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## **Renewal of Law Number 9 of 1961 Concerning Collection of Money or Object**

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### **Abstract**

Indonesia consists of many existing communities, so it does not rule out the possibility of problems related to people's welfare. In order to overcome the social welfare that occurs, a philanthropic approach can be used, namely the love of humanity, in Indonesia philanthropic activities are regulated in Law Number 9 of 1961 concerning Collection of Money or Object, but over time the Act is deemed obsolete and necessary. to carry out reforms by paying attention to regulatory aspects related to licensing, fines, and supported by the existence of an independent institution that is accountable so that with the renewal of the Law it is hoped that in terms of philanthropic activities, it can play a greater role in improving the welfare of the community. The research in this study used a prescriptive normative research method. This study will describe the urgency of legal reform from Law Number 9 of 1961 concerning Collection of Money or Object and provide an overview of legal reform for philanthropy regulations in Indonesia.

**Keywords:** Legal Reform, Philanthropy

### **1. INTRODUCTION**

Humans are *homo intellectus* which means that humans have an orientation to continue to develop according to the needs and developments of the times, so that this need for development spurs humans to always have creative thoughts and build new things to meet human needs. Determining to become a developed and developing country needs to have a balance in advancing its economy, environment and social (Junaidi, 2022).

Society consists of various individuals in it, the existence of each individual does not rule out the possibility of presenting problems and side effects that must be resolved because they arise through changes in traditions, norms and habits. Most of these problems arise as issues of community welfare and demands that the community must play an active role in overcoming these problems.

In terms of solving these problems, there is one effort with a humanitarian approach to activities, in the academic world the approach to this activity is philanthropy. The meaning of philanthropy itself is literally "love of humanity", philanthropic action is a form of generosity in the manifestation of the giver.

In the national development in the economic sector is increasing (Sari, 2022), so that efforts are needed to eradicate poverty and promote people's welfare, there are several approaches, namely social work, social service, as well as philanthropy (Harina, 2019). Giving and generosity to families, friends and neighbors who are less fortunate is a factual activity of philanthropic traditions that live in the midst of society. Showing that society prioritizes the welfare and eases the burden on other people who are less fortunate is one of the characteristics of philanthropy (Tamim, 2011).

Regulations related to philanthropic activities in Indonesia are regulated in Law Number 9 of 1961 concerning Collection of Money or Object, as time goes by and the development of the era, regulations regarding the collection of money or object are becoming irrelevant and obsolete. For

example, there is no independent agency related to transparency and accountability related to collecting money or object, then the time for granting permits, which must be done every 3 (three) months, the time period given is short so that it will be inconvenient for social institutions to renew permits.

In connection with the imposition of sanctions when there is a violation related to philanthropy, a fine of Rp. 10,000 (ten thousand rupiah). In the current era, fines of this size are very small and irrelevant to the conditions and problems caused by philanthropy, apart from the problems mentioned above, the management and sources of funds for philanthropic institutions are still unclear, raising doubts that donations are on target. Recently, there was a violation related to philanthropy committed by Aksi Cepat Tanggap or ACT, namely in June ACT was proven to have used 13.7 percent of donations for operational needs (Nurhadi, 2022). Philanthropy is needed in a way to improve the welfare of society through acts of generosity for less fortunate people, philanthropy is part of the social contract contained in it, although it is not clearly stated, which continuously maintains the economic prosperity of the community.

Because the aim of philanthropy is to be an effort to overcome poverty, health, education for disadvantaged people in order to create prosperity in the midst of society, policies related to philanthropy already exist in Indonesia as stipulated in Law Number 9 of 1961 concerning Collection of Money or Object, but these regulations are no longer relevant and are felt to be obsolete in the current era, there is no independent institution that is transparent and accountable in dealing with philanthropic problems that exist in Indonesia, the application of sanctions for philanthropic violators is only given a fine Rp. 10,000.00 (ten thousand rupiah) and the time of the permit. Therefore, this study discusses the need for legal reform related to setting up philanthropic regulations with the need for an independent institution to ensure transparency and accountability, application of sanctions, and permits.

## **2. METHOD**

Legal research is a scientific activity based on certain methods, thoughts, and systematics which has the aim of exploring one or several legal phenomena by analyzing them. Research uses the type of research that is normative juridical. Peter Mahmud Marzuki thinks that research on normative juridical law is “a step to find a rule of law, legal principles, or legal doctrines to provide answers to the legal issues at hand”. This research is an activity to examine various things to solve internal problems in positive law (Benuf & Azhar, 2020). The approach in this study uses a regulatory approach (Statue Approach), then the case approach, as well as the conceptual approach.

## **3. RESULT AND DISCUSSION**

### **3.1 The Urgency of Renewal of Regulations Related to Philanthropic Activities in Indonesia Theoretical Study of Law Number 9 of 1961**

Today the development of society is getting higher, so it is possible that there will be an increase in social problems and community welfare, to overcome these problems can be done with a philanthropic approach or human love, philanthropy is a very complex activity, not only limited to individual activities but can also be done as a group or even corporations (Tamim, 2016). Regulations related to philanthropic activities are regulated in Law Number 9 of 1961 concerning Collection of Money or Object. Article 1 Law Number 9 of 1961 concerning Collection of Money or Object which is defined as collecting money or object in this law is any effort to obtain money or object for development in the field of social welfare, mental/religious/spiritual, physical and cultural fields.

In the elucidation of Article 1, the purpose of collecting money or object in this law must in essence be aimed at building or fostering and promoting a business that is useful for creating a just and prosperous society, especially in the field of welfare, namely safety, peace and prosperity in the physical and spiritual governance. human life and livelihood, both in the life of an individual and in the life of the community (Book of Universal Development Summary, page 31). Included in this provision include efforts to obtain money or object by holding charity shows, bazaars, auctions for charity, selling goods with payments that exceed the actual price or other similar businesses, such as selling invitation cards, books and pictures. or by sending poswissel with the intention of seeking donations.

Article 2 of Law Number 9 of 1961 concerning Collection of Money or Object states:

- 1) In order to carry out the collection of money or object as referred to in Article 1, prior permission from the competent authority is required.

- 2) The collection of money or object required by religious law, customary law and customs, or which is carried out in a restricted environment, does not require such permission.”

Explanation of Article 2 that:

- 1) The granting of permits in Article 2 Paragraph (1) is meant for preventive and regressive actions for irresponsible acts.
- 2) The measure of "compulsory" by religious law is based on the definition of “compulsory” according to Ahkmaul Chamsah in Islamic law, or among others “tithe” in Christian religious law. The definition of a limited environment includes geographical environment as well as social groups.

Article 4 of Law Number 9 of 1961 concerning Collection of Money or Object states:

- (1) Officials authorized to give permission to collect money or object are:
  - a. The Minister of Social Welfare, after hearing the opinion of the Advisory Committee appointed by him and consisting of at least 5 (five) members, if the collection is held in all regions of the country or beyond the first level regions or to organize/assist a social business abroad;
  - b. Governor, head of a first-level region, after hearing the opinion of the Advisory Committee appointed by him and consisting of at least 5 (five) members, if the collection is held in his entire territory which extends beyond a second-level region within the first-level region concerned;
  - c. Regent/Mayor, Head of Level II Region, after hearing the opinion of the Advisory Committee appointed by him and consisting of at least 5 (five) members, if the collection is held within the territory of the Level II region concerned.
- (2) The district head, the level II regional head may appoint a local official to exercise his authority to issue permits for the collection of money or object, if the collection is held for a remote area within the territorial boundaries of the official concerned whose relationship is difficult with the domicile of the said level II regional head district head.”

Explanation of Article 4 that the Advisory Committee consists of:

- a. Official authorized to give permission as chairman;
- b. Local Social service official as Secretary;
- c. Representatives of the Attorney General's Office, Police, and socialists and sociologists consisting of representatives of various groups and streams of organizations as members.

Within the limits of his authority, the licensor may also appoint an agency or organization to receive gifts or organize a collection of money or object as an action to deal with an incident that urgently needs help, such as in an emergency as referred to in the elucidation of Article 2 paragraph 2. Collection of money or object to help social enterprises abroad are regulated by laws and regulations.

Article 5 Law Number 9 of 1961 concerning Collection of Money or Object:

- “(1) An application letter to obtain a permit to collect money or object shall be submitted without a stamp duty directly to the official issuing the permit.
- (2) In the permit application letter, it must clearly explain:
  - a. The purpose and objective of collecting money or object;
  - b. How to organize;
  - c. Who organizes;
  - d. Implementation time limit;
  - e. Extent of implementation (region, class);
  - f. How to distribute.
- (3) The permit granting decision letter contains the conditions of maintenance and the obligation to give responsibility to the permit grantor.”

Article 7 Law Number 9 of 1961 concerning Collection of Money or Object:

“The collection of money or object which is being carried out based on the regulations prior to the enactment of this Law, shall be adjusted to the provisions of Articles 2, 4 and 5 no later than 6 (six) months.”

Article 8 Law Number 9 of 1961 concerning Collection of Money or Object:

“(1) Shall be punished with imprisonment for a maximum of 3 (three) months or a maximum fine of Rp. 10.000,- (ten thousand rupiah), whoever:

- a. Organizing, recommending or helping organize the collection of money or object without obtaining prior permission as referred to in Article 1 paragraph 1;
  - b. Does not comply with the conditions and orders listed in the permit granting decision;
  - c. Do not comply with the provisions in article 7.
- (2) The crime referred to in paragraph 1 of this article shall be considered as a violation.
- (3) Money or object obtained as a result of the crime referred to in this article shall be confiscated and used wherever possible to finance similar welfare efforts.”

Explanation of Article 7 is as long as the permit decision or refusal to organize the collection of money or object that must be adjusted to the provisions of Articles 2, 4 and 5 has not been received, the ongoing collection can be continued. If the application for adjustment is rejected, all proceeds from the collection will be confiscated and used for the purposes referred to in Article 1.

Based on the theoretical studies above, it can be seen that to take care of licensing by social agencies or institutions related to philanthropy with a maximum time of 6 months and having to go through several stages that are considered very short, then related to the sanctions given for philanthropic actions, namely Rp. 10,000,- (ten thousand rupiah), and the lack of regulation of transparency and accountability institutions in Law Number 9 of 1961 concerning Collection of Money or Object is irrelevant in the current era. Laws are the main way of regulating law, the way to carry out community reform is carried out by law stating that reforms are carried out through laws. So that the renewal of the legal substance in regulations per law can guarantee justice for the parties involved in philanthropic activities in Indonesia.

### **Sociological Studies**

Humans are social beings who live and develop dynamically. In living human life, they are always bound by rules, both written and unwritten, this is done so that all humans who live side by side can respect each other's rights. Regulations that live in society also develop along with the dynamic development of human life. In the Law of the Republic of Indonesia Number 12 of 2011 concerning Formation of Legislation in attachment 1 (one) chapter IV (four) regarding the Sociological Basis is a consideration that describes that a regulation is formed to meet the needs of society. The demand for legal norms also reflects how human life continues to move dynamically.

Human life that continues to move dynamically produces new habits as well as philanthropic activities. As an idea, the term Philanthropy in Indonesian means generosity and love for others, practically philanthropic activities have become an integral part of people's lives (Latief, 2013). Especially the characteristics of the Indonesian people who have a very strong sense of mutual cooperation. According to James O. Midgley himself, philanthropy is one of several approaches to promote welfare, including poverty alleviation efforts, namely the social service (social administration), social work and philanthropy. Philanthropy is felt to have integrated into the communal culture (tradition) that has become a habit in society.

When viewed from its nature, Philanthropy can be divided into two, namely Traditional and Modern. Traditional Philanthropy is charity-based philanthropy which is generally in the form of giving for the benefit of social services such as giving to the poor by benefactors to help with the needs of food, clothing, shelter, and so on. Thus, when viewed from its orientation, Traditional Philanthropy is more Individual. With this orientation, to a certain extent, benefactors are often driven by the intention to maintain and increase their status and prestige in the eyes of the public. Traditional philanthropy has been criticized because it is seen as actually strengthening the power relations of the rich against the poor. In the macro context, Traditional Philanthropy is only able to cure poverty, a result of structural injustice.

Unlike traditional philanthropy, modern philanthropy, which is commonly called philanthropy for social development and social justice, is a form of social philanthropy intended to bridge the gap between the rich and the poor. The bridge is realized in an effort to mobilize resources to support activities that challenge structural injustice which is the cause of poverty and injustice. In the concept of Social Justice Philanthropy which is pursued through social development it is believed that poverty is more caused by injustice in the allocation of resources and access to power in society. Therefore, modern philanthropy is expected to encourage structural and policy changes to favor those who are weak and minorities (even in the case of weak and majority Indonesia). In other words, Modern Philanthropy is more “political”.

If we trace the history of philanthropy in Indonesia, it begins with elements of traditional philanthropy originating from both Christian and Islamic religions. Religious philanthropy in Indonesia is related to missionary activities. The early 1990s also saw the emergence of corporate philanthropic organizations. This development was further based on the Asian economic crisis that overthrew the Soeharto regime in 1997. This crisis has sparked a new spirit of philanthropy by creating momentum for a society that has long had a tradition of generosity to abandon the habit of spontaneous giving and make long-term efforts to help society.

Over time, philanthropic activities in Indonesia have experienced many developments due to the progress of the times, but these developments have not been followed by updating regulations that are relevant to current use. Law Number 9 of 1961 concerning Collection of Money or Object is considered irrelevant for current use, considering that the regulations contained in it are no longer relevant for current implementation. As one of the articles contained in Law Number 9 of 1961 Article 8 paragraph (1) which regulates criminal provisions for organizers of philanthropic activities that do not have a permit, they can be punished with imprisonment for a maximum of 3 (three) months or a maximum fine of Rp. 10,000 (ten thousand rupiah). Of course the article is very irrelevant to be applied at this time.

Based on the description above, the importance of the urgency of updating Law Number 9 of 1961 concerning Collection of Money or Object is very important because sociologically these rules are no longer relevant and do not answer problems related to Philanthropy to meet the need for legal regulations related to Philanthropy. With the renewal of regulations related to Law Number 9 of 1961 concerning Collection of Money or Object, it is hoped that it will be able to create legal products that are more relevant to today's use by updating regulations related to collecting money or object. Especially updates related to permits, fines and the existence of an independent institution to create more clear transparency.

### **Philosophical Studies**

Pancasila is the philosophical content of the Indonesian nation (Bo'a, 2018). The philosophical foundation has an important position for the formation of laws and regulations. This is because Pancasila is a set of values that represent all the values that live and grow in Indonesian society (Saragih, 2022). So, the formation of law in Indonesia must have a clear philosophical foundation, namely Pancasila. Then, the 1945 Constitution of the Republic of Indonesia is a state foundation which contains basic norms (basic norms). The 1945 Constitution of the Republic of Indonesia as a written document containing the consensus of all the people. The people's agreement has been summed up in Pancasila as a resultant of all Indonesian people. One of the important values of Pancasila and the 1945 Constitution of the Republic of Indonesia is social welfare. Derived from Pancasila and the 1945 Constitution of the Republic of Indonesia in philanthropy as a form of increasing social welfare is Law Number 9 of 1961 concerning Collection of Money or Object.

The development of social welfare is the embodiment of efforts to achieve the goals of the nation which are stated in the 1945 Constitution of the Republic of Indonesia in its preamble and body. The fifth precept of Pancasila also mentions the same thing, namely that social justice is for all Indonesian people. Then, the Preamble to the 1945 Constitution of the Republic of Indonesia mandated the state to protect the entire Indonesian nation and all of Indonesia's bloodshed, promote public welfare, educate the nation's life, and participate in carrying out world order based on freedom, eternal peace and social justice. Social welfare problems that still occur today show that there are citizens whose rights to basic needs have not been fulfilled properly because they have not received social services from the state. As a result, there are still citizens who experience obstacles in the implementation of social functions so that they are unable to live a decent life and fulfill their basic needs. Article 34 paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that it is the state's obligation to look after the poor and abandoned children. For the poor and neglected children as referred to in the 1945 Constitution of the Republic of Indonesia, the Government and regional governments provide social rehabilitation, social security, social empowerment, and social protection as a manifestation of the implementation of the state's obligations to guarantee the fulfillment of the rights to the basic needs of citizens. poor and helpless country.

Based on the provisions of paragraph IV of the opening of the 1945 Constitution of the Republic of Indonesia, it is stated that one of the functions of the government is to achieve state goals, namely; "to protect the entire Indonesian nation and all of Indonesia's bloodshed and to promote public welfare,

educate the nation's life and participate in carrying out world order based on independence, eternal peace and social justice” then in paragraph IV of the opening of the 1945 Constitution of the Republic of Indonesia has given a mandate to state administrators to be able to carrying out efforts to promote public welfare, which means that state administrators (government) are obliged to continue to strive to achieve prosperity for citizens. This is a constitutional mandate that cannot be ignored, so it is impossible for state administrators to escape this obligation (Hadiyono, 2020). However, the implementation of social welfare also requires the widest possible role of society, from individuals, families, religious organizations, business entities, professional organizations, social organizations, social welfare institutions, non-governmental organizations, or foreign social welfare institutions to fulfill social welfare. directed, sustainable, and integrated. One of the actions that the community can take is philanthropy.

Philanthropy is one of three approaches to promote welfare, including efforts to overcome poverty, namely the approach social service (social administration), philanthropy, and social work. Philanthropy is one of the social capitals that has been integrated into the communal culture (tradition) that has been rooted for a long time, especially in rural communities. Cultural facts show that the philanthropic tradition continues through giving to families, friends, and people who are poor and can't afford it. Another feature is shown by the existence of demands from the community to prioritize the goal of alleviating the poor and unable. However, philanthropy is not an individual action, but an even more complex action, which can be in the form of group actions or even actions organized through corporations. The function of the existence of philanthropic institutions is to improve the welfare of the beneficiaries for a long and sustainable period, meaning that the practice of the programs that are channeled does not just stop to meet the needs of life for a moment (Sholikhah, 2021). So, philanthropy can become the role of the community for the welfare of other poor and disadvantaged people in a sustainable manner.

The urgency of renewal of Law Number 9 of 1961 concerning the Collection of Money or Object is important because philosophically that one of the important values of Pancasila and the 1945 Constitution of the Republic of Indonesia is social welfare which can also be achieved through philanthropic activities. With the renewal of Law Number 9 of 1961 concerning the Collection of Money or Object, it is hoped that it can increase the role of the community for the welfare of other poor and disadvantaged people in a sustainable manner. Arrangements related to permits, fines, and the existence of an independent institution in the renewal of Law Number 9 of 1961 concerning Collection of Money or Object is important to keep up with the times and the needs of society. With the renewal of regulations regarding permits, fines, and the existence of an independent institution in Law Number 9 of 1961 concerning the Collection of Money or Object which keeps up with the times and the needs of society, it is hoped that philanthropic activities can play a greater role in improving people's welfare.

## **Regulatory Updates Related to Existing Philanthropic Activities in Indonesia**

### **Definition Update**

The definition in the law is an important aspect. From this definition, the rules contained in the following articles can be well understood. In addition, the definition also provides boundaries so that what is defined does not widen. Choosing the right words is important for drafting laws. Appropriate words in the right place, to determine the definition with the right (Efendi & Susanti, 2020). Based on this, updating the definition of Law Number 9 of 1961 concerning Collection of Money or Object is important because words that are appropriate and respond to changing times will produce the right definition.

The definition contained in Article 1 of Law Number 9 of 1961 concerning Collection of Money or Object is:

“What is meant by collecting money or object in this law is every effort to obtain money or object for development in the field of social welfare, mental/religious/ spiritual, physical and cultural fields.”

Then the elucidation of Article 1 namely “The purpose of collecting money or object in this Law in essence must be aimed at building or fostering and advancing a business that is useful for realizing a just and prosperous society, especially in the field of welfare, namely safety, peace and prosperity born and inner life in the order of life and human livelihood, both in the life of an individual and in the life of the community (Book of the Summary of Development of the Universe, page 31). Included in this

provision include efforts to obtain money or object by holding charity shows, bazaars, auctions for charity, selling goods with payments that exceed the actual price or other similar businesses, such as selling invitation cards, books and pictures or by sending poswivel with the intention of seeking donations.”

The definition in Law Number 9 of 1961 concerning Collection of Money or Object does not cover many things related to philanthropy. Matters that need to be defined are officials authorized to collect money or object, letters of application for collection of money or object, decrees for granting them, requests for permission to collect money or object, and decisions for refusal of permits. The renewal is so that it is clear the boundaries of officials who have authority in collecting money or object, it is clear in the application letter and the decision letter regarding granting that is meant in the Law, and it is also clear about what is meant by the application for permission to carry out the collection of money or object and the decision for refusing a permit.

### **Licensing Renewal**

In Article 2 Paragraph (1) of Law Number 9 of 1961 concerning Collection of Money or Object it states that:

“To carry out the collection of money or object as referred to in Article 1, prior permission is required from the authorized official.”

Then Article 4 Paragraph (1) of Law Number 9 of 1961 concerning Collection of Money or Object states:

“Officials authorized to grant permission to collect money or object are:

- a. The Minister of Social Welfare, after hearing the opinion of the Advisory Committee appointed by him and consisting of at least 5 (five) members, if the collection is held in all regions of the country or beyond the first level regions or to organize/assist a social business abroad;
- b. Governor, head of a first-level region, after hearing the opinion of the Advisory Committee appointed by him and consisting of at least 5 (five) members, if the collection is held in his entire territory which extends beyond a second-level region within the first-level region concerned;
- c. Regent/Mayor, Head of Level II Region, after hearing the opinion of the Advisory Committee appointed by him and consisting of at least 5 (five) members, if the collection is held within the territory of the Level II region concerned.”

Then in Article 4 Paragraph (2) of Law Number 9 of 1961 concerning Collection of Money or Object states that:

“Regents, Heads of Level II Regions can appoint local officials to carry out the authority to give permission to collect money or object, if the collection is held for an area remote within the territorial boundaries of the official in question who has difficulty having a relationship with the domicile of the District Head of the Level II Region”.

Furthermore, the elucidation of Article 4 that the Advisory Committee consists of:

- a. Official authorized to give permission as chairman;
- b. Local Social service official as Secretary;
- c. Representatives of the Attorney General's Office, Police, and socialists and sociologists consisting of representatives of various groups and streams of organizations as members.

Updates related to the authorized official, in this case the Minister of Social Welfare, currently the Minister of Social Affairs. This means that the official's authority lies with the Minister of Social Affairs. Then regarding the local official to exercise his authority to give permission to collect money or object if the collection is held for a remote area within the territory boundaries of the official in question which has difficult relations with the domicile of the Regent Head of the Level II Region, then it must be clear that the local official in question has this authority.

Based on Article 5 Article (1) of Law Number 9 of 1961 concerning Collection of Money or Object that:

“A letter of application to obtain a permit to organize a collection of money or object is submitted without a direct stamp duty to the official giving the permit.”

Based on Article 5 Article (2) of Law Number 9 of 1961 concerning Collection of Money or Object that:

"In the letter of application for a permit it must be clearly explained:

- a. The purpose and objective of collecting money or object;
- b. How to organizes;
- c. Who organizes;
- d. Implementation time limit;
- e. Extent of implementation (region, class);
- f. The way it's distributed."

Licensing can be done by updating with electronic licensing facilities. Electronic licensing facilitates the licensing of money or object collection activities throughout Indonesia. The authority to administer permits is included in concurrent government affairs, therefore in practice it is closely related between the central government and regional governments. Now, governments in the world, especially in Indonesia, are facing pressure from various parties to improve the quality of public services and increase active participation in providing information to the public and are demanded to be effective. This further encourages electronic-based government to be increasingly practiced at all levels of public administration, including in the scope of licensing (Arrum, 2019). Electronic licensing facilities for collecting money or object can make philanthropic activities more effective throughout Indonesia.

### **Penal Renewal**

In Article 8 Paragraph (1) of Law Number 9 of 1961 concerning Collection of Money or Object it is stipulated that:

"A sentence with imprisonment for a maximum of 3 (three) months or a fine of up to Rp. 10.000,- (ten thousand rupiah), whoever: a. organizing, recommending or helping organize the collection of money or object without obtaining prior permission as referred to in Article 1 paragraph 1; does not comply with the conditions and orders set forth in the permit granting decision; c. does not comply with the provisions in article 7."

Then in Article 8 Paragraph (2) of Law Number 9 of 1961 concerning Collection of Money or Object it is stipulated that:

"The crime referred to in paragraph 1 of this article is considered a violation."

Furthermore, Article 8 Paragraph (3) of Law Number 9 of 1961 concerning Collection of Money or Object stipulates that:

"Money or object obtained due to criminal acts as referred to in this article are confiscated and used wherever possible to finance welfare efforts that of a kind."

The fine is considered irrelevant because the nominal is Rp. 10,000, - (ten thousand rupiah) is too low to be used as a fine. In the development that fines are not only about the use of punishment for criminal imposition, but also about the minimum and maximum fines. The cause of the development of criminal fines among others due to the high level of social welfare improvement in material terms, financial ability in many groups of society. As a result, the improvement in the level of social welfare has resulted in a change in the character of crime (Darna, 2013). Inflation rates that follow the development of time can also be taken into consideration.

Renewal of the fines of Article 8 Paragraph (1) of Law Number 9 of 1961 concerning Collection of Money or Object is an important thing to do so that it is relevant to changing times. This is also in accordance with the renewal of minor crimes and the amount of fines in the Criminal Code stipulated in the Supreme Court Regulation (Perma) Number 2 of 2012 concerning the Settlement of Limits for Minor Crimes (Tipiring) and the amount of fines in the Criminal Code. The regulation aims to complete the interpretation of the value of money in Tipiring in the Criminal Code. In Perma Number 2 of 2012 Article 1, it is explained that the words "two hundred and fifty rupiahs" in Articles 364, 373, 379, 384, 407 and 482 of the Criminal Code read as IDR 2,500,000.00 (two million five hundred thousand rupiahs). With regard to fines, in Article 3 it is stated that each of the maximum fines that are threatened in the Criminal Code except Article 303 paragraph 1 and paragraph 2, 303 bis paragraphs 1 and 2, is multiplied to 1,000 (one thousand) times. This multiplication rule can be applied to Article 8 Paragraph (1) of Law Number 9 of 1961 concerning Collection of Money or Object as a response to rising inflation rates.

### **Independent Agency Update**



In the Elucidation of Article 4 of Law Number 9 of 1961 concerning Collection of Money or Object that:

“The Advisory Committee consists of:

- a. Official authorized to give permission as chairman;
- b. Local Social service official as Secretary;
- c. Representatives of the Attorney General's Office, Police, and socialists and sociologists consisting of representatives of various groups and streams of organizations as members.”

Sociawan and sociawani consisting of representatives of various groups and streams of organizations as members is an important aspect because the organization does have experience in the field of philanthropy. Therefore, the existence of an independent institution that oversees philanthropic organizations is important. In the case of collecting object or services in philanthropic activities, the independent organization can act as a consideration committee to grant permits. This is relevant because these independent institutions are used to overseeing philanthropic organizations.

#### 4. CONCLUSION

Indonesia consists of many existing communities, so it does not rule out the possibility of problems related to people's welfare. In order to overcome the welfare of the community that is happening, a philanthropic approach can be used, namely the activity of loving humanity, in Indonesia philanthropic activities are regulated in Law Number 9 of 1961 concerning Collection of Money or Object, but over time this Law is felt to be obsolete and necessary to carry out reforms by paying attention to regulatory aspects related to licensing, fines, and supported by the existence of an independent, accountable institution so that with the renewal of the Law it is hoped that in terms of philanthropic activities it can play a greater role in improving people's welfare.

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