

2. Method and Sources

The study is doctrinal. It uses the official copy of the Law and of the two regulations, read on 2 November 2026 from the national legal database. It does not study how the Ministry or regional governments grant permits, or how platforms behave, and it does not review later changes after the date of reading.

3. The Law of 1961

Article 1 defines collection of money or goods as any effort to obtain money or goods for development in the fields of social welfare, mental, religious or spiritual matters, physical matters and culture. Article 2 requires a prior permit from the competent official, and it exempts two groups from it: collections required by religious law or custom, and those held within a limited circle. The permit is given to associations or community organisations (Article 3) by the Minister of Social Affairs, the governor or the regent or mayor, depending on the area of the collection (Article 4). A person who collects without a permit, or does not meet the conditions of a permit, commits an offence punishable by up to three months' confinement or a fine of up to ten thousand rupiah, and the money obtained is seized (Article 8).[1]

The definition in Article 1 does not depend on the means. An appeal on a social media page to give to a mosque, a school or a flood victim is an effort to obtain money for those fields. In wording, the Law covers it.

4. The Regulations

Regulation No 8 of 2021 gives the Law an operating system. Its main provisions, with the changes of 2024, are in Table 1.

Subject	Provision	What it says
Who may collect	Article 3	Society, through community organisations with legal status, as an association (perkumpulan) or a foundation (yayasan); a permit is required from the Minister, governor or regent/mayor
No permit needed	Article 4 (as amended in 2024)	Zakat; collection inside places of worship; emergencies in a limited circle; mutual help (gotong royong) in a limited circle; spontaneous limited meetings; and, since 2024, other collection allowed by legislation

[1]Law No 9 of 1961 on the Collection of Money or Goods (State Gazette 1961 No 214), Articles 1–4 and 8.

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Subject	Provision	What it says
Documents	Article 5 (as amended in 2024)	Registration of the organisation, domicile, tax number, account or place for the proceeds, identity of the chair, statements of validity and that the money is not for radicalism, terrorism, politics or illegal activity; since 2024 also consent to publish an institutional profile on a public page
How to apply	Articles 6 to 9	Online: registration and then a programme plan (name, area, aims, method, use of proceeds, period); Article 9A (2024) sets 14 working days for review at the Ministry
Means of collection	Article 10	Include text-message donation, rounding up of purchases, bank account services, online services, digital applications, electronic-money services and social media
Term	Article 11	A permit lasts at most three months and may be extended once for at most one month
Use of proceeds	Articles 12 to 15	Social, disaster, religious, physical, health, education, environment, animals and culture; money for physical building within a year of the end of collection, other uses within three months; unspent money must be passed on within a month after
Supervision	Articles 19 and 22 (as amended in 2024)	Ministry, governor and regent/mayor may refuse, postpone or revoke permits, and supervise through the internal government audit body (at least once a year) and an enforcement task force (at least twice a year)

Table 1. Minister of Social Affairs Regulation No 8 of 2021 and its 2024 amendments, main provisions. Source: the texts of the regulations, summarised for this article.

Two features bear on online giving. Article 10 does not leave the digital means to inference: it lists them, which makes clear that an appeal through an application, e-money or social media is a form of collection that needs a permit unless an exemption applies. And Article 3 limits the persons who may hold a permit to community organisations with legal status.[2]

[2]Minister of Social Affairs Regulation No 8 of 2021 on the Implementation of Collection of Money or Goods (State Gazette (Berita Negara) 2021 No 1099), Articles 3–5, 10 and 11; as amended by Minister of Social Affairs Regulation No 8 of 2024 (24 December 2024).

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5. Five Open Questions

The rest of the article states the author's reading of what the texts leave open. They are questions, not findings about practice.

First, what of appeals by individuals? Under Article 3 only community organisations may seek a permit. A person who appeals to the public in their own name, for example for a neighbour's medical bill, cannot get a permit. Whether the appeal is then outside the regulation, allowed under one of the exemptions, or simply unlicensed is not stated. The exemptions are for limited circles and spontaneous meetings, and a public online appeal is not obviously within either.

Second, how does a permit of three months fit a continuing campaign? The permit lasts three months and can be extended once by a month (Article 11). Many online campaigns, and platforms with standing programmes, are continuing in nature. The regulation does not say how a continuing programme is to be licensed, other than by repeated permits.

Third, where do infaq and alms received by zakat institutions fit? The regulation exempts zakat (Article 4(a)). The Zakat Law allows BAZNAS and licensed zakat institutions to receive infaq, alms and other religious social funds, which are managed in accordance with the purpose declared by the giver and recorded in separate books (Article 28 of Law No 23 of 2011).[3] Whether an online appeal for infaq by such an institution needs a permit under the regulation is not stated in either text.

Fourth, what of a platform that carries the campaigns of others? Article 10 lists applications and social media as means of collection, but it does not separate the organiser of a collection from the service that carries it. Whether a platform is itself a collector, and so needs a permit, or only a channel for a licensed organiser or an individual, is not answered.

Fifth, the penalty is out of date. Article 8 of the 1961 Law sets a maximum fine of ten thousand rupiah. That figure was set in a different monetary world, and a sanction of that size has little force on a national campaign. The regulations of 2021 and 2024 add the power to refuse, postpone or revoke permits (Article 19) and an enforcement task force (Article 22), which gives the Ministry other tools.

6. Conclusion

The law on fundraising is old in its form but wide in its definition, and the regulations of 2021 and 2024 have brought it to the digital means of collection. A reader of the texts will find that the permit system covers online appeals by community organisations, exempts zakat and small spontaneous appeals, and says little about individuals, continuing campaigns, infaq received by zakat institutions, and the platforms that carry the appeals. Those gaps are where research is most needed, in particular a study of how permits are in fact granted for online campaigns and how platforms and organisations understand their position.

References

Government Regulation No 29 of 1980 on the Implementation of Collection of Donations (State Gazette 1980 No 49), as cited in the regulations of the Minister of Social Affairs.

Law No 23 of 2011 on Zakat Management (State Gazette 2011 No 115), Article 28.

Law No 9 of 1961 on the Collection of Money or Goods (State Gazette 1961 No 214).

[3]Law No 23 of 2011 on Zakat Management, Article 28(1)–(3).

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Minister of Social Affairs Regulation No 8 of 2021 on the Implementation of Collection of Money or Goods (State Gazette (Berita Negara) 2021 No 1099).

Minister of Social Affairs Regulation No 8 of 2024 on the Amendment of Regulation No 8 of 2021 (24 December 2024).

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