

Analysis of the Authority of Community Organizations in Conducting the Sealing and Confiscation of Assets

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Abstract. *The involvement of community organizations (ormas) in acts of sealing and confiscating assets reflects a shift in their role from social organizations to actors resembling law enforcement authorities. In practice, such actions often arise in land disputes, business conflicts, or pressure against certain parties under the justification of protecting public interests. However, under the Indonesian legal system, the authority to conduct sealing and confiscation is exclusively granted to law enforcement agencies and judicial institutions pursuant to statutory regulations. Consequently, actions undertaken by ormas potentially violate the principles of legality, due process of law, and the rule of law. This study employs a normative juridical research method using statutory and conceptual approaches. The legal materials consist of primary legal sources, including legislation, court decisions, and official documents, as well as secondary legal materials such as books, journals, and legal doctrines. The analysis was conducted through stages of editing, systematization, and description of relevant legal provisions. The findings demonstrate that ormas, as private entities, do not possess authority through attribution, delegation, or mandate to carry out coercive actions such as sealing and confiscation. Such conduct may therefore be classified as an abuse of authority in the form of arbitrary action without lawful authorization. From the perspective of criminal law, these acts may fulfill the elements of criminal offenses, including unlawful appropriation, extortion, or unauthorized control of property. From the standpoint of civil law, such actions may constitute unlawful acts (torts), giving injured parties the right to seek compensation for damages. Furthermore, within administrative law, actions exceeding the lawful functions of ormas may result in administrative sanctions, including warnings, suspension of activities, and revocation of legal entity status.*

Keywords: Authority; Community; Confiscation; Organizations; Sealing.

1. Introduction

As a nation governed by the rule of law, Indonesia regards the respect, protection, and fulfillment of human rights as a constitutional obligation, as reflected in the 1945 Constitution of the Republic of Indonesia. One of the fundamental rights guaranteed is the freedom of association, assembly, and expression, which forms the basis for the existence of civil society organizations as stipulated in Article 28, paragraph (3). This right is further reinforced in national legal instruments such as Law No. 39 of 1999 on Human Rights and Law No. 17 of 2013 on Civil Society Organizations, as amended by Law No. 16 of 2017. From an international legal perspective, freedom of association is part of the civil and political rights recognized in the Internasional Covenant on Civil and Political Rights (ICCPR), which has been ratified by Indonesia. Thus, the existence of civil society organizations is a manifestation of legitimate human rights guarantees protected by law.

However, freedom of association is not an absolute right. In the concept of a modern rule-of-law state, every right is accompanied by obligations and limitations aimed at maintaining public order, national security, and the rights of others. The Law on Civil Society Organizations explicitly stipulates that CSOs have the right to participate in development, voice their aspirations, and carry out social activities, but they also have the obligation to uphold national unity and integrity, maintain public order, and refrain from actions contrary to the law.

Developing trends in Indonesia indicate a shift in the roles of some civil society organizations, which no longer merely perform social and advocacy functions but are also involved in actions resembling law enforcement. In some cases, these organizations have sealed off business premises, seized land, or confiscated assets under the pretext of safeguarding public interests or enforcing certain norms. These practices often occur in the context of land conflicts, business disputes, or even as a form of pressure against specific parties. Sociologically, this phenomenon can be understood as a consequence of the state's weak presence in providing effective legal protection, thereby creating space for non-state actors to assume such functions. However, from a legal perspective, these actions have the potential to violate the principle of due process of law and the rule of law, which are the cornerstones of Indonesia's legal system.

Normatively, the existence of civil society organizations in Indonesia is recognized and regulated within a legal framework that provides space for public participation in national and state affairs. CSOs serve as vehicles for the expression of aspirations, participation, and social control. However, these functions do not automatically grant CSOs the authority to carry out coercive actions, let alone those that directly impact the civil rights of individuals or legal entities. This is where the potential for conflict arises between legal norms governing authority and evolving social practices within society.

The right to property is one of the fundamental rights guaranteed under the Indonesian legal system. Protection of property rights is not only enshrined in the Constitution but also in various laws and regulations governing procedures for expropriation, confiscation, or

restrictions on assets. In the context of procedural law, the act of confiscation is an authority granted in a limited manner to law enforcement officials, such as investigators, public prosecutors, or based on a court order. Similarly, the sealing of assets is generally part of administrative or law enforcement actions carried out by authorized officials. This is regulated under Law No. 20 of 2025 on the Criminal Procedure Code, Article 1, Paragraph 35, which defines confiscation as an action that may be taken by an investigator to take over and/or place under their control movable or immovable property, tangible or intangible, for the purposes of evidence in investigations, prosecutions, and/or court proceedings. Meanwhile, in Civil Procedure Law, confiscation is an exceptional measure that may be ordered by a judge.(Zulkarnaen, 2017)

One case that previously made headlines involved a report in Tempo media regarding the sealing of a Transmart store carried out by the Banser NU mass organization in Bojongsoang on October 17, 2025, as reported by the online media outlet Tempo.(Mulia, 2025) In their action, the Banser organization sealed off Transmart as a form of protest against the airing of the program “Exposed Uncensored” by Trans 7 TV, which was deemed to insult or demean the dignity of Islamic boarding schools, clerics, students, and religious scholars.

Another case occurred in Central Kalimantan province, carried out by the community organization GRIB Jaya Central Kalimantan in South Barito on April 26, 2025, by sealing off the operational warehouse assets of PT Bumi Asri Pasaman (BAP). This stemmed from a civil dispute over breach of contract between PT BAP and Sukarto regarding the sale of rubber, in which one party ultimately granted a power of attorney to the GRIB Jaya Central Kalimantan (Community Organization) to seal off the warehouse assets of PT BAP, despite an existing ruling by the Buntok District Court.(Yanuar, 2025)

This action is inconsistent with the objectives and functions of a civil society organization as outlined in Article 6 of Law No. 17 of 2013 on Civil Society Organizations; it even constitutes a distortion of the organization’s functions to the extent of encroaching upon the realm of law enforcement such as acts of confiscation, sealing, or confiscation which are actions that may only be carried out by law enforcement authorities, such as investigators or court-appointed bailiffs, pursuant to a judge’s order. A judge’s order, as per the definition of “confiscation” or “security confiscation” applied to disputed assets or the plaintiff’s assets, aims to provide security to the plaintiff.(Darmawati et al., 2020)

The main issue that arises is the lack of clarity and loopholes in the regulations regarding the limits of civil society organizations’ authority, particularly in practical field applications. Although the Law on Civil Society Organizations has generally regulated rights and obligations, it has not explicitly established specific prohibitions or sanctions regarding actions resembling law enforcement, such as sealing and confiscation. This creates a broad scope for interpretation and the potential for abuse by certain parties. Furthermore, the weak enforcement of laws against violations committed by CSOs exacerbates the situation, creating the impression of “pseudo-authority” that appears legitimate. In this context, an in-depth analysis is needed regarding how positive law regulates, limits, and imposes sanctions on CSO

actions that exceed their authority.

From a theoretical perspective, the concept of the rule of law (*rechtstaat*) asserts that all actions impacting individual rights must be based on law and carried out by authorized authorities. According to the theory of authority in administrative law, authority can be derived through attribution, delegation, or mandate, and cannot be exercised without a clear legal basis. As private entities, civil society organizations lack the statutory authority to carry out coercive actions such as sealing or confiscation. Legal experts also affirm that such actions can only be carried out by the state through authorized officials, as they involve the restriction of an individual's fundamental rights. In the context of jurisprudence, courts frequently affirm that any action violating property rights without a legal basis can be categorized as an unlawful act and may result in civil or criminal liability.

Previous studies have addressed only the dissolution of mass organizations, the legal issues surrounding mass organizations, and the supervision of mass organizations. Unlike these earlier studies, this research focuses on examining the gaps and limitations in legal norms, particularly in regulations governing mass organizations that are aligned with civil and criminal procedural law, by assessing the extent to which the authority of mass organizations to carry out asset sealing and confiscation is regulated.

Thus, the background of this issue underscores the need for a comprehensive examination of the authority of civil society organizations within the context of Indonesian law, particularly regarding asset sealing and confiscation. This study is important not only for clarifying existing normative boundaries but also for providing recommendations aimed at strengthening regulations and law enforcement. Furthermore, theoretical and jurisprudential approaches are necessary to ensure that the analysis conducted is grounded in a strong academic foundation. Ultimately, the objective of this discussion is to ensure that the existence of civil society organizations as part of civil society remains consistent with the principles of the rule of law and does not result in violations of human rights or public order.

2. Research Methods

This study employs a normative legal research method, defined as “a research method examining legal regulations from both the perspective of the hierarchy of legal regulations (vertical) and the harmonious relationship among legal regulations (horizontal).” The normative legal research method utilizes a normative legal approach. A normative legal approach is “an approach that refers to applicable laws and regulations.” (Benuf & Azhar, 2020) The approaches used include two types: the statutory approach (statute approach), which utilizes legislative and regulatory methods, and the conceptual approach (conceptual approach), which involves analyzing perspectives and doctrines developed within legal science. (Marzuki, 2025) The sources of legal materials used consist of two categories: primary legal sources, which include legislation, official records, or proceedings in the drafting of legislation and judicial decisions; and secondary legal sources, which consist of all publications on law that are not official documents. Such legal publications include textbooks, legal

dictionaries, legal journals, and commentaries on court decisions.(Marzuki, 2025) Data processing techniques are carried out through several stages, namely editing by rewriting the collected legal materials, systematization by identifying, classifying, and organizing data logically, and description by presenting and analyzing the research results.(Bachtiar, 2021) Data analysis was conducted in two stages: first, examining the provisions of written positive law; and second, applying those provisions of written positive law to specific cases, which were then processed into three stages namely, editing, systematization, and description of the relevant laws and regulations.(Solikin, 2021)

3. Results and Discussion

3.1. Legal Authority of Civil Society Organizations to Seize and Seal Assets

Authority is frequently invoked in the context of government administration and state administration in Indonesia. Authority can be understood as the right or power granted by legislation to an organ or official to act within the realm of public law. Authority in a legal context is closely related to the concept of power as regulated in Law No. 30 of 2014 on Government Administration, which defines as the right possessed by government bodies and/or officials to make decisions and/or take actions in the conduct of state affairs.

In legal terms, authority is synonymous with power (*macht*), describing the right to act or to refrain from acting. In law, authority simultaneously implies both rights and obligations (*rechten en plichten*). Thus, in a state governed by the rule of law, the government's authority derives from applicable laws and regulations; according to Huisman, a government body cannot assume that it possesses governmental authority on its own. Authority is granted solely by law. The legislature may grant governmental authority not only to government bodies but also to public officials such as tax inspectors, environmental inspectors, and so on or to special bodies, such as the election commission, specialized courts for land lease disputes, or even private legal entities.(Qamar & Rezah, 2023)

Authority, from a legal perspective, can be understood as a form of power possessing normative legitimacy (*rechtskracht*), that is, power derived from and limited by applicable legal provisions. An action is considered lawful if it is carried out based on authority that is legally(Sharon, 2020) granted to a specific subject. Thus, such an action not only has a legal basis but is also recognized as an action possessing legally binding force. Within this framework, authority does not merely reflect power but also entails the responsibility to exercise that power fairly, proportionally, and respectfully.

Conceptually, authority is power that derives formal legitimacy from legislation, and thus can only be exercised by legal entities explicitly granted such authority. In this context, sealing and confiscation are coercive legal actions because they directly restrict or even eliminate an individual's property rights. Therefore, such actions cannot be separated from the principles of legality and *due process of law*, which require a clear legal basis and execution by authorized officials.

Civil society organizations (CSOs) are part of civil society that possess legal legitimacy to play a role in social, political, and national development. However, to understand the limits of a CSO's authority, one must first understand the definition and functions of CSOs as stipulated in Law No. 17 of 2013 on Civil Society Organizations, as amended by Law No. 16 of 2017. CSOs are defined as organizations established and formed voluntarily by the public based on shared aspirations, will, needs, interests, activities, and objectives to participate in development for the achievement of the goals of the Unitary State of the Republic of Indonesia. The primary functions of CSOs include channelling public aspirations, community empowerment, social services, and participation in development. In this context, a civil society organization is not a state institution, but rather a private entity operating in the social sphere.

Given that authority derives from legislation, the original objectives and functions of civil society organizations as outlined in Law No. 17 of 2013 on Civil Society Organizations state that the objectives of CSOs are:

- 1) To enhance and foster participation from all segments of society;
- 2) To provide appropriate assistance and serve the needs of the entire community;
- 3) Upholding the values of faith in accordance with Pancasila, specifically the first principle: Belief in One Supreme God;
- 4) To uphold values, norms, and culture in community life;
- 5) Participating in the protection, preservation, and wise utilization of natural resources in the surrounding environment;
- 6) Helping to promote social movements, mutual cooperation, and mutual aid among fellow citizens;
- 7) Maintaining national unity and integrity.

As discussed in Article 6 of Law No. 17 of 2013 regarding the functions and benefits of Community Organizations, these include serving as a platform:

- 1) A conduit for activities in line with the objectives and vision and mission of the community organization;
- 2) Empowering and assisting all members of the organization to realize the aspirations and goals of the community organization;
- 3) A channel for the voices and aspirations of the entire community;
- 4) Providing social services;

- 5) Preserving values, norms, culture, and ethics in national and civic life;
- 6) Community participation to maintain national unity and integrity. (Priyono & Nilamsari, 2021)

Regarding rights and obligations, the law grants civil society organizations a number of rights, including the right to manage their own affairs, receive legal protection, carry out activities to achieve organizational goals, and convey aspirations. On the other hand, civil society organizations also have the obligation to uphold national unity and integrity, preserve religious, cultural, and moral values, and comply with laws and regulations. This balance between rights and obligations demonstrates that the freedom enjoyed by civil society organizations is not absolute but is limited by the law and the public interest.

In the context of authority, it is important to refer to the doctrine of administrative law regarding the sources of authority. Theoretically, authority can be obtained through attribution, delegation, and mandate. Attribution is the granting of original authority by law to a state institution; delegation is the transfer of authority from one organ to another; whereas a mandate is the transfer of the exercise of authority without transferring responsibility. In this case, civil society organizations do not derive authority by attribution from the law to carry out coercive actions such as the sealing and confiscation of assets. Such authority is exclusively held by the state through law enforcement agencies, such as the police, the prosecutor's office, and the courts, which operate in accordance with criminal and civil procedural law.

Sealing and confiscation are legal actions that directly restrict an individual's property rights. Under criminal procedure law, confiscation is strictly regulated and may only be carried out by investigators with a court order, except under specific circumstances. Similarly, in civil law, the execution of a security attachment or an execution attachment may only be carried out based on a court order or judgment. Therefore, acts of sealing or confiscation by mass organizations lack a valid legal basis and may be categorized as unlawful acts (*onrechtmatige daad*) from a civil law perspective, as well as potentially constituting criminal offenses from a criminal law perspective.

The Law on Civil Society Organizations also explicitly prohibits civil society organizations from, among other things, engaging in acts of hostility against ethnicity, religion, race, and social groups (SARA), committing abuse, desecration, or blasphemy against religion, as well as committing acts of violence, disrupting public order, or damaging public facilities. Sealing and confiscation actions carried out unilaterally by mass organizations can be classified as a form of disturbance to public order and a violation of the rights of others. Furthermore, such actions can also be considered a form of unlawful confiscation or possession, as regulated in the Criminal Code (KUHP).

Within the regulatory framework for civil society organizations, there is no provision that explicitly grants such organizations the authority to seal or seize assets. An analysis of Law No. 17 of 2013 on Civil Society Organizations, as amended by Law No. 16 of 2017 (originating from

Government Regulation in Lieu of Law No. 2 of 2017), as well as Government Regulation No. 58 of 2016 as the implementing regulation, indicates that the existing regulations place greater emphasis on the rights, obligations, functions, and prohibitions for civil society organizations in carrying out their activities in the public sphere.

Specifically, the provisions of Article 21 of the Mass Organizations Law affirm the obligations of mass organizations oriented toward social contribution and the maintenance of public order, such as conducting activities in accordance with the organization's objectives, upholding national unity and integrity, preserving religious, cultural, and moral values, and participating in the achievement of national objectives. There are no provisions granting legitimacy to CSOs to carry out coercive actions against property rights, such as sealing or confiscation. The absence of such regulations indicates that the lawmakers consciously positioned CSOs as part of civil society playing a role in the social sphere, not as entities possessing law enforcement authority.

According to Simanjuntak's perspective, sealing can be understood as a security measure carried out by closing a specific location or object as part of coercive efforts within the context of procedural law enforcement. (Christianto, 2017) This action inherently possesses a coercive nature because it aims to maintain the status *quo*, prevent the loss of evidence, or ensure the effectiveness of the law enforcement process. In this context, sealing does not stand alone but is closely linked to other legal actions such as searches and confiscations. All three are interconnected instruments of procedural law that must be carried out in accordance with lawful procedures and by authorized authorities to ensure the protection of human rights and legal certainty.

Pursuant to Article 1, Point 33 of PMK 15/2025, sealing may be understood as a legal action involving the placement of a seal on a specific location, room, or object, whether movable or immovable. This action also encompasses electronic data storage media and data access managed electronically, including other items used or suspected of being used as a means of storing documents, records, or other important information. (Nurmansyah, 2025) Thus, sealing is not solely focused on physical security but also encompasses the protection of data and information with legal relevance. Therefore, its implementation must be carried out carefully, proportionally, and based on lawful authority to ensure legal certainty and the protection of the rights of the parties involved.

Based on the aforementioned Ministerial Regulation, the authority to conduct sealing is explicitly granted to specific state officials in accordance with their respective fields and scope of authority. In the context of taxation, as regulated in Ministerial Regulation No. 15 of 2025, sealing actions are carried out by tax auditors from the Directorate General of Taxes (DJP) as part of efforts to enforce administrative tax law. Meanwhile, in the realm of local government, referring to various local regulations such as Local Regulation No. 3 of 2012 on Buildings, Local Regulation No. 8 of 2018 on Public Peace and Order, and Local Regulation No. 10 of 2023 on Local Taxes and Retributions, the authority to seal premises lies with the Civil Service Police Unit (Satpol PP) and Civil Servant Investigators (PPNS). This authority is limited, specifically for

the enforcement of violations of local regulations (Tresnowaldi et al., 2024) committed by building owners or managers.

Article 1, Point 3 of Minister of Finance Regulation (PMK) No. 238 of 2009, in the field of customs, defines sealing as an action taken by Customs and Excise officials to lock, seal, or affix a security mark to specific goods or premises. (Ghassani et al., 2021) This provision indicates that sealing is a legal action that is specific, sectoral, and can only be carried out by officials who are expressly granted authority by laws and regulations. Thus, academically, it can be concluded that sealing is not an action that can be generally performed by just anyone, but rather a legal instrument whose implementation is strictly limited to ensure legal certainty, order, and the protection of human rights.

Broadly speaking, sealing actions across various sectors whether in taxation, customs, or the enforcement of local regulations are consistently designated as the authority of state institutions. This authority is exercised by official institutions, ranging from ministries to local government agencies, which act based on the powers granted by law. Within this entire regulatory framework, there is not a single provision that grants legitimacy to civil society organizations as parties authorized to carry out sealing.

Furthermore, within the realm of civil procedure law, provisions regarding confiscation also follow a similar pattern. The Revised Indonesian Regulations (*Het Herziene Indonesisch Reglement*), specifically Article 197(2), explicitly state that the execution of confiscation is the authority of the district court. Meanwhile, under Articles 206 through 258 of the *Rechtreglement voor de Buitengewesten* (RBg), the execution of confiscation is carried out by an authorized official acting on a court order, with the assistance of a court clerk or other official designated by the head of the local government at the judge's request.

The validity of confiscation proceedings under civil procedure law requires a legal basis in the form of a valid court order. Such an order must contain a ruling that explicitly commands the confiscation of specific property as set forth in the petition's request. Confiscation cannot be carried out unilaterally but must proceed through judicial mechanisms that ensure legal certainty and the protection of the parties' rights. From the perspective of the provisions of the HIR and the RBg, the execution of confiscation is a judicial authority of judicial officials, specifically bailiffs or court clerks, who act based on an official designation in a court order. Their role is not that of a decisionmaker, but rather as technical executors of the judge's order. Confiscation is, in fact, an action by the judge in response to a petition from one of the parties. (Zulkarnaen, 2017)

The legal framework for criminal procedure, as regulated in Law No. 20 of 2025 on the Criminal Procedure Code, confiscation is normatively defined in Article 1, point 35 as an action taken by an investigator to take over and/or place an object under their control whether movable or immovable, tangible or intangible for the purpose of evidence during the investigation, prosecution, or trial proceedings. This formulation explicitly affirms that the

authorized entity to conduct confiscation is the investigator as part of the law enforcement apparatus.

The provisions of Articles 118 and 119 stipulate that the execution of a confiscation must be preceded by a request for authorization from the chief judge of the district court, serving as a form of judicial oversight over actions that may potentially restrict an individual's property rights. This procedure reflects the principles of due diligence and the protection of human rights within the legal enforcement process. Technically, the confiscation process begins with the issuance of a warrant detailing the items to be seized, the underlying legal grounds, and the identity of the responsible investigator. Subsequently, the seized items are secured, examined, and systematically documented to ensure their validity and integrity as evidence.(Christy, 2025)

Thus, based on the provisions of the Criminal Procedure Code (KUHP), the authority to conduct confiscations lies with police investigators. Furthermore, according to Attorney General's Regulation No. 07 of 2020 on the Second Amendment to Attorney General's Regulation No.027/A/Ja/10/2014 on Guidelines for Asset Recovery, the scope section states that confiscation is a series of actions that may be carried out by investigators, public prosecutors, or state attorneys to take control of and/or place assets related to criminal offenses under their control. These actions are intended not only for the purposes of investigation and prosecution but also for the recovery of state assets.

Sealing and confiscation are forms of authority that are exclusively held by state organs deriving their legitimacy directly from the law. Sealing practices carried out by civil society organizations in certain cases, such as against specific business entities, lack a sufficient legal basis, for example, the actions taken by the Grib Jaya Kalteng community organization in sealing off PT Bumi Asri Pasaman Barito Selatan(Yanuar, 2025) or those carried out by the Banser NU community organization in sealing off Transmart Buahbatu(Lukihardianti, 2025) lack a legal basis because community organizations do not possess the authority to seal off or seize immovable assets. This is because the source of authority for the government is legislation.(Qamar & Rezah, 2023)

3.2. Legal Consequences of Confiscation and Sealing Carried Out by Civil Society Organizations According to Procedural Law and Civil Society Organization Law

Any action that impacts the rights and interests of citizens must be based on legitimate authority under the law. This principle affirms that the exercise of power, including actions that restrict or interfere with property rights, may only be carried out by parties legitimized by law. Therefore, actions such as the sealing and confiscation of assets are fundamentally forms of restriction on property rights that are strictly regulated and limited by law.

In the Indonesian legal system, the authority to carry out sealing and confiscation generally lies with law enforcement agencies, such as the police, the prosecutor's office, or other institutions explicitly granted authority by law. Thus, if such actions are carried out by civil

society organizations (CSOs) that lack a legal basis for authority, serious issues arise regarding their legality and the accompanying legal consequences.

According to SF. Marbun, authority is formal power derived from applicable legal provisions. Those holding authority not only possess the legitimacy to issue orders and establish regulations but are also entitled to expect compliance from the parties concerned. (Zamroni, 2024) Thus, authority is not merely factual power but power that derives its legal basis from statutory regulations. This perspective emphasizes that every governmental action must be rooted in clear legal norms to prevent the abuse of power. Furthermore, this approach reflects the principle of the rule of law, which positions the law as the primary foundation for the exercise of power, while simultaneously ensuring the fair and proportional protection of citizens rights.

Based on this understanding, it can be affirmed that actions such as sealing or confiscation are only lawful when carried out by institutions or agencies that explicitly derive their authority from legislation. Such authority serves as the basis for the legitimacy of exercising formal power, ensuring that every action has a clear legal foundation and is accountable. In this context, only specific legal entities designated by law are authorized to carry out such actions. Therefore, if a civil society organization conducts sealing or confiscation without a valid legal basis, such actions lack legal legitimacy and potentially violate the principles of the rule of law as well as the protection of citizens rights.

This situation ultimately raises further issues regarding the legal consequences of sealing and confiscation actions carried out by civil society organizations. Given that civil society organizations lack authority derived from statutory regulations, such actions risk being classified as acts without a legal basis. This not only creates legal uncertainty but also risks violating citizens rights and opens the door to the abuse of power outside the legitimate mechanisms within the framework of the rule of law.

A legal consequence here is a result of an action taken to achieve an outcome desired by the legal actor. The consequence in question is one governed by law, while the action taken is a legal act that is, an act in accordance with applicable law. Furthermore, in his theory, Soeroso also explains that legal consequences arising from a legal event may take the form of:

- 1) The creation, alteration, or termination of a legal status
- 2) The creation, alteration, or termination of a legal relationship between two or more legal subjects, wherein the rights and obligations of one party are set against the rights and obligations of the other.
- 3) The imposition of sanctions in the event of an unlawful act. (Soleman et al., 2025)

Sealing and confiscation actions carried out by civil society organizations such as Banser NU sealing Transmart in Bojongsoang (Mulia, 2025) and Grib Jaya sealing a factory in South Barito, Central Kalimantan (Lestari, 2025) and the mass organization Front Pemuda Kailli sealing the office of a subsidiary of Bumi Resources (CNN Indonesia, 2025) can be considered legal actions with legal consequences. Normatively, the legality of these actions is questionable, given that the authority to seal and seize property falls within the domain of law enforcement officials and is strictly regulated by legislation. This aligns with the provisions of Law No. 17 of 2013 on Community Organizations, specifically Article 59(2)(e), which explicitly prohibits community organizations from engaging in activities that fall under the duties and authority of law enforcement agencies. Therefore, such actions potentially lack a valid legal basis and may be classified as unlawful acts with specific legal implications.

In principle, civil society organizations do not have the authority to carry out actions that are by law assigned to law enforcement officials, such as investigations, arrests, confiscations, sealings, coercion, or searches. Such authority is strictly regulated and may only be exercised by institutions possessing legal legitimacy, namely the police, the prosecution, and the judiciary. Therefore, civil society organizations cannot be positioned as entities authorized to carry out sealing and confiscation actions. In addition to contradicting the provisions of the Law on Civil Society Organizations, this also disregards the principle of legality, which affirms that authority can only derive from applicable laws and regulations.

Further regarding the legal consequences of sealing and confiscation actions carried out by civil society organizations. From the perspective of Law No. 30 of 2014 on Government Administration, actions that exceed the bounds of authority can be linked to the concept of abuse of authority; there are classifications of abuse of authority, namely:

1) Exceeding Authority

- a. Exceeding the term of office or the temporal limits of the authority granted;
- b. Exceeding the territorial scope of the authority granted;
- c. Acting in contradiction to prevailing laws and regulations.

2) Misuse or Mixing of Authority

- a. Acting outside the scope or subject matter of the authority conferred;
- b. Acting contrary to the objectives for which the authority was granted.

3) Prohibition on Arbitrary Actions

- a. Acting Without any legal basis of authority;
- b. Acting in contradiction to a court decision that has obtained permanent legal force. (Asmuni, 2024)

The concept of arbitrary action may be understood as conduct undertaken without a lawful basis of authority as prescribed by statutory regulations. From the perspective of administrative law, such conduct is considered legally defective because it lacks sufficient legal legitimacy to carry out measures such as the sealing and confiscation of assets. Consequently, the action not only loses its juridical validity, but may also be regarded as an act tainted from the outset by an improper exercise of authority. Therefore, any action performed in the absence of a valid legal basis of authority has the potential to give rise to legal consequences in the form of nullity or voidability. (M. A. A. Putra, 2021)

Arbitrary actions essentially reflect the exercise of authority that is not grounded in the principles of propriety, rationality, and justice in the decision-making process. Such conduct demonstrates a deviation from the principle of legality, as the resulting actions are not supported by an adequate legal foundation. As a consequence, the decisions produced become substantively unfair, irrational (Efendi & Sudarsono, 2024), and incapable of being justified from both legal and governmental ethical perspectives. This condition not only has the potential to harm affected parties, but also undermines public trust in law enforcement mechanisms and in the exercise of governmental power, which should be carried out in a proportional, accountable, and lawful manner.

Sealing and confiscation actions violate the provisions of Article 59(2)(e) of the Civil Society Organizations Act, which prohibits civil society organizations from performing functions that fall under the authority of law enforcement agencies. Furthermore, the absence of a legal basis explicitly granting such authority to civil society organizations indicates that these actions may also be interpreted as arbitrary acts. In this context, civil society organizations cannot be positioned as authorized entities, given that their institutional functions and objectives differ fundamentally from those of law enforcement agencies.

It can therefore be concluded that the actions taken by mass organizations in carrying out sealings and confiscations constitute acts that exceed their authority, rendering the legal consequences invalid; in other words, the sealings and confiscations carried out by mass organizations are considered legally flawed. Furthermore, such actions by civil society organizations also reflect a violation of the principle of accountability. As social entities, civil society organizations have a moral responsibility to maintain order and respect the law, not to usurp the functions of law enforcement agencies.

Sealing or confiscation actions by civil society organizations often stem from specific motivations, such as protecting group interests or responding to social conflicts. However, without a clear legal basis, such actions risk exacerbating the situation and creating legal uncertainty. The sealing and confiscation of assets carried out by community organizations without a lawful basis of authority may give rise to various legal consequences from the perspectives of criminal, civil, and administrative law.

First, from the perspective of criminal law, such conduct may potentially be classified as an unlawful act that fulfills the elements of a criminal offense. For instance, the act of taking or exercising control over another person's property without legal entitlement may fall within the scope of theft or unlawful confiscation as regulated under the Criminal Code. Furthermore, where such actions are accompanied by threats, intimidation, or violence, they may also satisfy the elements of extortion or coercive unlawful conduct. In this context, individuals involved in these actions may bear personal criminal liability for their conduct.

The actions of the organization may also be understood as a form of *eigenrichting* or vigilantism (Pratini et al., 2022), namely the assumption of law enforcement functions by members of society without legal legitimacy. Within a state governed by the rule of law (*rechtsstaat*), the authority to employ coercive measures rests exclusively with the state through duly authorized institutions and officials. Therefore, allowing community organizations to independently carry out confiscation or sealing measures would conflict with the principles of due process of law, legal certainty, and the protection of property rights.

Second, from the standpoint of civil law, the unauthorized sealing and confiscation of assets may constitute an unlawful act (*onrechtmatige daad*) as provided under Article 1365 of the Indonesian Civil Code. Parties suffering losses as a result of such actions are entitled to seek compensation for both material and immaterial damages incurred. (Pahlevi et al., 2021) In principle, the legality of confiscation is recognized only when it is conducted as part of an official law enforcement process and pursuant to authorization or an order issued by the head of a district court in accordance with the applicable legal procedures. Where confiscation is carried out outside these procedures, the act may be categorized as unlawful (Auliany et al., 2025) because it lacks a valid legal basis.

Moreover, actions by community organizations that restrict or assume control over corporate assets without lawful authority clearly violate the proprietary and ownership rights of other parties. Where such conduct results in material or immaterial losses, the injured party has the right to pursue compensation through civil litigation mechanisms. Such losses may include deprivation of access to assets, damage to property, and financial or business-related losses.

Third, from the perspective of administrative law, actions undertaken by community organizations beyond the limits of their authority may be regarded as a misuse of the organization's social function. (M. A. A. S. Putra et al., 2026) When a community organization engages in sealing and confiscation activities, it effectively acts outside the scope of its intended social role and legal authority. Such conduct may therefore be characterized as an arbitrary exercise of authority, since it is undertaken without any attribution of power derived from statutory regulations. In addition, these actions are inconsistent with the principles of legality and legal certainty, which constitute fundamental pillars of governance and the rule of law.

4. Conclusion

Authority is a form of power that derives its formal legitimacy from statutory regulations and therefore may only be exercised by legal subjects expressly granted such authority by law. In this context, community organizations (*ormas*) constitute part of civil society established voluntarily to channel public aspirations, empower communities, provide social services, and participate in national development, rather than functioning as state institutions possessing law enforcement authority. Although legislation grants *ormas* the right to manage their internal affairs, conduct organizational activities, and express aspirations, they remain obligated to comply with the law and maintain public order. Within the framework of administrative law, authority may only be acquired through attribution, delegation, or mandate. Consequently, unilateral acts of sealing or confiscation carried out by *ormas* lack legal authority and may be classified as unlawful acts as well as criminal offenses. Legally, the authority to conduct confiscation is exclusively vested in law enforcement agencies and judicial authorities, including judges through court orders, bailiffs as executors of judicial decisions, police investigators under the Criminal Procedure Code, and public prosecutors or state attorneys in accordance with prevailing statutory regulations. The acts of sealing and confiscation carried out by community organizations fundamentally lack a valid legal basis of authority, as such powers are limitatively granted by statutory regulations only to law enforcement agencies and judicial institutions. Consequently, such actions may be classified as an abuse of authority in the form of arbitrary conduct without lawful authorization, thereby rendering them legally invalid and subject to annulment. Furthermore, from the perspective of criminal law, such conduct may fulfill the elements of a criminal offense when accompanied by the unlawful taking or control of property, threats, or violence. From the standpoint of civil law, these actions may also be categorized as unlawful acts (tortious conduct), giving the injured party the right to claim compensation for damages incurred. Moreover, within the framework of administrative law, actions by community organizations that exceed their functions and authority may result in the imposition of administrative sanctions in accordance with statutory regulations governing community organizations.

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