

Crowdfunding Practice and It's Comparison with Fundraising and Dispute Settlement

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Abstract: With the development of technology, donations can only be attractive but can also make it easier for people to do things, including collecting funds. This paper discusses crowdfunding practices and their comparison with fundraising and dispute resolution with misuse during distribution. In terms of the parties, there are Fundraising Platforms (Fundraising Platforms) and Promotions (Campaigners) and Donors (Donors). The purpose of writing this article is to answer three crucial questions, namely: (1) what if you want to know information about the implementation or distribution of funds? (2) What if there is a dispute, Pepromisi does not respond to the wishes of the donor?; (3) and what actions Donors can take to obtain transparency of information from Promotion. This paper uses normative juridical research conducted by applying the rules and norms in law.

1 INTRODUCTION

There are two concepts that are sometimes intertwined, namely: (Nindyatmoko, n.d.) (1) The concept of 'urunan' or 'joint fund' (*crowdfunding*). Later developments, the concept of 'urunan' is carried out massively through urunan/joint ventures 'online (online)'. The latter is known as *online crowdfunding*; (2) The concept of '*fundraising*'. Raising urunan is said to be traditional if it is done outside the network (offline/offline). Fundraising models are generally in the form of physical donations in the form of direct gifts in cash or checks. Just like urunan, fundraising is also evolving and the collection is done 'online (online)'. The latter is known as *online fundraising*. Fundraising is generally in the form of physical donations in the form of direct gifts in cash or checks, so in the era of online fundraising, it is done through internet banking or bank transfers. The implications of the online 'drop-off' and 'fundraising' models make donations: (1) faster; (2) easier; and most importantly it should (3) allow for more transparent giving and receiving; and (4) accountable.

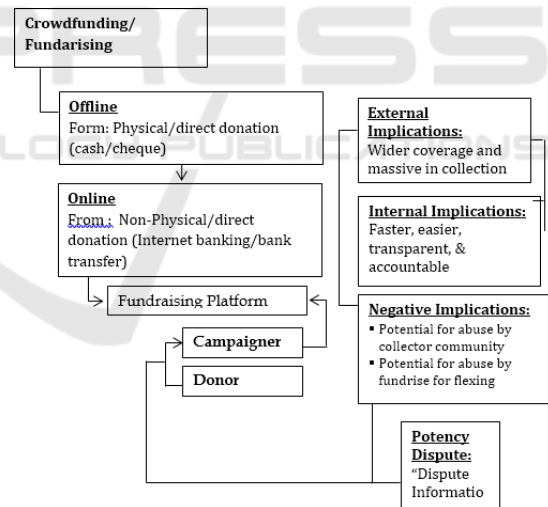


Chart 1: Potential Dispute Online Crowdfunding & Online Fundraising.

On the above, there are three crucial questions related to it, namely: (1) what if the donor wants to know information regarding the transparency of the use or distribution of funds? (2) What if there is a dispute, Pepromisi does not respond to the wishes of the donor?; (3) and what actions Donors can take to obtain information transparency from the Campaigner.

2 LITERATUR REVIEW

The presence of new technologies and media does not come from an empty space. Technological development as a process of interaction or discourse between technologists and relationships with social groups. Biker and Pinch in *The Social Construction of Facts and Artefacts: or How the Sociology and the Sociology of Technology could Be Benefit each Other* argue that the state of technology is like science, namely as a social construction, depending on many social factors and relationships between social groups. Crowdfunding as a new technology and media comes from social construction. For Bikers, crowdfunding utilizes technology by involving the community in fundraising to help or donate people in need and fundraising for a project or business unit. This is done online, whether it is based on a website or an application. This allows the wider community to access charity programs. (Nurhadi & Irwansyah, 2018) Sheng Bi, Zhiying Liu, Khalid Usman questioned how online information affects investors' decisions. For Sheng Bi funders or investors have access to a wide range of information about projects or products when they make investment decisions as well as what types of information most influence investor behavior. Based on the elaboration likelihood model, Sheng Bi and colleagues developed a research model and conducted an empirical study using objective data collected from Chinese crowdfunding websites. Sheng Bi found that signal of quality and electronic word of mouth have a significant positive influence on the investment decisions of funders. The results of Sheng Bi et al's research show that a higher number of forewords and a greater number of videos makes funders feel the project has higher quality, and a higher number of likes and online reviews makes funders feel the project has good electronic news from mouth to mouth. Furthermore, data analysis from Sheng Bi reveals that project quality signal information and word of mouth have almost the same effect on funders' investment decisions in the context of Chinese crowdfunding. On the other hand, central routes are significantly more important for Science & Technology and Agriculture projects, while peripheral routes are more important for Entertainment and Arts projects. (Bi et al., 2017) Haichao Zheng, Dahui Li, Jing Wu, Yun Xun research how entrepreneur social networks affect crowdfunding. Based on the research of Haichao Zheng and colleagues, the theory of social capital was developed on a research model and a comparative study was conducted using objective

data collected from China and the US. Zheng and colleagues 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 US. The predictive power of the three dimensions of social capital is stronger in China than in the US. Liability is also having a bigger impact in China. (Zheng et al., 2014) According to the research of Dedy Ilham Perdana and Yuliana, the Betang Sangkuwu customary land conflict in Tubang Marak village occurred because of the struggle for ownership of the Betang Sangkuwu customary land located in the middle of an oil palm processing plantation company, namely PT Karya Dewi Putera (PT KDP). The struggle for ownership of the Betang Sangkuwu ulayat land took place between the indigenous people of Tubang Marak village and the migrants who settled in this village called the viewer. This study uses a phenomenological study with a qualitative approach, which examines the phenomenon to be developed. The source of data in Dedy Ilham Perdana and Yuliana's research comes from primary data, which was collected through direct and in-depth interviews between researchers and informants (subjects), observations, recordings and field notes. The data analysis technique used is data reduction, data analysis, as well as drawing conclusions and verification. The results of the study indicate that in the process of customary land disputes in Betang Sangkuwu, Tumbang Marak village, there are actors who play a role (roles of authority). The conflict occurs because its roots are triggered by economic values, social values (social rent/social privileges), and ricardian rents (sacred cultural values). The conflict is in the form of latent conflict, namely slandering, mutual suspicion, and threatening, as well as conflicts that are manifested in the form of blaming each other. Efforts that have been made are mediation and hinting (customary fines) in Dyak custom. The struggle for ownership of the Betang Sangkuwu ulayat land in Tumbang Marak Village has not yet been completed. The performing community together with KCW personnel will raise the issue to positive law. However, because the indigenous people of Tumbang Marak village are willing to accept the results of the mediation, the relationship between the parties involved in the conflict in Tumbang Marak village is getting better. (Dedy & Yuliana, 2015) Crowdfunding through Internet platforms according to Ethan Mollick is a new phenomenon

that allows small businesses to raise capital from a large number of private individuals, called 'crowdfunders'. Crowdfunding can offer a variety of financial and non-financial benefits for business venture funding. Financially, it helps small companies to overcome funding difficulties and facilitates access to further financiers while enabling businesses to raise capital with little or no loss of ownership and control. In terms of non-financial benefits, crowdfunders can provide the added value of engagement and feedback creating, at the same time, publicity and public awareness of the business, and potentially useful new contacts for the business. (Mollick, 2014) For Stephanie A. Macht & Jamie Weatherston, Crowdfunding supports founders of nonprofit, arts, and culture ventures to fund them with relatively small contributions from the large number of individuals who use the internet, without standard financial intermediaries. Based on a dataset of more than 48,500 projects totaling over \$237, Stephanie A. Macht & Jamie Weatherston offers a description of the dynamics of success and failure among crowdfunded ventures. It's that personal networks and the quality of projects that demonstrate them are linked to the success of crowdfunding efforts, and that geography is tied to the types of projects proposed and successful fundraising. Finally, Stephanie found that most developers planned to fulfill their obligations to the fund people, but more than 75% delivered more product than expected, with the rate of delay predicted by the level and amount of funding the project received. These results offer insight into the emerging crowdfunding phenomenon, and also shed more light on how founders' actions can impact their ability to receive entrepreneurial financing. (Macht & Weatherston, 2014) For Endrit Kromidha & Paul Robson, online crowdfunding means relying on the Internet to seek financial support from the general public. In their paper, Kromidha and Robson tested the success factors in social capital networks from the 5000 most funded projects on Kickstarter.com at the time of this study. Endrit Kromidha & Paul Robson first looked at how fundraisers and supporters identified themselves with the projects they supported on their own social networks. These are modeled using Facebook friends and Facebook sharing, respectively, guided by social identity theory. Second, we use 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 signaling using the number of updates from the fundraiser. This study shows that

fundraisers and funders who identify with projects on their own social networks are associated with a higher guarantor/supporter ratio. Endrit Kromidha & Paul Robson also found that projects in which the fundraiser and backer exchanged more signals in a shared forum, but not signals that were imparted unilaterally by the fundraiser, had a higher guarantor/supporter ratio. These findings, based on measured quantitative studies, highlight the importance of a multitheoretical approach, advance social identity theory and signal theory in the context of crowdfunding, and can be applied to both online and normal entrepreneurial environments. (Kromidha & Robson, 2016)

3 METHODS

The method in writing articles used normative juridical methods, besides that, it is also done to make two platform models for analysis. A comparative approach is used to compare it between one platform with other platforms. By using the method in this comparison, the transparency and accountability of information is also recorded provided by the two institutions. Last, done an examination of whether there has been a dispute between the Donor with Recipients/ Collectors.

4 RESULTS AND DISCUSSION

Crowdfunding has become an alternative source of financing for businesses and individuals. *Crowdfunding* has set aside traditional financing intermediaries such as credit institutions to apply for financing (*the traditional financing intermediaries*) to transformation through the crowd (*for a financing through the crowd*). However, disintermediation in many countries, Kleiner argues, is only a transitional stage in the development of a *sui generis* that was adopted in several legal orders (*adopted in several legal orders*). In some countries, new statuses with correlative obligations were created. In other countries only adapting existing regimes to include these actors', namely businesses operating *platforms* to connect *financiers* and *funders* (Kleiner, 2021)

Kleiner examines or tests *the different types of crowdfunding*. According to him, the types depend on the financing arrangements (*depending on the financing arrangements*), whether they come from:

- (1) loans, (2) donations, (3) equity. Then the

solutions proposed in nineteen legal systems (*the 19 legal systems*) were determined based on the regime's point of view applied to *crowdfunding*. It is also necessary to pay attention from the point of view of the protection of '*the crowd*', whether it concerns *the natural persons* or *legal persons* who have contributed to financing through a *platform*. According to Kleiner, therefore the use of the Internet is an important means of collecting this funding. Kleiner in his report shows that the countries studied are reluctant to allow these businesses to operate outside the boundaries of where the finance company is located, often far from imagining all the difficulties associated with this aspect. (Kleiner, 2021) As the name implies, contributions to *donation-based crowdfunding* are in the form of donations. There are no rewards for contributions that have been made by contributors, and refund of some of the amounts they have contributed. Donations are made based on sympathy for the people they help. (Nurhadi & Irwansyah, 2018)

The term *crowdfunding* is a derivative of crowdsourcing which means crowdfunding. Judging from the existing legal rules in Indonesia, there are no specific rules regarding online crowdfunding 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 public funds for various purposes, especially for social and charitable purposes. The donation also has an intermediary to connect donors and recipients of donations by using internet media and applications and platforms.

4.1 Terminology/ Terms Crowdfunding

Some way of raising money which in Europe is done to finance projects and businesses. Fundraising of large sums through *online platforms*. (ec.europa.ue, n.d.) The term *crowdfunding* refers to the idea of *raising funds* for a project (*a project*) or purpose (*a project or cause*) through a large group of people online (*through a large group of people online*). Everyone can use it to get support for their ideas. (Nguyen & Brauner, 2022) *Crowdfunding* is 'fundraising'. Then the terminology of *Donation-based Crowdfunding* was namely donation-based fundraising. Generally asking for a small amount of money from a number of people for the purpose of an activity or project. For this contribution, the

donor those in need. (Wulan, 2021)

Campaigner Crowdfunding

Campaigner is the user (*the user*) of the crowdfunding platform who creates a project for fundraising (*who creates a project for fund raising*). *Campaigners* are also called '*project creators*' or '*creators*'. (IGI Global, n.d.)

4.1.1 Crowdfunding Arrangements in Several Countries

A Crowdfunding Arrangements in the United States

According to Heminway, there has been a rapid growth of the *crowdfunding* past few years, in the United States and around the world. With the implementation of *crowdfunding*, various complex legal issues arise. While laws and regulations in the United States seek to keep pace, both at the state and federal level, with the diversity and evolution of the *crowdfunding*. When Heminway wrote this report on *crowdfunding* there was no comprehensive legal framework covering *crowdfunding* as a whole in the United States. Therefore, the report aims to explain

The legal framework that exists and applies in America and some of the complex issues related to *crowdfunding*. (Heminway, 2017)

Platform *online crowdfunding* is an important social networking community for entrepreneurs to raise money to support their entrepreneurial projects. However, the value of entrepreneur social capital embedded in social networks has not received sufficient attention in the *crowdfunding*. What about social entrepreneurs?

Will networking impact 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 finds the ties of entrepreneur social networks, and the obligation to fund other entrepreneurs, and the shared meaning of *crowdfunding* between entrepreneurs and sponsors have a significant effect on *crowdfunding* 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 was stronger in China than in America. Liability, the relational dimension, is also having a greater impact in China.(Zheng et al., 2014)

B Under Arrangements for the Implementation of Crowdfunding in Finland

Law, Kallio stated, *crowdfunding platform* in Finland is subject to regulations as stipulated in the '2016 Crowdfunding Act' (*the 2016 Crowdfunding Act*), to the extent *the platform* provides intermediation services to channel funding by financial return. 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* in Finland.(Kleiner, 2021)

C Crowdfunding Implementation Arrangements for Crowdfunding in Switzerland

Has become an important alternative for financing various commercial and non-commercial projects in Switzerland. forms of *crowdfunding* in Switzerland are:

- (1) *crowddonating*,
- (2) *crowdsupporting*,
- (3) *crowd pre-financing*
- (4) *crowdlending* and
- (5) *crowdinvesting*

Although the *crowdfunding* has grown rapidly in recent years, there is very little *crowdfunding* - specific regulation in place.

Therefore, a large part of *crowdfunding* must be embedded in a non-governmental regulatory environment. Specifically, which raises various problems. The Swiss government has acknowledged each other's problems, including the potential costs involved in terms of innovation and economic growth. This has resulted in several recent amendments of the regulatory framework, particularly regarding *crowdlending*. This contribution provides a brief overview of the *crowdfunding* and regulatory environment with status as of July 2019.(Kleiner, 2021)

D Crowdfunding in Germany

As of the publication of the Troger article, there are no specific German laws or regulations, which specifically address and regulate *crowdfunding*.

Nevertheless, one must acknowledge the rapid development of the *crowdfunding* and observe the new forms of legal relationships resulting from fundraising campaigns conducted through the means of internet platforms. Thus, Troger's research aims to highlight the main legal issues raised by the implementation of *crowdfunding* in Germany in dealing with these activities through the legal framework currently in force in Germany.(Kleiner, 2021)

E Crowdfunding in Cyprus

Crowdfunding is not regulated in the Cyprus legal system. The proceeds of a business or other entity wishing to initiate *crowdfunding* have to deal with a complex legal framework and are subject to the formalities and obligations that have been designed for the classic 'mainstream' way of attracting funds. This lesson thus aims to highlight some of the main legal issues raised by the *crowdfunding* in the legal context of Cyprus.(Kleiner, 2021)

F The Organizing Crowdfunding in Brazil

Terra study aims to analyze the various modalities of *crowdfunding* used in Brazil. The main difficulty stems from the fact that there are only two specific regulations regarding this in Brazil, one revised in July 2017 concerning *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 project developers, which have caused a series of controversies and problems. practical.(Kleiner, 2021)

G Crowdfunding in Spain

While Sainz mentions that in Brazil the matter of '*financial return crowdfunding*' has been regulated under Spanish law since 2015. Other forms of financing *by the crowd*, such as donations or *crowdfunding reward-based crowdfunding* implementation of *crowdfunding* in Spain, however, poses various problems that must be recognized and addressed. Therefore, Sainz's research aims to highlight the main features of the *legal framework and regulation of crowdfunding* currently in force in Spain.(Kleiner, 2021)

H Crowdfunding in Greece

In Matthaïou's opinion, rather than creating a new legal framework that specifically regulates *crowdfunding*, Greek Legislators chose to adapt the existing financial regime through the introduction of several new legal provisions. While considering *crowdfunding* the growing Legislators in Greece are also seeking to keep a close eye on current discussions at the European level on *crowdfunding*. Thus, Matthaïou's research aims to describe the main characteristics of the Greek legal framework applicable to *crowdfunding*. (Kleiner, 2021)

I Crowdfunding in Poland

Although there are no specific regulations on *crowdfunding* in Poland to date, general rules regarding civil and commercial law, in particular, will apply to *crowdfunding*. Meanwhile, the *crowdfunding* is not very developed in Poland when compared to other markets in Europe or the United States. Baginska's study aims to establish the main legal rules and issues raised by the *crowdfunding* in the context of Polish law. (Kleiner, 2021)

J Crowdfunding Implementation in Estonia

According to the Laub report released July 2018, the State of Estonia has not yet implemented any specific laws or regulations regarding *crowdfunding*, although there have been initiatives to outline certain rights and obligations of *platform*. However, everyone in Estonia has to acknowledge the legal problems resulting from the rapid development of *crowdfunding*. Therefore, this Laub study seeks to highlight some of the main legal issues in Estonian law that are driven by the development of *crowdfunding* in the country. (Kleiner, 2021)

K Crowdfunding in Taiwan

Under Taiwanese law, at the time of publication of this Tseng report, only *crowdfunding* is regulated and subject to Taiwan's regulatory oversight and control. However, this does not mean that the conduct of other types of *crowdfunding*, 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 the features of certain existing business models, within the scope of banking regulations. Therefore, Tseng's research It aims to highlight the main

characteristics of the current legal framework that applies to *crowdfunding* in Taiwan. (Kleiner, 2021)

L Crowdfunding in Singapore

Crowdfunding is a rapidly growing type of financial intermediation requiring regulatory attention. Some countries, such as the United States, have enacted legislation in response to internal challenges in *crowdfunding* related to investor protection. Other countries rely on existing regimes that regulate financial intermediation and adapt them in response to problems arising from the relationship between: (1) *crowdfunding platforms*, (2) investors, and (3) recipients of financing. Singapore, which is one of the largest financial markets in Asia, 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 *crowdfunding* in Singapore and considers policy proposals regarding Singapore's regulatory framework. (Kleiner, 2021)

4.2 Types of Crowdfunding and Administrative/Operational Fees

4.2.1 Types of Crowdfunding

There are four types of *crowdfunding*, namely: (Nguyen & Brauner, 2022) (1) *reward crowdfunding*, namely raising funds by reaching supporters, who receive a small gift or product sample if they promise a certain amount; (2) *debt crowdfunding*, namely receiving loans and paying them within a certain period of time. Some prefer this to a bank loan because it can be much faster; (3) *equity crowdfunding*, giving part of the ownership of a business to those who provide funding and (4) *donation-based crowdfunding*, ie individuals who donate small amounts of money (to meet the larger funding aim of) of certain charitable projects (a specific charitable project) without receiving any financial or material return (while receiving no financial or material return). Model types of *crowdfunding* with other divisions, namely: (ec.europa.ue, n.d.) (1) *peer-to-peer lending*, namely the crowd (the crowd) lends money to a company (lends money to a company) with the hope that the money will be repaid with some interest; (2) *equity crowdfunding*, namely the sale of a stake (to a number of investors in return for investment); (3) *rewards-based*

crowdfunding, ie individuals donate to a project or business (*individuals donate to a project or business*) in the hope of receiving non-financial rewards, such as goods or services; (4) *profit-sharing / revenue-sharing*, namely a business or business and sharing profits or income with many people in return for its current funding; (5) *debt-securities crowdfunding*, ie individuals invest in securities, such as bonds issued by companies; and (6) *hybrid models*, which offer business opportunities to combine elements of more than one type of *crowdfunding*.

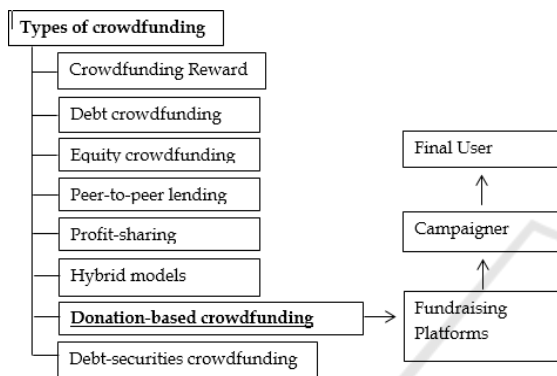


Chart 2: Types of Crowdfunding.

4.2.2 Crowdfunding Administration/Operational Fee

Money from the masses/public, has changed the laws in the United States, can allow anyone to invest in *start-ups*. Want to invest in the next Twitter? or put money behind Facebook? More people might get a chance soon. website *crowdfunding* Kickstarter, more than 87,000 people donated a total of more than \$3 million in February and March to help create the *Double Fine Adventure*. This is good news for gaming fans, but it also highlights the growing limits of *crowdfunding* movement in the United States. People awarded on Kickstarter are seen as philanthropists, not investors. There is a \$15 prize in each copy of the game.

Generally, the *crowdfunding* and *fundrisers* do not use operational and administrative costs for fundraising or donations on a limited basis with the following criteria: (1) Zakat category which has been initiated by BAZNAS and LAZ partners; (2) Category of Natural Disaster within the scope of disaster from the provincial scale; and (3) National-scale Disasters from the Category of Natural 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 existing information that the site is not responsible for the implementation and information provided by *donors*, contributors and also to recipients of funds. On its website *platform* states "it is not responsible for dissatisfaction if the donor or *beneficiary* uses the donations that have been raised on the site and sites belonging to third parties. Sites belonging to third parties are not responsible for what happens if the donation has been submitted/given to the *campaigner*. Events that may occur such as embezzlement, theft, and also any action that causes the loss of donation funds.

In various circumstances, Platform Users (*Campaigners*) can pay for losses or avoid causing loss of funds on donations. Under any circumstances, Platform Users (officers, employees, director agents and others) from any losses on any costs, losses, expenses and damages that exist and originate from claims or claims from Third Parties arising from any violation of Platform Use against the rules on the use of the Platform, and/or a violation of the rights of third parties. Platform owners are also not responsible for the abuse and/or violation of Intellectual Property Rights that have been carried out by *campaigners* in their campaigns. If the *campaigner* promises something to the contributor/donor and a dispute occurs, the Platform Owner is not responsible for this. Then the donations that have been collected on the Platform will then be submitted, and are obliged to provide reports in terms of the use of funds. However, it must be emphasized that the Platform Owner is not responsible for everything that has happened to the money from the donation that has been disbursed and handed over to the *campaigner*. If there is dissatisfaction of contributors or other Platform users in the use of the funds that have been collected, the Platform Owner is not responsible for this.

The Platform owner is not responsible if there is a theft or a crime such as embezzlement of funds from the collected donations and causes the loss of funds. The embezzlement of funds is not charged to the payment of compensation in claims and claims from Third Parties caused by a violation. Platform users who participate and are concerned with existing violations are obligated to avoid the Platform Owners who also involve the board of directors and employees if any loss costs arise. The absence of compensation in any form from the Platform Party if at any time there is a suspicious campaign, in the case of an existing problem, the user must be able to help the platform to solve the problem. If it is found that a Platform Owner site user violates the existing terms and conditions, an email notification will be

given to the user about any violations that have been made, or a sanction will be given.

That way there will be an elaboration of what terms and how the terms and conditions are, which concludes that, if there is a misappropriation of funds that occurs in a campaign, then there is no accountability on the part of the Platform Owner. If another dispute occurs, the Platform Owner will resolve the dispute by way of deliberation so that a consensus can be reached first. If it turns out that the dispute cannot be resolved using deliberation, then it will be treated using legal channels, through alternatives that exist in dispute resolution. (Kitabisa.com, 2022)

Platform, for example, is a professional philanthropic institution with a global scale that can respond quickly to various problems in the goal of saving humanity that is extended by means and various programs using a creative, holistic and massive approach.

To realize a better world civilization requires the active involvement of all elements of society. With the active involvement of all elements of society in the desire to realize world civilization for a better future. Site users must have an obligation to show themselves as someone who is very capable in the eyes of the law in order to have a liability for actions and omissions or in the form of violations of the terms and conditions of site users. Data and information must be provided correctly, not misleading and without falsification. One thing that is prohibited on the site is that it is not allowed to provide or provoke other parties to provide incorrect data and information, falsify data or information from other parties. Prohibition of doing and ordering other parties to take all actions that can cause a violation of either part or all of the intellectual property rights originating from the site manager and other site users. It is forbidden to do or order other parties to take any actions that can interfere with, damage and limit the system on the site.

It is forbidden to do or instruct other parties to take any action that would be against the law by violating decency, or violating the rights of the manager or the rights of other site users.

Generally, institutions in the form of foundation legal entities already have an operating activity permit from a regional government. The Foundation also has a permit from PUB (Collecting Money and Goods) by the Ministry of Social Affairs from the Decree of the Minister of Social Affairs for general categories for categories such as Disasters, the permit is renewed every three months in accordance with applicable regulations in Indonesia.

PUB permits can be viewed using the QR code on the official website. Public accounting firms give a predicate in a financial audit process for 14 years without a break: Unqualified/WTP to the institution. The results of the achievement of income is a moral imperative in public fund management institutions. The institution hopes that the best achievements are taken seriously as an organizational standard in managing the mandate. The transparency of fundraisers through financial reports can be accessed. (ACT, 2022)

4.3 Rights of Donors to Know Information about Transparency of Use or Distribution

Crowdfunding allows founders of nonprofit, arts and culture businesses to fund efforts by attracting relatively small contributions from a relatively large number of individuals with internet use and without standard financial intermediaries. (Mollick, 2014) Donors or donors have the right to know what *campaigners*. But is it an obligation for the recipient of the donation or the *campaigner* to explain that the donation funds are used, distributed, or distributed? This then becomes the main issue in this paper. There are at least three parties who have a correlation related to *online crowdfunding* or *online fundraising* activities that are de facto currently happening, namely: (1) *Fundraising Platform*, namely the owner of the website where the *campaigners* use their services. Returns from users of this website (*Campaigner*) The *Fundraising Platform* collects 5% of the donations it collects; (2) *Campaigner*, namely the Party who uses the website facilities owned by the *Fundraising Platform*, where he will get 95% of the proceeds from his fundraising on the *Fundraising Platform*; and (3) *Donors*, namely donors. The following is the relationship between the parties:

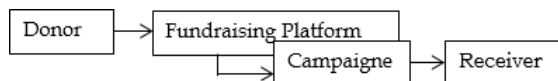


Chart 3: Legal Relations of Donors, Fundraising Platforms, and Campaigners.

Crowdfunding relies on the Internet to seek financial support from the general public. Kromidha tested the success factors in the social capital network of the 5000 most funded projects on *Kickstarter.com*. He first looked at how fundraisers and supporters identified themselves with the projects they supported on their own social networks. These are modeled using Facebook

friendships and Facebook, sharing respectively, guided by social identity theory. It uses signal theory to investigate crowdfunding based on the ability of supporters and fundraisers to engage in forums, modeled using the number of comments between them, or by unilateral signaling using the number of updates from the fundraiser. Kromidha's study shows that funders and backers who identify with projects on their own social networks are associated with a higher pledge/supporter ratio. He also found that projects in which fundraisers and their supporters exchanged more signals in the joint forum, but not signals that were imparted unilaterally by the fundraiser, had a higher pledge/support ratio. These findings, based on measured quantitative studies, highlight the importance of a multi-theoretical approach, advance social identity theory and signal theory in the context of crowdfunding, and can be applied to both online and normal entrepreneurial environments. (Kromidha & Robson, 2016)

How does online information affect investors' decisions? According to Sheng Bi, Funders or investors have various accesses to information from a project or product in making investment decisions. So what types of information most influence investor behavior? website crowdfunding Chinese. It was found that the signal quality and electronic word of mouth had a significant positive influence on the investment decisions of funders. The results were found if the number of forewords was greater and the number of videos felt that the project was of higher quality by the funder, and the number of 'likes' was higher and there was an online rating that made the funder feel that the project had good electronic quality. (Bi et al., 2017)

4.4 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 for and against the practice. As with crowdfunding itself, litigation financing for this field is relatively new as well. Its litigation practice involves providing loans to Plaintiffs who need funds for relatively high-value lawsuits in exchange for large payments for the success or settlement of their cases. (Elliott, 2018) swelling costs of civil cases have caused many Defendants and Plaintiffs to be unable to meet legal fees such as attorney fees, court fees and others. This significantly affects their ability to sue or defend themselves effectively.

Related to this phenomenon are ethical discussions around access to justice and crowdfunding. This article explores the dimensions that explain the phenomenon of crowdfunding litigation. (Raghupathi et al., 2021) In the 1980s, experts touted Alternative Dispute Resolution (ADR) as a reasonable way of resolving disputes. ADR keeps parties away from potentially reputation-damaging courts. Carver postulates that the 'Winners' of litigation are almost the same as the 'Losers'. Over the next few years, more than 600 major institutions adopted this ADR policy and this turned out to be a significant saving of time and money in the dispute resolution process, when compared to litigation settlement efforts. (Carver, B& Vondra, A, n.d.)

Basically every conflict that occurs proceeds through the stages of a dispute, namely: The First Stage, which begins with the existence of 'complaints' from one party to another party, both individuals and groups. Several parties complained that they felt their trust or rights had been violated, felt that something was not right, their reputation was damaged, or their hearts were hurt. This initial condition can be described as the 'pre-dispute' stage and tends to lead to 'confrontation'. The second stage, if there are other parties showing a negative reaction such as a hostile

A Difference Opinion

The concept and terminology of 'disagreement', in the form of a sentiment or disagreement or resistance to a certain matter. Another familiar term for 'difference of opinion' is 'ikhtilaf' which means 'difference of opinion' or 'dispute of opinion'. The important things related to 'difference of opinion':

- (a) Each person must have a different mindset. Different patterns of thinking have an effect on analyzing an event/occurrence;
- (b) It must be understood that you cannot force others to agree with an opinion, because there are different opinions from everyone. This reflects that a party cannot arbitrarily invite other parties to force an agreement;
- (c) Each party has its own interests. Opinions will affect the other party and may be detrimental to the other party. Therefore, differences of opinion always occur; (d) differences of opinion give birth to the importance of respect for other parties. The attitude of respect for the other party will be the basis for thinking to be wiser and make the difference to be reconciled as soon as possible; and
- (d) Each party must have a reference that is used

asa role model. Sometimes one party tends to live life with the motivation that comes from his role model and justifies his actions based on his role model's mindset;

B Dispute

Or 'dispute' in substance contains an 'a disagreement (a disagreement)'. Disputes are disagreements or controversies, which then often continue or lead to legal proceedings (rise to a legal proceeding). The legal process is like *alawsuit*. The opposing parties are said to be *adverse to one another*.(Merriam-Webster, n.d.) A 'dispute' or 'dispute' is in the form of a difference in the interests of two or more parties. Disputes are characterized by differences of opinion or perception, both in the private and public spheres. Disputes can occur between individuals, individuals with groups, or groups with groups.(Dedy & Yuliana, 2015) Gradations in disputes are categorized as not having a broad impact.

C Conflict

The term conflict refers to a 'state of disagreement'. (Differencebetween.com, 2015) attitude to the emergence of these complaints. In the context of 'disagreement', there are at least four terms and stages, namely: 'Conflict' is a situation when two or more parties are faced with different interests'. This cannot develop if the party who feels aggrieved can only harbor a feeling of dissatisfaction. The conflict has had a wide impact, even being identified with a crisis atmosphere. Verbal controversy conflicts with questioning or doubting his honesty (question or cast doubt upon Her honesty) which he sometimes never disputed (was never disputed).(Merriam-Webster, n.d.) Conflict boundaries: (1) disagreement; (2) contradiction or incompatibility. In essence, conflict starts from the mind, concerning (a) one's own existence; or in question (b) there is a context with other people.

D Terminology Cases

'Case', namely disputes that are handled and resolved through court institutions or litigation. There is no generally agreed definition of litigation. Most of the court literature does not attempt to define the term litigation. Litigation, in ordinary speech, refers to an action that is contested in court. Litigation in general terms, refers to actions

contested in court (refers to actions contested in court). This involves a claim, dispute, or conflict, and the use of a specific institution to resolve that conflict or dispute.(Friedman, 1989)

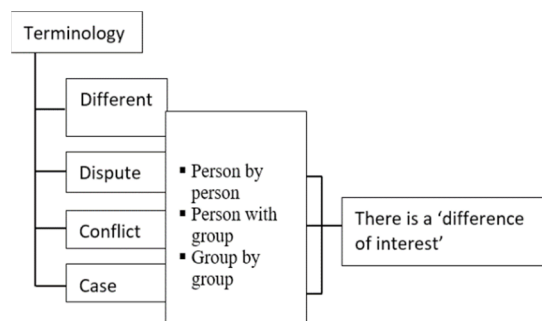


Chart 4: Dispute Hierarchy Terminology.

Timothy cites the opinion of Malley-Morrison and Castanheira that there have been many studies that focus on the issue of the characteristics between 'dispute' and 'conflict'. However, because of these two constant terms, many studies have replaced the term 'conflict' with the term 'dispute', or conversely the term 'dispute' with the term 'conflict'.

Practitioners can often extract the meaning from two points of view to justify their point of view. For this purpose, it should be understood that the separation of conflict types can be helpful in practice when resolving a case. The 'dispute' resolution technique, however, may be too simple for a conflict. Proficiency in these two characteristics will help hone skills, and ultimately result in a more accurate and quality completion rate.(Friedman, 1989)

4.5 Regulations, Institutions and Dispute Resolution Mechanism

Provisions on Public Information Disclosure updated refer to Law Number 14 of 2008 concerning Public Information Disclosure (UU 14/2008); Government Regulation 61 of 2008 on the Implementation of Law 14 of 2008 on KIP; Perki 1 of 2021 concerning Public Information Service Standards; Perki 1 of 2013 concerning Procedures for Settlement of Public Information Disputes; and Perma 2 of 2011 concerning Procedures for Settlement of Public Information Disputes in Court. Law Number 14 of 2008 concerning Public Information Disclosure (UU KIP), in particular Article 23 stipulates 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, there is no other institution or institution that is tasked with receiving, examining and deciding disputes on public information other than the Information Commission. The mandate of UU KIP is as an information dispute resolution which has absolute authority from the Information Commission. Information dispute resolution has a strong decision and is equivalent to a court decision, even though it is included in the non-legality category carried out by the Information Commission. (Dyah, 2015)

4.5.1 Sub Subsection Titles

Revolves around: (1) legal relationship between the Parties involved (Donor, Fundraising Platform, Campaigner, and final Beneficiary); (2) those who deviate funds receive legal liability (3) There is legal protection for those who are harmed, and does not regulate the collection of donations online, which causes the potential to cause irregularities; (4) legal liability for campaigners; (5) legal protection for campaigners which discusses legal relations, as well as legal arrangements for campaigners. The following is the Scope of the Dispute and its Parties:



Chart 5: Juridical Aspects of the Dispute and the Parties.

Disputes public information from both parties with the help of a mediator from the information commission using mediation. The Information Commission has the characteristics of mediating disputes in a different way compared to mediation in general which is carried out in general courts. Mediation functions by being attached to each member of the Information Commission. Each Member is ex officio authoritative to become a Mediator based on the authority granted by the Law on Public Information Disclosure. Even though the principles of mediation are generally adopted and applied in a mediation by the Information Commission, but specifically in accordance with its authority as referred to in Article 26 Paragraph 2 letter a of the KIP Law, the Information Commission can "stipulate rules" regarding the procedure for implementing dispute mediation. Based on this, Information Commission Regulation No. 1 of 2013 was

stipulated on Procedures for Settlement of Public Information Disputes.(Dyah, 2015)

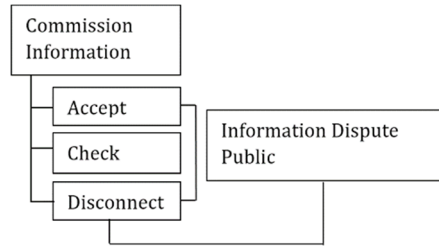


Chart 6: Informattion Dispute Resolution Procedure.

Term Mediator in Mediation at the Public Information Commission, the parties carry out a negotiation process to seek a resolution to a Public Information Dispute without deciding and imposing a settlement assisted by the commissioners. Besides 'Mediator', the term 'Auxiliary Mediator' is also known, namely commissioners in the Information Commission who use other people in their duties to assist mediators. The Parties in an 'information dispute' are used as 'Applicant' and 'Respondent', i.e. they or the Parties who will be part of an information dispute conducting mediation. Mediation in public information disputes can also use the caucus instrument, namely a meeting between the mediator and one of the parties without the presence of the other party. The results of the mediation are then recorded in the 'Minutes of Mediation', which contains a resume or report notes made by the mediator. contents are statements of information and the course of negotiations during the mediation process. The results of the 'Mediation Agreement' are still returned and made or decided by the Parties themselves. As for the 'Statement of Failed Mediation', made by the Mediator. Contains the parties' disagreements to resolve and move on to end information disputes, whether by amicable or incorrectly. Parties withdraw from mediation.(Dyah, 2015)

The implementation of dispute mediation in public information is free of charge. The mediation process on information disputes, like other disputes, is closed. Exceptions become open if the Parties so wish. Even though it is closed, in the practice of mediating public information disputes, in addition to the Petitioner, Respondent and Mediator, the presence of Information Commission staff is present during the mediation process which aims to provide administrative technical support during the mediation in accordance with the recording and writing of the entire mediation process and its results. The presence of Information Commission

staff, is required for the mediator to inform the Parties when mediation begins. Mediation within the Information Commission was held only once. If there is not enough time, it can be continued within a period of no later than 14 working days from the start of mediation and can be extended again for a period of no later than seven working days. The place for the Mediation to be held is at the Information Commission office; or at the office of a Public Agency that is not related 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) In contrast to mediation in general, for public information disputes, it is not free to choose a mediator for the Parties. The chairman of the Information Commission determines the selection of mediators. Even if the appointment of a Mediator is determined, the parties can make a request for a replacement of the mediator. If it is known that one of the proxies is related by blood or marriage to the third degree, or the relationship between husband and wife even though they are divorced, then the mediator in the dispute over the information is obliged to resign. Also obliged to resign, when there is an interest directly or indirectly in the case of the parties or their proxies. If the parties are aware of this condition, the Parties may apply for a replacement of the Mediator. In the case of information disputes, caucuses can be held at any time during the mediation process. The implementation can be at the request of the Parties or it can also be the initiative of the Mediator. (Dyah, 2015)

The results of the mediation are: (1) Mediation Agreement, in the event that the mediation is successful; (2) A statement if mediation fails, in the event that a mediation is unsuccessful. The agreement reached in only a few parts often occurs in the practice of mediating public information disputes. When this situation occurs, it must be stated in the Minutes of Mediation. contents must include what is agreed and what is not agreed upon. Failed in mediation if: (a) there are parties who declare the mediation process failed in writing; (b) there is withdrawal from negotiations either by one of the parties or by the parties; (c) during the mediation period no agreement has been reached; (d) Absence for two times for no apparent reason. The mediator's obligation to record the entire process during mediation. The mediator may electronically record the entire 'mediation process' based on the agreement of the parties. All statements or documents revealed in the Mediation process

cannot be used as evidence in adjudication or in court proceedings. (Dyah, 2015)

4.5.2 Community Recipients & Fundraisers as a Public Agency

Crowdfunding via the Internet, is a new way of fundraising techniques for small businesses. This can benefit fundraising companies by helping to overcome funding difficulties, providing added value, facilitating access to further funding, providing publicity and contacts, and enabling fundraising with only limited loss or no loss of control and ownership. (Macht & Weatherston, 2014) beneficiary is involved in an information dispute in the form of an online report, so the 'Recipient of Crowdfunding' and 'Fund Collector' must be a 'publicbody'. In Indonesian law, there are three criteria for public bodies, namely: (1) executive, legislative, judicial institutions; and (2) other agencies whose main functions and duties are related to the administration of the state, part of or whose funds are sourced from a State Revenue and Expenditure Budget and/or Regional Revenue and Expenditure Budget; or non-governmental organizations as long as part or all of which is sourced from the State Revenue and Expenditure Budget and/or Regional Revenue and Expenditure Budget, public donations, and/or also abroad. Based on this third criterion, both *online crowdfunding* and *online fundraising* meet the requirements to be called a public body with its relationship to the source of funds originating from public donations, domestically and also abroad. (Nugroho, 2022)

However, Public bodies have the right to refuse to provide information that has been excluded in accordance with the provisions of the legislation. If it is not in accordance with the provisions in the legislation, the Public Agency has the right to refuse to provide Public Information. Public Agency cannot provide Public Information as intended, it can be in the form of information that can harm the state; information relating to the interests of protecting business from unfair business competition; information relating to personal rights; information relating to job secrets; and Public Information that has not been authorized or documented. The obligations of a Public Agency are to provide, provide, and publish Public Information which is under their authority to Applicants for Public Information, in addition to information that is exempted in accordance with the provisions. Public Agency must provide Public Information accurately, correctly and not misleadingly. In carrying out these

obligations. There must be development and development of information systems and documentation in the management of public information properly and efficiently carried out by Public Bodies so that they can be accessed easily. There must be a written consideration in every policy made by a Public Agency to fulfill everyone's rights to Public Information. What is meant by consideration is to include economic, political, social, cultural and defense considerations as well as state security. Public bodies can take advantage of electronic and non-electronic media to fulfill their obligations.

Online crowdfunding and online fundraising are required to announce regularly, regularly, and within a certain period of time every six months. Information that is disseminated must be conveyed in a way that is easily accessible to the public and in a language that is easy to understand. Information includes: (1) information related to the Public Agency, such as the profile, management, position, purpose and objective of establishing a public agency; (2) Public Agency performance and information from activities; (3) information on financial reports; (4) all information that has been regulated in the legislation. Then there is also Passive Information.

In obtaining it must be done by submitting a request; Performed mandatory and routine and provided by public bodies; Information that is mandatory and available at all times includes: All information registered in the control of public bodies; Consideration of the decision of the Public Agency; Supporting documents and Public Agency policies; Annual budget of the project plan; Agreements by Public Bodies with third parties; Information at meetings that are open to the public; Work procedures related to public services; Information access service reports; Other information that has been declared open to be accessed by the public based on the decision of the Dispute in Public Information.

Must be available by Non-Governmental Public Bodies at all times, is the principle and purpose; organizational programs and activities; name, address, up to the management structure, and all changes thereof; management and use of funds contained in the State Revenue and Expenditure Budget or Regional Revenue and Expenditure Budget, community donations, or foreign sources; a mechanism for making an organizational decision; and organizational decisions; as well as other information stipulated by the laws and regulations.

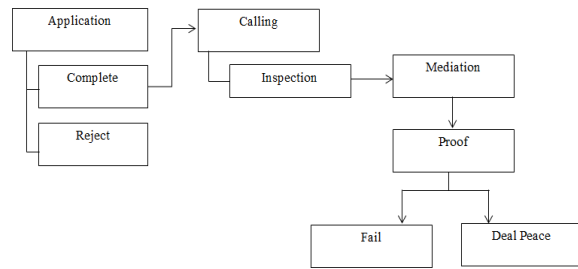


Chart 7: Information Dispute Non-Litigation Adjudication Mechanism.

4.5.3 Community Recipients & Fundraisers as a Public Agency

The Board of Commissioners conduct examinations relating to excluded documents, apart from that the adjudication hearings are open to the public. In the trial process, the Board of Commissioners is active. Confidentiality of documents carried out in an examination relating to all types of documents must be maintained by the Board of Commissioners, including the exceptions referred to in Article 17 of Law Number 14 of 2008 concerning Openness of Public Information. The applicant and/or his proxies cannot see or examine the documents as referred to in Paragraph 1 of the KIP Law. The adjudication process includes:

- (1) Initial Examination;
- (2) At the Local Inspection;
- (3) Conclusion on the Parties;
- (4) Interim Decision;
- (5) Decision of the Information Commission.

The following are the details: Preliminary Examination:

- (1) Examine all powers of the Information Commission (Absolute and Relative competence);
- (2) Examine the various legal positions of the parties or their proxies;
- (3) Checking the application period for information dispute resolution;
- (4) Check for reasons and exceptions.

Local Examination, the Board of Commissioners may carry out various local examinations to obtain evidence with the assistance of the Registrar and may also be accompanied by the Petitioner and/or Respondent upon all considerations of the Board of Commissioners. (Article 56).

Conclusion of the Parties The parties may submit their conclusions in oral or written manner. The parties in submitting their conclusions in writing within the period determined by the Board of

Commissioners after the proof stage and declared complete. (Article 57 Perki PPSIP). Interim Decision, In the event that the application for dispute resolution information does not meet the requirements for the timeframe for filing a dispute settlement, the legal standing of the parties, absolute and relative competence, the board of commissioners may issue an interim decision. Decisions of the Information Commission, Decisions of the Information Commission can be in the form of: (1) Final Decisions, in the event that the board of commissioners considers that it is not necessary to make an interim decision, then the entire subject matter of the case will be decided in the final decision; or (2) False Decision, in the event that the Petitioner and/or his/her proxy is in the mediation/adjudication session and does not come after being properly summoned by the clerk, the board of commissioners may render the decision null and void. As for the efforts in resolving information disputes.



Chart 8: Information Dispute Litigation Mechanism.

5 CONCLUSIONS

Rights of Donors (Donors) to know information about transparency of its use or distribution as long as it is not related to information which is kept secret. Donors can request information not on online crowdfunding as well as online fundraising, but from the Campaigner; Dispute Resolution between Donors and Campaigners can be done in : the realm of information disputes with two stages of dispute resolution, namely: first, through the Non-Litigation Mediation and Adjudication forum. If mediation fails, the steps then through a non-litigation adjudication trial. If the non-litigation stage is not resolved, then the litigation mechanism can be continued through the Court District Court or State Administrative Court, according to its position; The institution that carries out dispute resolution is the Information Commission lembaga and the Dispute Resolution Mechanism as referred to above, namely the stages Mediation and non-litigation adjudication stages. Institution that carries out the settlement litigation disputes, namely the District Court or State Administrative Court up to Supreme Court.

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