

Criminal Offense of Fraud Against Misuse of Funds Donations on Behalf of Al Kahfi Islamic Boarding School in Kebumen District

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ABSTRACT

This research aims to analyse the crime of fictitious donation and its implications in the context of financial crime. Fictitious donation is an act that involves manipulating or falsifying information to obtain donations that do not actually exist. This article explains how fictitious donation crimes occur in practice and their impact on victims, society, and the financial system. The research method used in this study is a normative analysis based on secondary data, including investigation reports, court judgements, and related literature. To gain a deeper understanding of the issue. The results show that fictitious donation crimes have various forms of execution, including the creation of fake entities, and document forgery. The motives behind these crimes are often related to financial gain. The impact of fictitious donation crimes can be devastating. The main victims are the donation recipients who should have received the funds, but did not because the resources were diverted to the fake entity. In addition, society as a whole can also be affected due to the loss of trust in organisations or institutions that practice fictitious donations. The financial system is also threatened by this crime, as it can undermine the integrity and transparency of financial reporting. To address the crime of fictitious donations, this research recommends strengthening cooperation between law enforcement agencies and the government. There is a need to raise awareness of the risks associated with fictitious donations, and improve regulation and supervision to prevent and detect such acts.

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I. INTRODUCTION

Donated funds are a form of financial assistance provided by the community to help address social, humanitarian and environmental issues. However, sometimes donated funds are not used properly and are even misused. This leads to public distrust of institutions or organizations that receive donated funds.¹

Many cases of donated funds being misused occur in Indonesia, both by non-governmental organizations, foundations, social institutions, and other non-profit organizations. This misuse of donated funds can be in the form of using funds for personal interests, such as buying luxury goods, paying salaries for personal staff,

¹ muhammad mugi, 'penipu berkedok sumbangan pesantren al kahfi somalangu digulung polreskebumen', *kebumentalk*, 2021, p. <<https://kebumentalk.pikiran-rakyat.com/jawa-tengah/pr-1273356212/penipu-berkedok-sumbangan-pesantren-al-kahfi-somalangu-digulung-polres-kebumen>>.

to embezzling funds.

One of them is fraud that occurs in asking for donations by carrying the name of the boarding school carried out by Mahmudi (33) a resident of Peragaan Daya village, Peragaan sub-district, Sumenep district, Madura, East Java, secured by residents for asking for donations by taking the name of the Somalangu boarding school.

Mahmudi was secured by residents when asking for donations on Monday, December 27, 2021 in kalipora village, kuwarasan sub-district, Kebumen, starting with the suspicions of residents who then checked the Al Kahfi Somalangu Islamic boarding school, it turned out that the boarding school had never asked for donations to residents, felt aggrieved and reported to the police.

Misuse of donated funds not only harms the donor, but also harms the community who should be the beneficiaries of these funds. Therefore, it is necessary to conduct research to find out what factors cause misuse of donation funds, as well as how to avoid and overcome this.

This research is expected to contribute to the handling of the problem of misuse of donated funds in Indonesia, especially in strengthening the mechanism of supervision and accountability for the use of donated funds. The results of this study can be a reference for institutions or organizations receiving donations in building a transparent and accountable system of supervision and management of donated funds.

II. RESEARCH PROBLEMS

Based on the background of the problems above, the researchers made several problem identifications, namely:

1. What is the motive for the crime of fraud against the misuse of donation funds on behalf of Al Kahfi Islamic Boarding School in Kebumen Regency?
2. How is the Regulation of Fraud Crime against the Misuse of Donation Funds on behalf of Al Kahfi Islamic Boarding School in Kebumen Regency?

III. RESEARCH METHODS

The research method used in this study is a normative analysis based on secondary data, including investigation reports, court decisions, and related literature that aims to understand and explain social phenomena through the collection, analysis, and interpretation of non-numerical data. This research focuses on an in-depth understanding of the context, perspectives and experiences of individuals or groups involved in the phenomenon under study. The qualitative approach emphasizes a deeper understanding of how and why a phenomenon occurs.

IV. RESULT AND DISCUSSION

1. First Research Problem Discussion

What is the motive for the crime of fraud against the misuse of donation funds on behalf of Al Kahfi Islamic Boarding School in Kebumen Regency?

²The Crime of Fraud Against the Misuse of Donation Funds in the Name of Al Kahfi Islamic Boarding School in Kebumen Regency is a crime involving fraud and embezzlement of funds that should have been intended for the benefit of the Islamic boarding school. The motives behind these actions can vary, but there are some common motives that may be involved in this kind of case. The following are some of the possible motives behind this crime:

- a. Financial Gain: The most common motive in cases of this kind of fraud is the aim to make illegal financial gains. The perpetrator uses the name of Al Kahfi Islamic Boarding School to collect donations from the public with the promise that the funds will be used for educational, social, or humanitarian activities. However, instead of using the funds for the intended purpose, the perpetrators utilize them for personal gain, such as fulfilling personal needs or funding a lavish lifestyle.
- b. Tricking Authorities: In some situations, the motive behind this kind of scam is to trick the authorities or regulatory agencies responsible for the management of charitable funds. By claiming that the funds will be used for the benefit of the boarding school, the perpetrators can avoid any closer scrutiny or

² andhika maulana fikri, “tindak pidana penggelapan dana dalam yayasan oleh : andhika maulana fikri”, 2021, p. 112.

audits that may be conducted by the relevant authorities. This allows them to continue their fraudulent practices without being immediately detected.

In the case of this kind of scam, it is important for the public to be cautious in making donations to charities or organizations asking for help. Be sure to verify the legitimacy of the organization and ensure that the donation given will actually be used for the intended purpose. The government and related institutions should also improve supervision and regulation of charity fund management to prevent this kind of fraud from occurring.

2. Second Research Problem Discussion

How is the Regulation of Fraud Crime against the Misuse of Donation Funds on behalf of Al Kahfi Islamic Boarding School in Kebumen Regency?

The regulation of criminal acts of fraud against the misuse of donation funds on behalf of the Al Kahfi Islamic Boarding School in Kebumen Regency can be carried out through various legal and policy measures. The following are some aspects that can be part of the regulation:³

- a. Criminal Law: In Indonesia, the crime of fraud is regulated in the Criminal Code (KUHP). Relevant articles in the Criminal Code relating to fraud, such as Article 378, can be used to prosecute perpetrators who commit fraud against the donation funds of Al Kahfi Islamic Boarding School.
- b. Social Fund Law: The government can also issue special laws or regulations governing the collection, use, and supervision of social funds, including donation funds intended for Islamic boarding schools or charitable institutions. The Law on Social Funds will provide a clear legal framework in regulating the use of donated funds and provide strict sanctions for fraudsters.
- c. Supervision and Regulation: The government and relevant institutions need to improve oversight and regulation of charitable fund management. Effective oversight mechanisms should be implemented to ensure transparency and accountability in the use of donated funds. Regular audits and close supervision of charitable institutions and Islamic boarding schools will help identify misuse of funds and fraud.
- d. Public Education and Awareness: Increasing public education and awareness about the risks of fraud and crime related to donated funds is essential. Throughout outreach and socialization campaigns, the public can be provided with information on the signs of fraud, how to report, and how to verify legitimate charities before making donations. Cooperation between institutions: Cooperation between the government, police, charity organizations, and Islamic boarding schools is also needed to prevent and handle fraud crimes. Information exchange, reporting, and cooperation in investigation and prosecution will strengthen efforts to prevent and counter fraud.
- e. Strict Penalties: Strict and adequate sanctions should be imposed on perpetrators of fraud to provide a deterrent effect and protect the public from misuse of donated funds. Courts should impose penalties appropriate to the level of harm caused and provide restitution to victims.

The regulation of criminal acts of fraud against the misuse of donation funds on behalf of Al Kahfi Islamic Boarding School in Kebumen Regency needs to cover aspects of law, supervision, education, and inter-institutional cooperation. With a solid regulation, it is hoped that it can prevent the misuse of donation funds and protect the public and trust in charitable institutions and legitimate Islamic boarding schools.

V. CONCLUSION

The Crime of Fraud Against the Misuse of Donation Funds in the Name of Al Kahfi Islamic Boarding School in Kebumen Regency is a crime involving fraud and embezzlement of funds that should have been intended for the benefit of the Islamic boarding school. The motives behind these actions can vary, but there are some common motives that may be involved in this kind of case. In the case of this kind of scam, it is important for the public to be cautious in making donations to charities or organizations asking for help. Be sure to verify the legitimacy of the organization and ensure that the donation given will actually be used for the intended purpose. The government and related institutions should also improve supervision and regulation of charity fund management to prevent this kind of fraud from occurring.

³ maman tirta, 'artikell maman tirta', *tindak pidana penipuan*, 2017, 1-7 <http://eprints.uniska-bjm.ac.id/5725/1/artikell_maman_tirta.pdf>.

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