

Ekstensifikasi objek PPh pada transaksi investasi dalam asuransi: studi kasus asuransi Unit Link = Broadening income tax base on investment insurance transaction (case study on unit link insurance)

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Abstrak

Industri asuransi telah berkembang pesat dan memiliki bentuk perlindungan yang bermacam-macam. Bahkan asuransi telah dikombinasikan dengan investasi artinya selain memberikan manfaat proteksi terhadap tertanggung, asuransi juga memberikan penghasilan atau manfaat tabungan atas nilai pols yang dibayarkan. Hal ini menimbulkan persoalan dari sisi perpajakan karena santunan asuransi tidak dikenakan pajak saat diterima dengan alasan untuk kepentingan karena saat santunan diterima adalah saat yang tidak menyenangkan bagi Wajib Pajak.

Setiap pajak yang dipungut hendaknya memperhatikan beberapa asas perpajakan, misalnya asas keadilan dan asas netralitas. Perkembangan asuransi yang telah mencakup unsur tabungan dan investasi menjadikan asuransi seperti deposito atau tabungan di bank. Saat ini perpajakan membedakan pengenaan pajak atas penghasilan dari deposito dan tabungan dikenakan pajak final sebesar 15%, sedangkan santunan asuransi tidak dipungut pajak kecuali kurang dari tiga tahun.

Masalah penelitian ini ada empat, yaitu Apa perbedaan asuransi jiwa murni dengan asuransi unit link yang ada saat ini? Apakah ada substansi ekonomi yang berbeda antara asuransi unit link dengan transaksi deposito di bank? Apakah ada potensi pajak penghasilan atas transaksi asuransi unit link? Bagaimana perlakuan pajak penghasilan atas transaksi asuransi yang seharusnya diterapkan? Sedangkan metode penelitian yang di gunakan adalah metode diskriptif dan pengumpulan data dilakukan dengan metode wawancara, observasi dan studi kepustakaan.

Hasil analisis menunjukkan bahwa asuransi jiwa murni sangat berbeda dengan asuransi investasi karena selain unsur proteksi, asuransi investasi memiliki unsur tabungan yang memungkinkan tertanggung mendapatkan keuntungan walaupun tidak terjadi resiko yang dipertanggungkan. Sedangkan asuransi investasi dengan deposito tidak memiliki perbedaan secara substansi ekonomis, karena sama-sama memiliki batasan waktu dan memberikan penghasilan financial.

Potensi pemungutan pajak penghasilan dari transaksi asuransi juga ada, yaitu dikenakan atas manfaat tabungan yang diterima Wajib Pajak. Hal ini untuk mewujudkan asas keadilan bagi Wajib Pajak karena tidak memandang sumber penghasilannya dari asuransi atau dari deposito sama-sama dipungut pajak penghasilan. Selain itu juga mewujudkan asas netralitas, karena pajak tidak mempengaruhi pilihan orang untuk memilih jenis kegiatan ekonomi yang akan dilakukannya.

Saran yang diberikan adalah pengenaan pajak penghasilan atas transaksi asuransi sebaiknya tidak dibatasi hanya jika penerimaan manfaat tabungan kurang dari tiga tahun tetapi dikenakan pajak saja semuanya

karena terbukti secara substansi ada tambahan kemampuan ekonomis dari manfaat tabungan yang memcuihi unsur penghasilan sebagai objek pajak.

The insurance industry has been growing fast and offers a variety of insurance. In addition, insurance has been combined into other investments in the sense that in addition to offering protection benefits to the insured, insurance generates savings income or benefits with respect to premium payments. This results in a taxation problems as insurance benefits are exempt from taxation when received for reasonableness in that the time at which benefits are received shall be deemed not a pleasant occasion for the taxpayer concerned.

Every tax collected should take into account several tax principles such as justice principle, neutrality principle. The growth of the insurance industry such that it covers savings and investment has made insurance have similar characteristics to those of term deposits and savings held with banks. At present tax regulations distinguishes taxes on income from those on term deposits and savings with the latter two being charged with a final withholding tax of 15% and insurance benefits being exempt from taxation unless the benefits are received for a period of less than three years.

The research has four questions: What is the difference between the current pure life insurance and unit-linked insurance? Is there any different economic substance between unit-linked insurance and term deposit transactions at banks? Is there any tax potential in unit-linked insurance transactions? How should insurance transactions be treated by the tax authorities? The research employs descriptive methods and data collection has been conducted through interviews, observations and desk research.

The results of my analysis indicates that pure life insurance differs very much from investment insurance due to the fact that in addition to protection. investment insurance offers savings opportunity which enables an insured to enjoy benefits irrespective of the occurrence of the hazards covered insured against. Investment insurance does not differ in any economic substance from term deposits as they both are bound by time limits and offer financial income.

There is tax potential in insurance transactions through taxation on any savings benefits received by a taxpayer. This will offer justice to taxpayers as taxes will be collected irrespective of the sources of income, be it on insurance or investment. In addition, this will realize the neutrality principle in that taxation will not affect anyone's choice of economic activity.

My recommendation is that income taxation on insurance transactions should not be restricted to savings benefits which are received for a period of less than three years but to any and all savings benefits as it proves substantially that there is an additional economic capability arising from savings benefits which meet the criteria of income as a tax object.