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The Legality of Taxpayer Account Freezing by the Directorate General of Taxes: A Case Study of Indonesian Tax Court Decision No. PUT-010548.99/2023/PP/M.VB

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Abstract

The authority of the Directorate General of Taxes (DGT) to freeze bank accounts constitutes an important enforcement mechanism in tax collection. However, its implementation raises significant legal concerns when imposed on parties whose status as tax guarantors is not clearly established. This study examines the legal validity of freezing the bank account of PT Luxe Utama Indonesia in relation to the tax liabilities of PT Andaman Delmar, as decided in Indonesian Tax Court Decision No. PUT-010548.99/2023/PP/M.VB of 2024. The research aims to analyze whether the account freezing complied with Indonesian tax collection law and to evaluate the application of the principles of legal certainty and justice in determining the legal responsibility of a minority shareholder. This research employs a normative juridical method using statutory, conceptual, and case approaches. Legal materials consist of primary legal sources, including legislation and court decisions, supported by secondary legal materials such as legal doctrines, scholarly articles, and textbooks. The collected materials were analyzed qualitatively through deductive legal reasoning. The findings demonstrate that the account freezing lacked a sufficient legal basis because PT Luxe Utama Indonesia was merely a 10% minority shareholder and was neither a director nor a controlling shareholder of the bankrupt company. Furthermore, the company was not proven to qualify as a tax guarantor under the applicable legal framework. The Tax Court correctly annulled the freezing order and reaffirmed the principle of limited liability, emphasizing that tax collection measures must respect corporate legal personality, bankruptcy procedures, and the protection of private property rights. The study concludes that tax enforcement authorities must exercise their powers within the limits prescribed by law to ensure legal certainty, proportionality, and justice while safeguarding the rights of parties who are not legally responsible for corporate tax debts.

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1. INTRODUCTION

Tax collection plays a crucial role in securing state revenue and ensuring compliance with tax obligations. Indonesian tax law authorizes the Directorate General of Taxes (DGT) to undertake various enforcement measures, including the freezing of bank accounts belonging to taxpayers or tax guarantors to secure the payment of outstanding tax debts. However, such authority must be exercised within the framework of legality, proportionality, and legal certainty because account freezing directly restricts property rights and may adversely affect business continuity. The exercise of tax enforcement powers therefore requires a clear legal basis regarding the identity of the party responsible for the tax debt, particularly when the enforcement action involves parties other than the principal taxpayer. The balance between effective tax collection and the protection of individual and corporate rights remains a fundamental issue in Indonesian tax law (Latumenten, 2017).

Previous studies have primarily examined account freezing from the perspectives of banking law, consumer protection, prudential banking principles, and the authority of financial institutions. Other scholars have discussed the legal protection of bank customers and the exercise of governmental authority in freezing bank accounts, emphasizing legal certainty and administrative accountability. Nevertheless, limited attention has been given to the legality of freezing the bank account of a minority shareholder for the tax liabilities of a bankrupt corporation. Existing literature has not comprehensively integrated tax collection law, company law, and bankruptcy law to determine whether a minority shareholder may legally be classified as a tax guarantor and consequently subjected to tax enforcement measures. This gap demonstrates the need for further legal analysis concerning the limits of the DGT's enforcement authority in such circumstances (Wilson Petrus Manalu, 2020).

This article addresses the identified gap by providing a normative legal analysis of Tax Court Decision No. PUT-010548.99/2023/PP/M.VB of 2024 concerning the freezing of the bank account of PT Luxe Utama Indonesia in connection with the tax liabilities of PT Andaman Delmar. The scientific novelty of this study lies in integrating the principles of legal certainty, limited liability, and bankruptcy administration to evaluate the legality of account freezing against a minority shareholder who has not been legally established as a tax guarantor. Accordingly, this study aims to examine the legal validity of the Directorate General of Taxes' account-freezing measure and to assess whether its implementation is consistent with the principles of legal certainty and justice under Indonesian law (Nurmariani *et al.,* 2025).

2. METHOD

This study employed a normative juridical research method to examine the legal validity of bank account freezing conducted by the Directorate General of Taxes in Tax Court Decision No. PUT-010548.99/2023/PP/M.VB of 2024. The research adopted three complementary approaches: the statutory approach, the case approach, and the conceptual approach. The statutory approach was used to analyze legislation governing tax collection, limited liability companies, bankruptcy, and banking law, while the case approach focused on the legal reasoning and judicial considerations contained in the Tax Court decision. The conceptual approach was applied to examine the legal doctrines concerning legal certainty, justice, limited liability, tax guarantors, and the legality of administrative actions. Primary legal materials consisted of relevant legislation and judicial decisions, whereas secondary legal materials included legal textbooks, scholarly journals, and other academic publications related to taxation, corporate law, and banking law. The collected legal materials were analyzed qualitatively using deductive legal reasoning to evaluate the conformity of the account-freezing measure with applicable legal principles and statutory provisions. The research procedure consisted of identifying the legal issues, collecting and classifying legal materials, interpreting statutory provisions and judicial considerations, analyzing the relationship between tax law and corporate law principles, and formulating legal conclusions regarding the validity of the disputed administrative action (Marzuki, 2021).

3. RESULTS AND DISCUSSION

a. Legal Validity of Bank Account Freezing by the Directorate General of Taxes

The findings demonstrate that the freezing of PT Luxe Utama Indonesia's bank account by the Directorate General of Taxes lacked sufficient legal grounds because the company was neither the taxpayer nor a legally recognized tax guarantor. The Tax Court determined that PT Luxe Utama Indonesia merely owned 10% of the shares in PT Andaman Delmar and did not hold managerial authority or controlling ownership that could justify the transfer of tax liability. Consequently, the freezing measure exceeded the legal scope of tax collection because it was directed at a legal entity that had not been proven to bear responsibility for the outstanding tax debt. This finding confirms that tax enforcement must always be exercised within the limits expressly prescribed by statutory provisions to ensure legal certainty and prevent arbitrary administrative action. The principle of legality requires that every governmental decision affecting property rights be supported by a clear legal basis and objective evidence of legal responsibility. Mubarak and Trisna (2021) similarly argue that public authorities are prohibited from exercising discretionary powers beyond those granted by legislation, while Mandey (2021) explains that unilateral restrictions on bank accounts must satisfy statutory requirements to protect customers against unlawful administrative interference. Likewise, Latumenten (2017) emphasizes that governmental authority should always be interpreted consistently with the principles of legal certainty and justice, particularly when administrative actions have direct implications for proprietary rights.

b. The Principle of Limited Liability and the Protection of Minority Shareholders

The research further reveals that the doctrine of limited liability constitutes the principal legal foundation for protecting minority shareholders from personal liability arising from corporate tax obligations. Indonesian company law clearly distinguishes the legal personality of a corporation from the personal legal status of its shareholders, meaning that ownership of shares alone does not establish responsibility for corporate obligations. Therefore, the Directorate General of Taxes could not automatically treat PT Luxe Utama Indonesia as a tax guarantor solely because it held a minority shareholding in PT Andaman Delmar. Such an interpretation would undermine one of the fundamental principles of company law by disregarding the separation between corporate assets and shareholders' private assets. The Tax Court correctly recognized that liability cannot be transferred without explicit statutory authorization or proof of exceptional circumstances, such as abuse of the corporate form or bad faith. This finding corresponds with the analysis of Amalia *et al*. (2022), who emphasize that legal certainty in civil and commercial relations depends upon the correct identification of legal subjects and their respective obligations. Palilati (2017) likewise argues that banking customers are entitled to effective legal protection whenever administrative measures interfere with their property rights, while Wilson Petrus Manalu (2020) stresses that banks must consistently implement the prudential principle before executing account restrictions to avoid potential violations of customer rights. These findings collectively reinforce that minority shareholders should not be exposed to administrative sanctions unless their legal responsibility has been established through lawful procedures.

c. Harmonization of Tax Collection and Bankruptcy Law

Another important finding concerns the interaction between tax collection law and bankruptcy law. The research demonstrates that once PT Andaman Delmar had been declared bankrupt, the administration and settlement of its assets became the exclusive responsibility of the court-appointed curator in accordance with Indonesian bankruptcy legislation. Consequently, tax claims should have been pursued through bankruptcy proceedings rather than by freezing the bank account of another legal entity possessing an independent legal personality. Ignoring this legal mechanism creates overlapping authority between tax administration and bankruptcy administration, potentially undermining legal certainty for creditors and third parties. The harmonization of tax law and bankruptcy law is therefore essential to ensure that enforcement actions remain consistent with the principle of due process. Purwanti *et al*. (2024) similarly observe that the expansion of institutional authority beyond statutory limits may create legal uncertainty and institutional conflict. Nurmariani *et al*. (2025) further argue that the exercise of account-freezing authority requires strict adherence to legislative provisions governing administrative competence. Idris (2025) likewise concludes that administrative measures restricting banking transactions must be supported by explicit legal authorization to prevent abuse of governmental power. These perspectives strengthen the conclusion that tax enforcement cannot disregard the legal consequences arising from bankruptcy proceedings.

d. Judicial Review and the Protection of Legal Certainty

Judicial review in Tax Court Decision No. PUT-010548.99/2023/PP/M.VB of 2024 also demonstrates the practical implementation of legal certainty, proportionality, and justice in administrative adjudication. By declaring the freezing order unlawful, ordering the reopening of the blocked account, and requiring the return of the affected funds, the Tax Court restored the legal rights of PT Luxe Utama Indonesia while reaffirming that administrative efficiency cannot justify actions exceeding statutory authority. The judgment illustrates that judicial control remains an essential mechanism for preventing administrative overreach and protecting constitutional principles governing property rights. Moreover, the decision strengthens the doctrine that tax collection must always distinguish between the taxpayer, the tax guarantor, and unrelated third parties. Comparable conclusions are presented by Sopian *et al*. (2024), who emphasize that governmental accountability represents an indispensable element of good governance and administrative justice. Juliyano and Sulistyawan (2019) likewise explain that legal certainty is achieved when judicial interpretation consistently limits administrative discretion according to statutory norms rather than policy considerations. In addition, Rade *et al*. (2021) underline that the protection of banking confidentiality and customers' legal interests constitutes an integral component of Indonesia's banking legal framework, thereby requiring authorities to exercise exceptional caution before restricting access to customer accounts.

e. Implications for Indonesian Tax Law and Future Tax Enforcement

This study confirms that although the Directorate General of Taxes possesses statutory authority to freeze bank accounts as part of tax collection, such authority is not absolute and must always comply with the principles of legality, proportionality, accountability, and due process of law. The findings answer the research objective by demonstrating that the freezing of PT Luxe Utama Indonesia's account was inconsistent with Indonesian tax law because the company had not been legally established as either the taxpayer or the tax guarantor. Consequently, the Tax Court correctly annulled the freezing order and reaffirmed the principle of limited liability as an essential safeguard for minority shareholders. The research contributes to the development of Indonesian tax law by clarifying the legal limits of administrative enforcement against third parties while strengthening the relationship between tax collection, company law, bankruptcy law, and banking law. Willyams and Yusuf

(2024) similarly conclude that financial enforcement should always operate within the framework of the rule of law to prevent arbitrary governmental intervention. Julio Waraney Wuisang *et al*. (2026) likewise emphasize that bank customers are entitled to legal protection against unjustified account freezing that lacks statutory support. Furthermore, Fani Maghfiroh *et al*. (2023) argue that legal certainty and institutional accountability have become increasingly significant in maintaining public trust in Indonesia's rapidly developing digital economic and financial system. Collectively, these findings indicate that effective tax collection should not merely prioritize revenue recovery but must also uphold legal certainty, justice, and the protection of individual and corporate rights as fundamental principles of the Indonesian legal system..

4. CONCLUSION

This study concludes that the freezing of PT Luxe Utama Indonesia's bank account by the Directorate General of Taxes was not legally valid because the company did not qualify as either the taxpayer or the tax guarantor under the applicable Indonesian legal framework. The Tax Court correctly determined that PT Luxe Utama Indonesia, as a minority shareholder holding only 10% of the shares in PT Andaman Delmar, could not be held responsible for the company's outstanding tax liabilities solely on the basis of its share ownership. The decision reaffirms the principles of legality, legal certainty, and limited liability by emphasizing that tax collection measures must be directed only against parties whose legal responsibility has been clearly established through statutory provisions. Furthermore, the study demonstrates that tax enforcement must be harmonized with company law and bankruptcy law, particularly when the taxpayer has been declared bankrupt and the settlement of assets falls under the authority of the court-appointed curator. The scientific contribution of this research lies in clarifying the legal limits of the Directorate General of Taxes' authority to freeze bank accounts and highlighting the need to balance effective tax collection with the protection of corporate legal personality and property rights. Accordingly, future tax enforcement policies should strengthen procedural safeguards and ensure that administrative actions remain consistent with the principles of due process, proportionality, and the rule of law in order to prevent legal uncertainty and protect the rights of third parties who are not legally responsible for tax obligations..

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