

Evaluasi Pelaksanaan Kewajiban Perpajakan Penyelenggara Peer to Peer Lending = Evaluation of Tax Obligations the Implementation of Peer to Peer Lending Providers

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Abstrak

Berdasarkan Undang-undang Harmonisasi Peraturan Perpajakan (“UU HPP”) dan Peraturan Menteri Keuangan Nomor 69/PMK.03/2022 (“PMK 69”), Penyelenggara Peer to Peer (“P2P”) Lending mempunyai kewajiban baru sebagai “pihak lain” untuk melakukan pemotongan PPh atas pembayaran bunga dari borrower kepada lender, sehingga terdapat tambahan administrasi pajak yang sebelumnya belum pernah ada. PMK 69 juga memberikan penegasan bahwa jasa pinjam meminjam dalam platform P2P Lending merupakan objek PPN, sehingga penyelenggara P2P Lending mempunyai kewajiban untuk melakukan pemungutan PPN. Atas kewajiban perpajakan diatas perlu dilakukan kajian apakah PMK 69 telah telah memenuhi asas-asas perpajakan, terutama dalam administrasi pelaksanaan kewajiban perpajakannya. Penelitian ini bertujuan untuk mengevaluasi apakah pelaksanaan kewajiban perpajakan P2P Lending sudah memenuhi prinsip ease of administration dan four maxim, sehingga dapat memberikan masukan kepada DJP untuk mengupdate kebijakan perpajakan pada industri P2P Lending di Indonesia. Penelitian ini menggunakan metode kualitatif dengan pendekatan studi kasus. Studi kasus dilakukan di Asosiasi Fintech Pendanaan Bersama Indonesia (AFPI) yang merupakan organisasi yang mewadahi Penyelenggara P2P Lending yang terdaftar di OJK. Penelitian ini dilakukan dengan 2 tahap, pengumpulan data melalui kuesioner kepada penyelenggara P2P Lending dan melalui wawancara kualitatif. Hasil penelitian ini menunjukkan bahwa pelaksanaan Pemotongan Pajak Bunga telah memenuhi prinsip certainty, simplicity, convenience, efficiency dan equality, namun masih terdapat catatan hal-hal yang perlu diperbaiki dari segi regulasi oleh DJP dan dari sisi administratif oleh Penyelenggara P2P Lending.

.....Based on the HPP Law and Minister of Finance Regulation Number 69/PMK.03/2022 (“PMK 69”), P2P Lending Operators (platform) have a new obligation as “other parties” to perform withholding income tax on interest payments from borrowers to lenders, so that there is an additional tax administrative of withholding income tax which has never been done before. PMK 69 also confirms that lending and borrowing services on the P2P Lending platform are VAT objects, therefore P2P Lending organizers have an obligation to collect VAT. Regarding the tax obligations above, it is necessary to study whether PMK 69 has fulfilled the principles of taxation, especially in the administration of implementing tax obligations. The aim of this research is to evaluate whether the implementation of P2P Lending tax obligations meets the principles of ease of administration and the four maxims, so that it can provide input to the DJP to update tax policies in the P2P Lending industry in Indonesia. This research uses a qualitative method with a case study approach. The case study was conducted at the Indonesian Joint Funding Fintech Association (AFPI), which is an organization that accommodates P2P Lending operators which registered with the OJK. This research was carried out in 2 stages, data collection through questionnaires to P2P Lending organizers and through qualitative interviews. The aim of this research is to provide an overview of whether the

implementation of P2P Lending tax obligations has fulfilled the principles of ease of administration and the four maxims, so that it can provide input to the DJP to update tax policies in P2P Lending industry in Indonesia. The results of this research show that the implementation of Withholding tax on interest has fulfilled the principles of certainty, simplicity, convenience, efficiency and equality, however there are still notes of things that need to be improved from a regulatory perspective by the DJP and from an administrative perspective by P2P Lending operator.