

TAX ASSESSMENT IN RIGHTS TRANSACTIONS ON LAND AND/OR BUILDING

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Abstract:

This study investigates how implementation of Tax Assessment in Rights Transactions on Land and/or Building. This study uses method qualitative or normative with using qualitative data in the form of normative formulations. In this study to describe thoroughly and systematically the "Tax Assessment In Rights Transactions On Land And/Or Building. The result of this study show that BPHTB is one of the local taxes which has a percentage of realized collection the average reached 112.04%. This tax has great contribution to acceptance local tax. The potential of BPHTB is very prime, so that Government through BPPD does some strategies so that it doesn't happen lost tax.

Keywords: Tax Assessment, Right Transaction, Land, Building

1. Introduction

One of the goals of the Indonesian nation is contained in the preamble to the Act The basis of 1945 is to advance and realize general welfare through development national. In implementing the ideals stated in the preamble to the 1945 Constitution, the Indonesian nation needs to involve all elements of society to work together to build this country. In addition, national development will realized if the Indonesian state has availability of sufficient sources of financing in the state revenue and expenditure budget (APBN), one of which is sourced from tax revenue. Taxes can be divided into central taxes and local taxes based on authority the collection. One type of central tax, namely: income tax (hereinafter referred to as PPh). Bandiyono et al (2021) state that Income tax ranks firstly in contributing to tax revenue, with a realization of 894.45 billion rupiah in 2019. One of the potential sources of tax income is derived from income tax on the transfer of assets in the form of land and/or buildings carried out by individuals or body.

The transfer of land tenure rights itself is carried out by individuals or entities that are not included in the tax subject (Tarmizi et al., 2017). The tax is received or obtained by the individual himself and the agency in accordance with what has been regulated in the provisions of Law no. 36 Year 2008. Payments for taxes in Indonesia are carried out in 3 ways, namely first, namely by means of the official assessment system, this system is the granting of flexibility to the government in determining the size of the tax that must be paid by the tax subject himself. Taxes included in this payment system are passive taxes, tax payables that arise as a result of late payments and the issuance of a letter on the

determination of the tax (Hanum et al., 2020). Self-assessment system is a payment system by giving authority to the tax subject himself in calculating the tax that must be paid. This system is in operation if the tax subject routinely calculates the taxes to be paid, reports and pays taxes in accordance with the amount that should be paid and the government no longer needs to provide letters on tax assessments unless certain actions occur, such as delays in reporting and paying taxes. by the tax subject himself (Muhasan 2019 and Mukiyidin et al., 2021).

Since the enactment of Government Regulation no. 34 2016 concerning Income Tax on Income from Transfer of Land Rights and/or Buildings, and Sales Binding Agreements Purchase of Land and/or Buildings with The change, the income tax rate on income from transfer of rights to land and/or buildings down by 50%, from what was originally charged 5% rate drops to 2.5% from the highest value between NJOP value and transaction value (Bahmid, 2017).

One aspect that is also included in the procedural assessment component is These are the tax costs required in the context of the transfer of rights to assets land and/or buildings (Suryanto et al., 2018). in a transaction of transfer of land rights and/or there are two types of taxes imposed on the community, in particular seller and buyer in the transaction. The two types of taxes are Customs Acquisition of Land Rights (BPHTB) and Income Tax (PPh).

In an effort to prepare for the management of BPHTB, the regional government forms an arrangement for the organizational structure that will be given the authority to manage the transfer of taxes, and the formation of the management of the organization in accordance with the references and policies of the central government (Asmeri, 2020). One of the sources of state income on taxes is income tax on the transfer of land and buildings, whether it is carried out by individuals or legal entities. The value of the payment of income tax on the transfer of land and buildings is 5% of the gross value of the transfer of the land. Except for the transfer of land or flats which are simple in nature, only 1% of the gross value of the land and buildings is imposed.

BPHTB is a local taxes and reported to the Regional Revenue Agency charged to the the buyer. PPh is a type of tax levied by the Central Government (tax) center), is collected periodically and the tax burden cannot be transferred to other parties (direct tax), as far as domestic individual tax subjects are concerned, the size of the tax payable is influenced by the personal circumstances of the tax subject (Hidayat et al., 2021). PPh The fee is charged to the seller, which in the case of the property business is called developer. The imposition of PPh in Indonesia is regulated in the Law of the Republic of Indonesia Number 36 of 2008 concerning the Fourth Amendment to Law Number 7 1983 concerning Income Tax (hereinafter referred to as UUPPh). Article 4 paragraph (1) states that the object of income tax is income, i.e. every additional economic capacity received or obtained by the Taxpayer, whether originating from Indonesia and from outside Indonesia, which can be used for consumption or to increase the wealth of the Taxpayer concerned with the name and in any form. Furthermore, the income tax imposed on the transfer of land rights and/or building is regulated in Article 4 paragraph (2) UUPPh. The PPh is final, which means The tax is charged directly when the taxpayer (WP) receives income. On In general, final PPh is directly deposited by the taxpayer and when it has been deposited is no longer taken into account in

the annual SPT reporting or in any other sense This income may not be combined with other income that is subject to general rate.

2. Literature Review

2.1. Assessment Definition

Assessment definition assessment is included in the category of art and not part of science, because it depends on perspective. Assessment produces an indication or range of values, not exact and definite values of a property (Suprpto et al., 2022). Property valuation is an estimate of benefits economics on property valued in time certain and the definition of certain values. The Appraisal Institute explained that There are four factors that can create value, that is:

- 1) Utilities Utility reflects the ability of a products (goods and services) to satisfy human wants and needs. In other words utility describes how much benefit provided by these goods and services to users of goods and services.
- 2) Scarcity Scarcity reflects the degree of rarity goods or services in an affected market by how much the bid rate can be meet the demand for goods and services. In general, if the demand for a good or service constant, the scarcity of goods and services will make it more valuable.
- 3) Desire Desire is the desire of the buyer or users of goods and services to fulfill needs (e.g., shelter, clothing, food) or individual desire beyond need essentials needed to support life. Wants can include needs business such as the need for a place to sell or manufacture products.
- 4) Effective Purchasing Power Effective purchasing power reflects individual or group ability to participate in the market, i.e. obtain goods and services with cash or equivalent. Values also have a close relationship with price and cost though basically These three things have different concepts. The price is the amount of money that the buyer agrees on to be paid and approved by the seller for received at a certain time and through the mechanism fair market, while Cost is an amount money that must be provided to produce or create goods and services.

a. Tax Definition

The definition of tax according to Law Number 6 of 1983 as last amended in Law Number 16 Years 2009 concerning General Provisions on Taxation states in Article 1 letter 1 states that tax is a mandatory contribution to the country that is owed by an individual or entity that is coercive under the law, without getting a direct reward and is used for the interests of the state for the greatest prosperity of the people (Surnamin, 2017). Apart from that, the experts He also gave his opinion regarding the meaning of tax as follows:

- 1) Prof. Dr. Rachmat Soemitro, S.H. states that tax is a contribution or people's levies to the government based on laws that enforceable that can be enforced by not getting a direct counter-achievement directly and can be appointed and used to finance needs state expenditure.

- 2) S.I. Djajadiningrat stated that tax is an obligation hand over part of the wealth to the state treasury due to a circumstances, events, and actions that give a certain position, but not as a punishment, according to the established rules government and can be forced, but there is no reciprocal service from state directly, to maintain the general welfare.
- 3) Prof. Dr. P. J. A. Anriani explains the contribution tax to the State (which can be forced) which is owed by those who are obliged to pay it according to the regulations, without getting the achievement back, which can immediately be paid appointed and whose purpose is to finance expenses general in connection with the duty of the state to organize government.

So, from the various definitions above, it can be concluded that the tax aspects include the following: Taxes are state contributions or levies; Has a coercive nature; Regulated by the government based on laws and regulations; and Used to finance the interests of the state for welfare public

b. Definition of Transfer of Rights to Land and/or Buildings

Definition of Transfer of Rights to Land and/or Buildings Transfer of Rights to Land and/or Buildings According to article 1 paragraph (2) PP Number 34 of 2016 Transfer of Rights on Land and/or Buildings are: "Transfer of land rights and/or building is carried out through sale, exchange, relinquishment of rights, transfer of rights, auctions, grants, inheritance, or other agreed between the parties, namely through merger, consolidation, expansion, division, and takeover of businesses.

- 1) BPHTB

According to Article 85 paragraph (2) letter a number 10 of Law no. 28 Year 2009 BPHTB is a tax imposed on the acquisition of land rights and/or buildings.

- 2) PPH

According to Article 4 paragraph (2) of the Junto Income Tax Law Article 1 paragraph (2) PP No. 34 of 2016 PPh Final PHTB is a tax that is imposed on income received or earned by a business entity that transfer rights to land and/or buildings.

3. Methods

In terms of the type of writing this paper used is a literature study. The literature study method is a series of activities related to the methods of collecting library data, reading and taking notes, and managing research materials. Literature study is an activity that is required in research, especially academic research whose main purpose is to develop theoretical aspects as well as aspects of practical benefits. Literature studies are carried out by each researcher with the main objective of finding the basis or foundation for obtaining and building theoretical foundations, frameworks of thought, and determining provisional conjectures or also known as research hypotheses. Literature research or literature study is a research activity carried out by collecting information and data with the help of various materials in the library or sources from the internet related to the problem to be solved.

Activities are carried out systematically to collect, process, and conclude data using certain methods/techniques in order to find answers to the problems encountered. So that the author can do by grouping, allocating, organizing, and using a variety of libraries in their fields. By conducting a literature study, researchers have a broader and deeper insight into the problem to be studied. Conducting this literature study was carried out by the authors after they determined the research topic and the formulation of the problem was determined. According to its nature, the writing of this paper is a descriptive research, which is a study that is intended to provide data that is as accurate as possible about humans or other phenomena. In this study to describe thoroughly and systematically the "Tax Assessment In Rights Transactions On Land And/Or Building".

4. Result and Discussion

4.1 Result

BPHTB is determined based on Value Acquisition of Tax Objects (NPOP) in accordance with tax object transaction price or market value tax object. The transaction price is the price real object of sale and purchase agreed upon by the two parties, namely the seller and the buyer, without must be based on market value traded (Rahyu, 2020). The object of the BPHTB tax is acquisition of land and buildings. Acquisition land and building rights include transfer of rights and granting of new rights. This transfer of rights is due to: buying and selling, exchanging exchange, grant, testamentary grant, inheritance, income in a company or legal entity others, the separation of rights which results in transfer, appointment of buyers in auctions, implementation of the judge's decision which has permanent legal force, business combination, business consolidation, business expansion and gifts. In addition, the granting of new rights can be due to: continuation of the waiver and beyond the waiver right. Land and/or land sale and purchase transactions building is an activity that carried out by the community who can provide income in the form of taxes in relatively large number for the region (Mustika et al., 2020). The basis for imposing BPHTB is NPOP and when BPHTB is payable is the date of transition rights, with the following conditions: (1). The value used to set NPOP and NPOP-TKP (NPOP No taxable) and when BPHTB is owed for various rights transfer transactions. (2). If NPOP is unknown or more lower than the NJOP-PBB (Selling Value Tax object used as the basis calculation of Land and Building Tax), the basis for imposing BPHTB is NJOP-PBB Income tax in accordance with Article 1 of Law Number 36 Year 2008 concerning Income Tax is a tax imposed on tax subjects on: income received in the tax year. A tax subject will be taxed if he/she receive or earn. In the Income Tax Law, Tax subjects who receive or earn income are referred to as Taxpayers (Iswara et al., 2019). before carrying out a sale and purchase transaction, the parties must ensure that the land is not in dispute. If the land is in dispute, the official The Land Deed Maker (PPAT) is authorized not to continue the buying and selling process. In the sale and purchase transaction stage, the seller is required to complete the requirements as follows:

- a. Photocopy of ID card (if you are married, you must include a copy of your spouse's ID card).
- b. Family Card (KK).

- c. Taxpayer identification number (NPWP).
- d. Original Certificate of Land Rights to be sold includes (Certificate of Ownership, Certificate of Ownership Building Use Rights, Certificates, Cultivation Rights, Ownership Certificates on Units Flats).
- e. Proof of payment of Land and Building Tax (PBB) for the last 5 years along with Letter of Credit Notice of Tax Payable (SPPT) PBB last year.
- f. Certificate of Indonesian citizen or change of name, if the seller is a descendant Indonesian citizen.
- g. Proof of husband and wife approval (for those who are married).
- h. If the husband/wife has died, then a death certificate must be attached.

Before the deed of sale and purchase is signed by the parties, the seller must pay income tax with the following calculation:

$$\text{(Income tax = Actual/should be received x)}$$

Meanwhile, the buyer must pay the Customs for the Acquisition of Land Rights and/or Building (BPHTB). The basis for the imposition of income tax on income received on transfer rights to land and/or buildings through sale and purchase is the gross amount as referred to in stated on the deed of sale or purchase agreement that has been signed by PPAT. The process of imposing income tax to the seller is as follows: a)

- a. The seller pays the income tax payable of 2.5% of the gross amount the value of the sale using the means of an electronic tax deposit with the code MAP 411128 and deposit type code 402 by mentioning the Mandatory Identification Number Tax (NPWP), code and type of tax, period of tax payable and value of payment. The payment process can be carried out by the taxpayer himself using Taxpayer Identification Number (NPWP) by first creating a billing code as a means of payment to the Perception Bank or Post Office or can be assisted by PPAT office employees.
- b. The seller is obliged to pay the tax payable by himself before the signing of the deed of sale and purchase or the binding agreement of sale and purchase before Notary/PPAT. Income tax payable as intended must be paid upon receipt of income either partially or wholly and deposited no later than the 15th (fifteenth) of the following month after receipt payment.
- c. Payment is made at the perception bank or post office by showing payment billing code. After the payment process, the seller will receive Tax Payment Letter with the State Revenue Transaction Number and Bank Transaction Number/Postal Transaction Number/Discount Receipt Number or other administrative facilities that are equivalent to a Tax Payment Letter.
- d. Tax Payment Letter with the State Revenue Transaction Number written on it for further research by submitting application for research on proof of fulfillment of income tax payment obligations either manually or electronically to the Primary Tax Office the location where the tax object is registered.

4.2 Discussion

Every human being has a basic need in the form of a place to live almost everyone has or will carry out a transaction on the transfer of rights to land and or buildings. If you hear or will make a sale transaction buying a house, of course raises questions about the procedure for transferring rights to property land and or buildings, for example related to the transfer of rights over land and buildings subject to tax, or in relation to the amount of tax must be paid to the state. The purpose of the establishment of the law on BPHTB is so that independence of the Indonesian nation to meet government spending related to their duties to organize the General Government and National development. Based on Article 4 paragraph (1) of Law no. 21 of 1997 it is determined that the subject of the tax is an individual or an entity who obtain land and or building rights. It means that the tax is imposed on the party who gets the right from a transfer of land and building rights, so that the person or individual or a legal entity that obtains land rights which is a taxpayer of BPHTB. Entity is a group of people and or capital which is a unit, whether doing business or not doing business including Limited Liability Companies (PT), Limited Liability Companies (CV), other companies, State or Regional Owned Enterprises in any name and in any form, Firms, Partnerships, Cooperatives, Pension Funds, Fellowships, Associations, Foundations, Socio-political Organizations, or similar organizations, institutions, forms of business fixed, and other body shapes. To find out the potential for collection BPHTB tax collection is usually measured with a tax coverage ratio, namely the ratio between realizations of successfully collected taxes compared to the potential tax actually exists in the economy (Purnayasa ET AL., 2021). The tax coverage ratio approach contains one crucial thing that affects the amount the numbers it produces, namely how the method or approach used in measuring tax potential variables.

BPHTB is one of the local taxes which have a percentage of realized collection the average reached 112.04%. This tax has great contribution to acceptance local tax. The potential of BPHTB is very prime, so that Government through BPPD do some strategies so that it doesn't happen lost tax. This strategy is very appropriate because BPHTB is a self-tax group assessment system, namely the tax group that give full discretion to the obligatory tax to calculate and deposit own tax amount. Strategy that carried out by BPPD, namely: by making land price range guidelines based on the issued land value zone by BPN.

5. Conclusion

Since the enactment of Government Regulation no. 34 2016 concerning Income Tax on Income from Transfer of Land Rights and/or Buildings, and Sales Binding Agreements Purchase of Land and/or Buildings with The change, the income tax rate on income from transfer of rights to land and/or buildings down by 50%, from what was originally charged 5% rate drops to 2.5% from the highest value between NJOP value and transaction value. In addition, the granting of new rights can be due to: continuation of the waiver and beyond the waiver right. Land and/or land sale and purchase transactions building is an activity that carried out by the community who can provide income in the form of taxes in relatively large number for the region. The basis for imposing BPHTB is NPOP and when BPHTB is payable

is the date of transition rights, with the following conditions: (1). The value used to set NPOP and NPOP-TKP (NPOP No taxable) and when BPHTB is owed for various rights transfer transactions. (2). If NPOP is unknown or more lower than the NJOP-PBB (Selling Value Tax object used as the basis calculation of Land and Building Tax), the basis for imposing BPHTB is NJOPPBB.

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