

Crowdfunding Practices and the Comparison to Fundraising and the Dispute Resolution

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Abstract

The practice of 'crowdfunding' and 'fundraising' by the community sometimes leads to abuse. Judging from the parties, namely the 'Fundraising Platform' and 'Promotion' and 'Donors'. This article answers three things: first, what if the donor wants to know the use/distribution of the funds? second, what if there is a dispute and its resolution? and third, what actions Donors can take to obtain information from the Promotion? The normative juridical method is used with two platform models to be compared and analyzed. Using the comparative method in several countries, the transparency and accountability of the information provided is also recorded. Finally, an investigation is carried out if there is a dispute between the Donor and the Beneficiary/Collector, and how the dispute is resolved. Conclusion: First, the implementation of crowdfunding varies, some are specifically regulated but in general they are regulated in a scattered manner. The latter applies in Indonesia. Second, the right of the donor to know information regarding the transparency of its distribution as long as it does not involve confidential information. Donors can request information not from online crowdfunding/online fundraising but from the Campaigner. Third, dispute resolution between the Donor and the Campaigner can be carried out in the realm of information disputes with two stages of dispute resolution, namely: the litigation stage through Mediation and Adjudication and the litigation stage, through the District Court or State Administrative Court.

Keywords: Crowdfunding; Fundraising; Dispute; Non-Litigation; Litigation.

Abstrak

Praktik 'urunan' dan 'pengumpulan dana' oleh komunitas kadang berujung pada penyalahgunaan. Ditinjau dari Pihak-pihaknya, yaitu 'Perangkat Penggalangan Dana' dan Pepromosi serta Donatur. Tulisan ini menjawab tiga hal: pertama, bagaimana jika donatur ingin mengetahui penggunaan/ penyaluran dananya? kedua, bagaimana jika terjadi sengketa dan penyelesaiannya? dan ketiga, tindakan apa yang dapat dilakukan Donatur untuk mendapat informasi dari Pepromosi. Metode yuridis normatif digunakan dengan dua model platform untuk dikomparasikan serta dianalisis. Dengan metode komparasi pada beberapa negara, didata pula transparansi dan akuntabilitas informasi yang diberikan. Terakhir, dilakukan penelaahan apabila terjadi sengketa antara Pemberi sumbangan dengan Penerima/ Pengumpul, dan bagaimana penyelesaian sengketanya. Kesimpulan: Pertama, pelaksanaan crowdfunding beragam, ada yang diatur secara khusus namun pada umumnya diatur secara tersebar. Yang terakhir yang berlakunya di Indonesia. Kedua, hak pemberi sumbangan mengetahui informasi mengenai transparansi penyalurannya sepanjang bukan menyangkut informasi yang dirahasiakan. Donatur dapat meminta informasi bukan pada online crowdfunding/ online fundraising namun dari Campaigner. Ketiga, penyelesaian sengketa antara Donatur dengan Campaigner dapat dilakukan dalam ranah sengketa informasi dengan dua tahapan penyelesaian sengketa, yaitu: tahap litigasi melalui Mediasi dan Adjudikasi dan tahap litigasi, melalui Pengadilan Negeri atau Pengadilan Tata Usaha Negara.

Kata kunci: Urunan; Pengumpulan Dana, Sengketa, Non-Litigasi; Litigasi.

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Introduction

There are two concepts that are sometimes intertwined: 1) The concept of 'urunan' or 'patungan' (crowdfunding). Then, the crowdfunding concept was carried out massively through online. The latter is known as online (crowdfunding); (2) The concept of fundraising. Fundraising is said to be traditional if it is done offline (Nindyatmoko, n.d.). The fundraising model is

generally in the form of physical donations in the form of direct cash or cheque gifts. Just like crowdfunding, fundraising has also grown to be collected online. The latter is known as online fundraising. Fundraising is generally in the form of physical donations in the form of direct cash or cheque gifts. Therefore, in the era of online fundraising, it is carried out through internet banking or bank transfer. The implications of the online crowdfunding and fundraising model make donations be: (1) faster; (2) easier; and most importantly it should (3) allow for giving and receiving to be more transparent; and (4) accountable.

Research Problems

Some crucial questions in this study are: first, how are the arrangements for the implementation of crowdfunding in several countries, including Indonesia? second, how are the types of crowdfunding and the administrative/operational costs? third, how can the rights of the donor or donor know information about the transparency of the use or distribution of the donation? and fourth, how is the dispute resolution over the public fund?

Research Methods

The method used is normative juridical methods, in addition to that two platform models are also carried out for analysis. A comparative approach is carried out to compare one platform and another. Using the comparison method, transparency and accountability of the information provided by the two institutions are also recorded. Finally, a review is carried out on whether there has been a dispute between the Donor and the Recipient/Collector, and how the dispute was resolved.

Discussion

The results showed that crowdfunding has become an alternative source of financing for a business and individual. Crowdfunding has set aside traditional financing intermediaries such as credit institutions to apply for financing (the traditional financing intermediaries) to transform financing through the crowd. However, disintermediation in many countries, Kleiner argues, is only a transitional stage in the development of a sui generis legal regime adopted in several legal orders. In some countries, a new status with its correlative obligations was created. Other countries have simply adapted the existing regime to include these new 'actors', i.e. businesses that operate platforms to connect financiers and funders (Kleiner, 2021).

Kleiner examines or tests the different types of crowdfunding. According to him, these types depend on the financing arrangements, whether they are sourced from: (1) loans, (2) donations, (3) equity. Then the solutions to anything proposed in the 19 legal systems are based on the point of view of the regime applied to crowdfunding. It is also worth noting from the point of view of the protection of 'the crowd', whether it concerns the people (the natural persons) or legal entities (the legal persons) who have contributed to financing through a platform. In the end, Kleiner said, the use of the Internet is an important means of collecting this financing. Kleiner through his report shows that the countries he studies are

reluctant to allow these businesses to carry out activities outside the boundaries where the finance company is located, often even far from imagining all the difficulties related to this aspect (Kleiner, 2021).

As the name implies, contributions in donation-based crowdfunding are in the form of donations. Contributors receive no rewards for their contributions, as well as returns from some of the amounts they contribute. Donations made based on sympathy for the people they help (Nurhadi & Irwansyah, 2018). The term crowdfunding is derived from crowdsourcing which means crowdfunding. Judging from the existing legal rules in Indonesia, there are no specific rules regarding online crowdfunding activities so that if there is a potential dispute, it has not been able to be anticipated properly. Donation-based crowdfunding is a concrete form of optimizing social life technology and mutual cooperation. Donation-based crowdfunding is a crowdfunding activity from the community for various purposes, especially in social and charitable purposes. The donation also has a platform to connect donors and recipients of donations using internet media and applications as well as platforms.

Some terminology/terms are explained below, namely crowdfunding is a way of raising money that in Europe is done financing a project and business. Collect money from a large number of people through online platforms (ec.europa.ue, n.d.). The term crowdfunding refers to the idea of raising funds for a project or cause through a large group of people online. Everyone can take advantage of it to get support for their ideas (Nguyen & Brauner, 2022). Crowdfunding is 'fundraising'. Then developed the terminology Donation-base Crowdfunding, that is donation-based fundraising. Generally, ask for a small donation of money from a large number of people for an activity or project. For the donation, the donor does not get any reward. All funds or donations received will be made in the form of donations to parties who need it (Wulan, 2021). Crowdfunding campaigners are users of crowdfunding platforms that create projects for fundraising (who creates a project for fund raising). Campaigners are also called 'project creators' or 'creators' (IGI Global, n.d.).

1. Crowdfunding Implementation Arrangements in Several Countries

The regulation of the implementation of crowdfunding in the United States according to Heminway, has occurred a rapid growth of the crowdfunding market over the past few years, both in the United States and around the world. With the implementation of diverse crowdfunding activities, various complex legal issues arise. While laws and regulations in the United States seek to compensate, both at the state and federal levels, with the diversity and evolution of crowdfunding businesses. When Heminway wrote this report on crowdfunding there was no comprehensive legal framework that covers crowdfunding as a whole in the United States. Therefore, its report aims to shed light on the existing and prevailing legal framework in America and some of the complex issues associated with this crowdfunding activity (Heminway, 2017).

Online crowdfunding platforms are important social networking communities for entrepreneurs to raise money to support their entrepreneurial

projects. However, the value of the social capital of entrepreneurs embedded in social networks does not get enough attention in the crowdfunding literature. What about social entrepreneurs? Will the network have an impact on crowdfunding performance? Based on the theory of social capital, the development of a research model to investigate the social impact of entrepreneurs whose capital includes three dimensions, namely structural, relational, and cognitive. Zheng conducted a comparative study of three dimensions using objective data collected from China and the United States. He found that the social network ties of entrepreneurs, the obligation to fund other entrepreneurs, and the shared meaning of crowdfunding projects between entrepreneurs and sponsors had a significant effect on crowdfunding performance in China and the United States. Zheng also revealed some cross-cultural differences. He found that the predictive power of the three dimensions of social capital is stronger in China than in America. Liabilities, the relational dimension, also have a greater impact in China (Zheng et al., 2014).

Crowdfunding arrangements in Finland, Kallio stated, crowdfunding platforms currently in Finland are subject to regulations as stipulated in the “Crowdfunding Act 2016”, to the extent that the platform provides intermediation services to channel funding with financial returns. Thus, Kallio's research aims to establish the main characteristics of the Finnish legal framework applicable to crowdfunding taking into account the state of the crowdfunding market in Finland (Kleiner, 2021).

Crowdfunding arrangements in Switzerland, have become an important alternative to finance various commercial and non-commercial projects in Switzerland. The established forms of crowdfunding in Switzerland are: (1) crowddonating, (2) crowdsupporting, (3) crowd pre-financing, (4) crowdlending and (5) crowdinvesting. Although the Swiss crowdfunding market has grown rapidly in recent years, few crowdfunding-specific regulations exist. Therefore, most of the crowdfunding must be pinned to a non-specific regulatory environment, which poses various problems. The Swiss government has acknowledged its own problems, including the potential losses generated in terms of innovation and economic growth. This has resulted in some recent amendments to the regulatory framework, specifically on crowdlending. This contribution provides a brief overview of the Swiss crowdfunding market and regulatory environment with status as of July 2019 (Kleiner, 2021).

The regulation of the implementation of crowdfunding in Germany, until the Troger article was published, there were no specific German laws or regulations, which specifically dealt with and regulated crowdfunding activities. Nevertheless, one must acknowledge the rapid development of the crowdfunding market and observe the new forms of legal relationships resulting from fund raising campaigns conducted through the means of internet platforms. Thus, this research of Troger aims to highlight the main legal issues raised by the implementation of crowdfunding activities in Germany in the face of such activities through the legal framework currently in force in Germany (Kleiner, 2021).

Arrangements for the implementation of crowdfunding are not regulated in the Cypriot legal system. The result of a business or other entity wishing to initiate crowdfunding activities have to deal with a complex legal framework and be subject to formalities and obligations that have been designed for the classic 'mainstream' way of attracting funds. This lesson thus aims to highlight some of the key legal issues raised by the crowdfunding phenomenon in the context of Cyprus law (Kleiner, 2021).

Crowdfunding implementation arrangements in Brazil, The Terra Study analyzed the discipline of various capitals from crowdfunding used in Brazil. The main difficulty stems from the fact that there are only two specific regulations regarding this in Brazil, namely the revised July 2017 one concerning investment-based crowdfunding, and another edited in October 2017 which regulates donations from individuals to politicians and political parties through crowdfunding. Therefore, for other types of crowdfunding, it is worth exploring, rare laws, especially in the Brazilian Civil Code for the rules that apply to contracts signed between investors, platforms and developers of projects, which have caused a series of controversies and practical problems (Kleiner, 2021).

The arrangements for the implementation of crowdfunding in Spain explained by Sainz, that in Brazil the issue of 'financial return crowdfunding' is regulated under Spanish law since 2015. Other forms of financing by the crowd, such as donations or reward-based crowdfunding. The implementation of crowdfunding activities in Spain, however, raises a variety of issues that must be acknowledged and addressed. Therefore, Sainz's research aims to highlight the main features of the crowdfunding legal framework and regulation currently in force in Spain (Kleiner, 2021).

The regulation of the implementation of crowdfunding in Greece according to Matthaïou, rather than creating a new legal framework that specifically regulates for crowdfunding activities, the Greek Legislators chose to adjust the existing financial regime through the introduction of some new legal provisions. While considering the growing phenomenon of crowdfunding at the Greek state level. Legislators in Greece are also seeking to pay close attention to recent discussions at the European level about crowdfunding regulations. Thus, Matthaïou's research aims to describe the main characteristics of the Greek legal framework applicable to crowdfunding (Kleiner, 2021).

Arrangements for the implementation of crowdfunding in Poland there are no regulations that specifically regulate crowdfunding to date, general rules regarding civil and commercial law, in particular will apply to crowdfunding activities. Meanwhile, the crowdfunding market is not very developed in Poland if it is compared to the markets of other countries in Europe or in the United States. This study of Baginska aims to establish the main legal rules and issues raised by the phenomenon of crowdfunding in the context of Polish law (Kleiner, 2021).

Arrangements for the implementation of crowdfunding in Estonia according to a *Laub* report released in July 2018. The Estonian state has not implemented specific laws or regulations regarding crowdfunding activities,

although there have been initiatives to outline the specific rights and obligations of platform operators. Nevertheless, everyone in Estonia had to admit various legal issues as a result of the rapid development of crowdfunding activities. Therefore, this *Laub* study seeks to highlight some of the main legal issues in Estonian law driven by crowdfunding development in the country (Kleiner, 2021).

Crowdfunding implementation arrangements in Taiwan, may refer to the Tseng report, only equity crowdfunding is regulated and subject to Taiwanese regulatory supervision and control. However, this does not mean that the implementation of other types of crowdfunding activities, such as reward-based crowdfunding or donation-based crowdfunding, may not fall within the scope of civil, commercial, or consumer law in some cases. Crowdlending in particular can fall, on certain existing features of the business model, within the scope of banking regulations. Therefore, Tseng's research aims to highlight the main characteristics of the current legal framework applicable to crowdfunding activities in Taiwan (Kleiner, 2021).

Crowdfunding arrangements in Singapore are a rapidly growing type of financial intermediation requiring regulatory attention. Some countries, such as the United States, have enacted laws in response to internal challenges in crowdfunding relating to investor protection. Other countries rely on existing regimes governing financial intermediation and adjusting it in response to issues arising from the relationship between: (1) crowdfunding platforms, (2) investors, and (3) beneficiaries. Singapore, one of Asia's largest financial markets, has seen a huge increase in crowdfunding. The country has chosen to adjust its regulatory framework rather than institute new laws. Hofmann's report contains an analysis of the rules governing debt-based and equity-based crowdfunding in Singapore and considers policy proposals regarding Singapore's regulatory framework (Kleiner, 2021).

There are three types of crowdfunding, that are: (Nguyen & Brauner, 2022) (1) reward crowdfunding, that is, the collection of funds by reaching out to supporters, who receive small gifts or product samples if they promise a certain amount; (2) debt crowdfunding, i.e. receiving loans and paying them within a certain period of time. Some prefer this to bank loans because it can be much faster and (3) equity crowdfunding, giving some ownership of the business to the people who give it funding. Model of types of crowdfunding with other divisions, that are: (ec.europa.ue, n.d.) (1) peer-to-peer lending, i.e. the crowd lending money to a company in the hope that the money will be repaid with interest; (2) equity crowdfunding, i.e. the sale of shares (sale of a stake) to a number of investors in return for investment; (3) rewards-based crowdfunding, i.e. individuals donate to a project or business in the hope of receiving in return a non-financial reward, such as goods or services (with expectations of receiving in return a non-financial reward); (4) donation-based crowdfunding, which is a person who donates a small amount of money (to meet the larger funding aim of) of a specific charitable project (a specific charitable project) without receiving a financial or material return (while receiving no financial or material

return); (5) profit-sharing/revenue-sharing, i.e. a business or business and sharing profits or income with the crowd in exchange for its current funding; (6) debt-securities crowdfunding, i.e. individuals investing in securities, such as bonds issued by companies; and (7) hybrid models, which offer business opportunities to combine elements of more than one type of crowdfunding.

Money from the masses/public, having changed the Act in the United States, can allow everyone to invest in start-ups. Want to invest in the next Twitter? or put money behind Facebook? More people may soon get a chance. On crowdfunding website Kickstarter, more than 87,000 people donated a total of more than \$3 million in February and March to help create the video game Double Fine Adventure Adventure. This is good news for fans of the game, but it also highlights the growing limits of crowdfunding movements in the United States. People who are given away on Kickstarter are seen as philanthropists, not investors. Yours is a \$15 prize in every copy of the game.

Generally, crowdfunding communities and fundraisers on a limited basis do not charge administrative fees or operational costs for fundraising or donations with the following criteria: (1) Zakat categories initiated by *BAZNAS* and *LAZ* partners; (2) Natural Disaster Categories for Provincial-scale disasters; and (3) Natural Disaster Categories for National-scale disasters. Determination of the scale of a disaster in accordance with the Decree of the President, State Institutions, and/or Government Agencies. A platform based on the information on its website is not responsible for the implementation or information provided by donors, contributors or recipients of funds. On its website this platform states “it is not responsible for dissatisfaction if the donor or beneficiary for the use of donations that have been made on that site or sites owned by third parties”. Sites owned by third parties are not responsible for what happens if donations have been handed over/given to campaigners. Possible events such as theft, embezzlement, or any act that causes the loss of donation funds.

Under any circumstances, the Platform User (Campaigner) will pay losses and/or avoid losing donation funds. Under no circumstances shall the Platform Users (including officers, directors, employees, agents, etc.) of any costs of any loss, loss, expense or damage arising from claims or claims from Third Parties arising from violations of the Use of the Platform against the Rules of Use of the Platform, and/or violations of the rights of Third Parties. Platform Owners are not responsible for misuse and/or violation of Intellectual Property Rights committed by campaigners in their campaigns. If the campaigner promises something to a contributor / donor and a dispute occurs, the Platform Owner is not responsible for it. Donations collected on the Platform after later submission, must provide a report on the use of funds. However, it should be noted that the Platform Owner is not responsible for everything that happens to the donation money that is disbursed and handed over to the campaigner. In the event of dissatisfaction of contributors or other users of the Platform in the use of funds raised, the Platform Owner is not responsible for it.

The Platform Owner is also not responsible if there is theft or embezzlement of collected funds that cause the loss of funds collected. Embezzlement of funds also does not want to be charged with anti-loss payments for claims or claims from Third Parties arising from violations. Users of the platform concerned with such violations are obliged to avoid the Platform Owner including the board of directors and their employees if there are costs of losses that arise. The Platform Owner does not provide compensation of any kind. If in the future there is a suspicious campaign, users must be able to help the platform in solving the existing problem. If there is a user of the Platform Owner's site who is proven to have violated the existing terms and conditions, then that user will be given an email notification of the violation that has been made, or sanctioned. So, the elaboration of these terms and conditions implies that, if there is a misappropriation of funds that occurs in a campaign, then the Platform Owner is not responsible at all. If there are other disputes, then the settlement of disputes that exist with the Platform Owner through deliberation channels in order to reach a consensus first. If a dispute cannot be resolved by deliberation, it will be pursued through legal channels, through alternative dispute resolution (Kitabisa.com, 2022).

Another platform for example is a global professional philanthropic institution that responds quickly to humanitarian rescue issues through creative, holistic and massive programs. Involving the active role of all elements of society to realize a better world civilization. The obligation of the Site User must declare himself as someone who is capable in the eyes of the law so that he can be responsible for all actions that constitute negligence and/or violation of the terms and conditions of use of the Site. Must provide data and information correctly, not misleading, and/or falsified. The prohibitions on the Site are providing and/or telling other parties to provide incorrect data or information, as well as falsifying the data or information of other parties. It is prohibited to do and/or tell other parties to take any action that may cause violations of some or all of the intellectual property rights of the Site Manager or other Site Users. It is prohibited to do and/or tell other parties to take any action that may damage, interfere with, or limit the system on the Site. It is prohibited to do and/or tell other parties to take any action that is contrary to the law, violates decency, or violates the rights of the Manager or the rights of other Site Users.

Generally, institutions in the form of legal entities of the Foundation already have an Operating Activity Permit from the Regional Government. The Foundation also has a *PUB* (Collection of Money and Goods) permit from the Ministry of Social Affairs through the Decree of the Minister of Social Affairs for the general category for the Disaster category, the permit is always renewed every three months in accordance with applicable regulations in Indonesia. The *PUB* permission can be seen by scanning the QR Code on the official website. Happy 14 years without pause, the public accounting firm predicates the financial audit process: Reasonable Without Exception to the institution. The achievement of the results of this audit is actually a moral imperative of public

fund management institutions. The institution hopes that this best achievement will be accepted seriously as an organizational standard that makes us take care of the mandate. Transparency of fund collectors through financial statements can be accessed. ACT, "FAQ," ACT, 2022, <https://act.id/sessions/faq>.

2. Donor Rights to Fund Use Information

Crowdfunding allows founders of nonprofits, arts, and cultures to fund their efforts by attracting relatively small contributions from a relatively large number of individuals using the internet and without standard financial intermediaries (Mollick, 2014). Donors have the right to know what campaigners are using their donated funds. But is it an obligation for the recipient or campaigner to explain that the donation funds were used and distributed? This is what then becomes the subject matter of this paper. There are at least three parties that have a correlation related to the activity of online Crowdfunding or online Fundraising that de facto occurs today, namely: (1) Fundraising Platform, which is the website owner where campaigners use their services. Returns from the Users of this website (Campaigners) The Fundraising Platform collects 5% of the donations it collects; (2) Campaigners are parties who use the website facilities of the Fundraising Platform who will get 95% of the proceeds from the fundraising platform, and (3) Donors.

Online crowdfunding relies on the Internet to seek financial support from the general public. Kromidha tested the success factor in the social capital network of the 5000 most funded projects in Kickstarter.com. He first looks at how fundraisers and supporters identify themselves with projects they support on their own social networks. It is modeled using Facebook friendships and Facebook shares, respectively, guided by social identity theory. It uses signal theory to investigate crowdfunding success based on the ability of supporters and fundraisers to engage in forums, modeled using the number of comments between them, or by unilateral signals using the number of updates from fundraisers. Kromidha's study shows that funders and supporters who identify themselves with projects on their own social networks are associated with a larger pawn/support ratio. He also found that projects where fundraisers and their supporters exchanged more signals in a shared forum, but not signals unilaterally conveyed by fundraisers, had a larger pawn/support ratio. These findings, based on measurable quantitative studies, highlight the importance of multitheorized approaches, advance social identity theory and signal theory in the context of crowdfunding, and can be applied to online and normal entrepreneurial environments (Journal et al., 2016).

How does online information influence investors' decisions? According to Sheng Bi, Funders or investors have access to a variety of information about a project or product when they make investment decisions. What types of information most influence investor behavior? Based on the model of possible elaboration, Sheng Bi developed a Chinese crowdfunding website. It was found that quality signals and electronic word of mouth have a significant positive influence on the funders' investment decisions. Results show that a larger number of prefaces and the number of videos make funders feel the project is

of higher quality, and a higher number of 'likes' and online reviews make funders feel the project has good electronic quality (Bi et al., 2017).

3. Dispute Resolution between Donors and Fundraisers

Litigation financing has long been a controversial topic. The legality of litigation financing has been challenged on many occasions with strong arguments both in favor of and against the practice. As with crowdfunding itself, litigation financing for this area is relatively new as well. Its litigation practice involves granting a loan to a Plaintiff requiring funds for a relatively high-value lawsuit in exchange for a substantial payment for the success or resolution of his case (Elliott, 2018, p. 529). The swelling costs of civil cases have caused many Defendants and Plaintiffs to be unable to meet legal costs such as attorney's fees, case costs and others. This significantly affects their ability to sue or defend themselves effectively. Related to this phenomenon is the discussion of ethics around access to justice and crowdfunding. This article explores the dimensions that explain the phenomenon of crowdfunding litigation (Id et al., 2021).

In the 1980s, experts touted Alternative Dispute Resolution as a sensible way of dispute resolution. Alternative Dispute Resolution keeps the parties away from a court that could potentially destroy their reputation. Carver postulates that the 'Winner' of litigation is almost the same as the 'Loser.' Over the next few years, more than 600 significant institutions adopted this policy on Alternative Dispute Resolution, which turned out to be a considerable saving in time and money in the dispute resolution process compared to litigation settlement efforts (Carver, B & Vondra, A, n.d.).

Basically, every conflict that occurs through the stages of dispute, namely: The First Stage, starting from the emergence of 'complaints' from one party against the other, both individuals and groups. The complaining party feels that his mandate or rights have been violated, feels that something is unnatural, his good name is damaged, or his heart is hurt. These initial conditions are referred to as the 'pre-disputed' stage and tend to lead to 'confrontation'. Second Stage, if then the other party shows a negative reaction in the form of a hostile attitude to the emergence of these complaints. The context of 'dispute' has at least four terms and stages.

The concept and terminology of 'difference of opinion', in the form of a sentiment or disapproval or resistance to a particular thing. Another familiar term for 'dissent' is 'ikhtilaf' which means 'difference of opinion' or 'disagreement of minds'. Important things have to do with 'dissent': (a) everyone must have a different mindset. Differences in mindset are influential in analyzing an event/event; (b) it should be understood that it cannot force another person to agree with an opinion because each person has a different opinion. It also reflects that one party cannot arbitrarily invite the other party to force it to agree; (c) Each party has its own interests. Opinions will have an effect on the other party and may harm the other party. Therefore, dissent always occurs; (d) dissent breeds the importance of respect for others. An attitude of respect for the other side will be the basis for thinking about being wiser and making those differences to be reconciled as soon as possible; and (5)

Each party must have a reference that is used as a role model. Sometimes one party tends to live life using the motivation that comes from his role model and justifies his actions based on his role model mindset.

The term 'Dispute' or 'dispute' in substance contains a 'disagreement'. A dispute is a disagreement or controversy, which then often proceeds or gives rise to a legal proceeding. Legal proceedings are like lawsuits. The opposing parties are said to be adverse to one another) (Merriam-Webster, n.d.). A 'dispute' is a difference of interest between two or more parties. Disputes are characterized by differences of opinion or perception in the private and public spheres. Disputes can occur between people per person, individuals with groups, or groups with groups (Dedy & Yuliana, 2015). Gradations in disputes are categorized as not or have not had a broad impact.

Conflict terminology refers to 'disagreement' (Differencebetween.com, 2015). 'Conflict' is a situation where two or more parties face differences of interest.' This will not develop if the aggrieved party only harbors that sense of dissatisfaction. The conflict has had a far-reaching impact, even identified with an atmosphere of crisis. Construct verbal controversy by questioning or casting doubt upon Her honesty which he sometimes was never disputed (Merriam-Webster, n.d.). Conflict limitations: (1) disapproval; (2) conflict or incompatibility. The conflict begins with the mind, concerning (a) the existence of oneself; nor in question (b) the context exists with others.

The terminology 'Case', which is a dispute that is handled and resolved through a court institution or litigation channel. There is no generally agreed definition of litigation. Most of the literature regarding courts does not seek to define the term litigation. Litigation, in ordinary speech, refers to actions contested in court. Litigation in general talks, refers to actions contested in court. It involves a claim, dispute, or conflict, and the use of a specific institution to resolve that conflict or dispute (Friedman, 1989).

Timothy cited Malley-Morrison's opinion and Castanheira as saying that there have been many studies that have focused on the issue of the characteristics between 'dispute' and 'conflict'. However, because of the constant two terms, many studies have replaced the term 'conflict' with the term 'dispute', or vice versa the term 'dispute' with the term 'conflict'. The practitioner can often extract that meaning from two points of view to justify his view. For this purpose, it should be understood that the separation of conflict types can help in practice when solving a case. The technique of resolving 'disputes', however, may be too simple for a conflict. Proficiency in both of these characteristics will help hone skills, and ultimately result in a higher level of completion and quality (Keator, n.d.).

4. Regulations, Institutions and Dispute Resolution Mechanisms in Indonesia

Now, the provisions in the updated Public Information Disclosure refer to Law Number 14 of 2008 Law 14 of 2008 concerning Public Information Disclosure (Law 14/2008); Government Regulation 61 of 2008 concerning the Implementation of Law 14 of 2008 concerning Public Information Disclosure;

Perki 1 of 2021 concerning Public Information Service Standards; *Perki* 1 of 2013 concerning Public Information Dispute Resolution Procedures; and *Perma* 2 of 2011 on Procedures for Resolving Public Information Disputes in Courts. Law Number 14 of 2008 concerning Public Information Disclosure (Law of Public Information Disclosure), especially Article 23 specifies that one of the functions of the Information Commission is to resolve public information disputes through: (1) 'Mediation'; and/or (2) Non-litigation adjudication. In addition, no other institution or institution has been given the task of receiving, examining and resolving public information disputes other than the Information Commission. Information dispute resolution is the absolute authority of the Information Commission as mandated by the law of Public Information Disclosure. Although categorized as out-of-court dispute resolution due to the non-litigation nature of the past, the settlement of information disputes through non-litigation adjudication carried out by the Information Commission, the decision has the force equivalent to the court's decision (Dyah, 2015).

5. Mediation of Public Information Disputes

Disputes revolve around: (1) legal relationships between the Parties involved (Donors, Fundraising Platforms, Campaigners, and End-Recipients); (2) legal liability for those who displace funds, (3) legal protection for the aggrieved, and also does not regulate the collection of money for online donations, so as to potentially cause irregularities; (4) legal liability for campaigners, (5) legal protection for campaigners which also discusses legal relations, and also legal arrangements for campaigners.

Mediation is the settlement of public information disputes between the parties through the help of a Mediator from the Information Commission. Mediation of public information disputes carried out by the Information Commission has different characteristics from the general mediation carried out in the general judiciary. The mediation function is attached to each member of the Information Commission. Each Member is *ex officio* authoritative to be a Mediator based on the authority granted by the Public Information Disclosure Act. Even if the principles of mediation are generally also adopted and applied in mediation by the Information Commission, but specifically according to its authority as referred to in Article 26 Paragraph 2 letter a of the Law of Public Information Disclosure, the Information Commission can "establish rules" regarding the procedure for conducting mediation of public information disputes. Based on this, Information Commission Regulation Number 1 of 2013 concerning Public Information Dispute Resolution Procedures was established (Dyah, 2015).

The term Mediator in Mediation at the Public Information Commission, which is a commissioner in the Information Commission who is in charge of assisting the Parties in the negotiation process to find various possible resolutions of Public Information Disputes without resorting to breaking or forcing a settlement. Besides 'Mediator', the terminology 'Auxiliary Mediator' is

also known as the commissioner on the Information Commission or other person in charge of assisting the Mediator. For the Parties to an 'information dispute' the designations 'Applicant' and 'Respondent' are used, i.e. they or the Parties who will be part of an information dispute carrying out mediation. Mediation in public information disputes may also use caucus instruments, that is meetings between the Mediator and one of the parties without the other party attending. The results of the mediation are then set forth in the 'Minutes of Mediation', which contains a resume or record of the report made by the Mediator. The content is in the form of information and the course of negotiations during the mediation process. The outcome of the 'Mediation Agreement' remains returned and made or terminated by the Parties themselves. As for the 'Failed Mediation Statement', it was made by the Mediator. The content is in the form of the parties' disagreement to resolve and terminate the information dispute, whether through peace or it may be wrong for the Parties to withdraw from mediation (Dyah, 2015).

The implementation of public information dispute mediation is free. The mediation process in information disputes is closed just like any other dispute. Exceptions are open if the Parties wish. Even if it is closed, in the practice of mediation of public information disputes, in addition to the Petitioner, Respondent, and Mediator, the presence of the staff of the Information Commission in the mediation process is intended to provide administrative, technical support during the mediation such as recording and writing the entire course of the mediation process and its results. In the presence of staff of the Information Commission, the Mediator is obliged to inform the Parties when the mediation begins. Mediation within the Information Commission has been held only once a meeting. If there is not enough time, it can be continued within a period of no later than 14 working days from the time the mediation begins and can be extended once again within a period of no later than seven working days. As for the place of implementation of Mediation in the office of the Information Commission; or in the office of a Public Agency unrelated to the dispute (not the Respondent). It can also be in a neutral place as long as it is agreed by the parties and the costs are the burden of the Parties (Dyah, 2015).

Unlike mediation in general, for public information disputes, the Parties are not free to choose the Mediator. The mediator's appointment is determined by the Chairman of the Information Commission. Even if the mediator's appointment is determined, the Parties may apply for the replacement of the Mediator. The mediator in an information dispute shall resign if he is bound by an inbreeding or inbred family relationship to the third degree, or a husband or wife relationship despite being divorced, with one of his or her attorneys. It is also mandatory to resign, whether it has a direct or indirect interest in the case of the parties or their attorneys. If the Parties become aware of these conditions, the Parties have the right to apply for the replacement of the Mediator. In information disputes, caucuses may be made at any time during the mediation. Its implementation may be at the request of the Parties or may also be the initiative of the Mediator (Dyah, 2015).

The mediation results are: (1) Mediation Agreement, in the event that the mediation is successful; (2) Statement of Mediation Failed, in the event that mediation is unsuccessful. Often in the practice of mediation of public information disputes, the agreement reached is only partial. In the event that this situation occurs, it must be stated the Minutes of Mediation. The content should contain anything that is agreed upon and what is not agreed upon. Mediation is declared a failure if: (a) one of the parties or the parties certifies in writing that the mediation process failed; (b) either party or the parties withdraw from the negotiations; (c) an agreement has not been reached within the mediation period; (d) The respondent was not present twice for no apparent reason. The mediator is obliged to record the entire mediation process. The mediator may electronically record the entire 'mediation process based on the agreement of the parties. All statements and/or documents revealed in the Mediation process cannot be used as evidence in adjudication or at trial in court (Dyah, 2015).

Crowdfunding via the Internet, is a new way of fundraising techniques for small businesses. This can benefit fund-seeking companies by helping to overcome funding difficulties, provide added value, facilitate access to further funding, provide publicity and contact, and enable fundraising only at limited or no loss from control and ownership (Macht and Weatherston, 2014). Online beneficiaries of funds are subject to information disputes in the form of online reports, so 'Beneficiaries' and 'Fund Collectors' must be 'public institutions'. In Indonesian law, there are three criteria for public institutions, they are: (1) executive, legislative, judicial institutions; and (2) other institutions whose principal functions and duties are related to the administration of the state, part or all of whose funds are sourced from the State Budget and/or the Regional Revenue and Expenditure Budget; or non-governmental organizations as long as part or all of their funds are sourced from the State Budget and/or the Regional Revenue and Expenditure Budget, community donations, and/or abroad. Based on this third criterion, both online crowdfunding and online fundraising meet the requirements to be called a public body with its association with its source of funds derived from community donations, both domestically and abroad (Nugroho, 2022).

However, Public Bodies have the right to refuse to provide excluded information following the provisions of laws and regulations. Public Institutions have the right to refuse to provide Public Information if it is not according to the provisions of laws and regulations. Public Information that cannot be provided by a Public Institution, as referred to, maybe in the form of information that may endanger the state. For example, information related to the interests of protecting businesses from unfair business competition, information related to personal rights, information related to confidential positions, and requested Public Information has not been mastered or documented. The obligations of the Public Institutions are to provide, provide, and publish Public Information under its authority to the Public Information Applicant, in addition to information that is excluded by the provisions. Public

Institutions are required to provide Public Information that is accurate, true, and not misleading. To carry out this obligation, Public Institutions must build and develop information systems and documentation to manage Public Information properly and efficiently so that it can be accessed easily. Public Institutions shall consider in writing any policy to satisfy every Person's right to Public Information. The considerations in question include political, economic, social, cultural, and/or defense and security considerations of the state. To fulfill their obligations, Public Institutions can utilize electronic and non-electronic and non-electronic facilities and/or media (Nugroho, 2022).

Online crowdfunding and online fundraising must regularly announce regularly, and within a certain period, at least once every six months. The dissemination of information is conveyed in a way that is easily accessible to the public and in an easy-to-understand language. Information includes (1) information relating to Public Institutions, such as profile, position, management, purpose, and purpose of establishing a public body; (2) information on the activities and performance of Public Institutions; (3) information about financial statements; (4) other information stipulated in the laws and regulations. In addition, there is also Passive Information. To acquire it must be done by requesting it; Mandatory and routine provided by public institutions. Information that must be available at all times includes: A list of all information in possession of a public Agency; Decisions of Public Institutions and their considerations; Public Agency Policy and its supporting documents; Project plan and its annual budget; Public Agency Agreements with third parties; Information in meetings that are open to the public; Work procedures relating to public services; Information access service report. Other information that has been declared open to the public is based on the Public Information Dispute ruling. Must be available at all times by a Non-Governmental Public Institution, i.e. principles and objectives; programs and activities of the organization; name, address, management arrangement, and changes; management and use of funds sourced from the State Budget or the Regional Revenue and Expenditure Budget, community donations, or foreign sources; organizational decision-making mechanisms; organizational decisions; and other information stipulated by laws and regulations (Nugroho, 2022).

6. Non-Litigation Adjudication in Public Information Disputes

Adjudication hearings are open to the public except if the Panel of Commissioners conducts an examination of the excluded documents. The Panel of Commissioners is active in the proceedings. The Panel of Commissioners is obliged to maintain the confidentiality of documents in the event of examinations related to documents that fall under the exception as referred to in Article 17 of Law Number 14 of 2008 concerning Public Information Disclosure. The applicant and/or his attorney cannot see or conduct an examination of the documents as referred to in Paragraph 1 of the law of Public Information Disclosure.

The adjudication process includes: (1) Preliminary Examination; (2) Local Inspection; (3) The Parties' Conclusions; (4) Injunctive Relief; (5) Decision of the Information Commission. Here are the details: Preliminary Examination: (1) Examining the authority of the Information Commission (Absolute and Relative competence); (2) Examine the legal standing of the parties or their attorneys; (3) Examine the timeframe of the request for information dispute resolution; (4) Check for reasons for exclusion. Local Examination, the Panel of Commissioners may conduct a local examination to obtain evidence accompanied by the Registrar and may be accompanied by the Applicant and/or the Respondent at the discretion of the Panel of Commissioners. (Article 56). Conclusions of the Parties, the parties may submit conclusions either orally or in writing. The Parties to Parties shall submit the conclusions in writing within the time period prescribed by the Panel of Commissioners after the evidentiary stage is declared complete. (Article 57 Information Commission Regulations PPSIP). Injunctive Relief, In the event that an application for dispute resolution of information does not meet the requirements of the period of filing a dispute resolution, the legal standing of the parties, absolute and relative competence, the panel of commissioners may impose an injunctive relief. The decision of the Information Commission, the Decision of the Information Commission may be: (1) The Final Judgment, in the event that the panel of commissioners considers that there is no need to pass an injunction, then the entire subject matter will be decided in the final judgment; or (2) The Judgment of Death, in the event that the Petitioner and/or his attorney in the mediation/adjudication hearing does not come after being duly summoned by the registrar then the panel of commissioners may pass a judgment.

Conclusion

1. The implementation of crowdfunding in several countries is very diverse. Some are specially regulated but generally regulated in a scattered manner. The latter is valid in Indonesia.
2. The right of donors to know information about the transparency of its use or distribution as long as it is not about confidential information. Donors can request information not on online crowdfunding or online fundraising but from campaigners.
3. Dispute Resolution between Donors and Campaigners can be carried out in the realm of information disputes with two stages of dispute resolution: first, through the Mediation forum and Non-Litigation Adjudication. If mediation fails, the next stage is through a non-litigation adjudication hearing. If the non-litigation stage is not completed, the litigation mechanism can be continued through the District Court or the State Administrative Court, according to its position.
4. The institution that carries out dispute resolution shall be the institution of the Information Commission and the Dispute Resolution Mechanism as referred to above, that is the Mediation stage and the non-litigation Adjudication stage.

Institutions that carry out dispute resolution are the District Court or the State Administrative Court to the Supreme Court.

Suggestion

The author provides suggestions or recommendations related to the implementation of crowdfunding in several diverse or partially regulated countries, Indonesia should not need to regulate crowdfunding specifically. It is the right of donors to know information about the transparency of its use or distribution as long as it does not concern confidential information. Donors can request information not from online crowdfunding or online fundraising, but from campaigners. Dispute resolution between donors and campaigners can be carried out in the realm of information disputes with two stages of dispute resolution, namely through the Mediation forum or Non-Litigation Adjudication. If mediation fails, the next stage is through a non-litigation adjudication hearing. If the non-litigation stage is not resolved, the litigation mechanism can be continued through the District Court or the State Administrative Court, according to its position.

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