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# **MSMEs Tax Incentives In Indonesia During Pandemic**

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Abstrak: Kinerja UMKM di Indonesia sangat terpengaruh oleh situasi pandemi Covid-19. Saat ini UMKM dituntut untuk mampu bertahan guna menjaga stabilitas usahanya selama masa pandemi dan seterusnya. Pemerintah berupaya mengatasi masalah yang dialami oleh UMKM dengan memberikan kebijakan insentif pajak. Penelitian ini bertujuan untuk menganalisis kebijakan yang diterapkan pemerintah terkait insentif pajak bagi UMKM selama masa pandemi Covid-19. Penelitian ini menggunakan metode kualitatif dengan paradigma studi literatur. Data dikumpulkan dari dokumen perpustakaan terkait perubahan beberapa peraturan perpajakan selama masa pandemi. Hasil penelitian menunjukkan bahwa peran UMKM sebagai pelaku usaha sekaligus wajib pajak juga dapat memanfaatkan keunggulan fasilitas insentif pajak tersebut sepanjang tahun 2020. Sesuai dengan PMK No. 23 yang telah diperluas menjadi PMK No. 44, tidak diatur tentang insentif Pajak Penghasilan Final bagi UMKM. Oleh karena itu, munculnya PMK No. 44 telah mengakomodir insentif pajak baru yaitu Pajak Penghasilan Final dengan peredaran bruto tertentu bagi UMKM. Pemberian insentif perpajakan ini telah diperpanjang berdasarkan PMK No. 86.

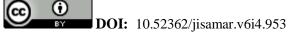
Kata kunci: Insentif Pajak, UMKM, Pandemi

Abstract: The performance of MSMEs in Indonesia is greatly affected by the Covid-19 pandemic situation. Currently, MSMEs are required to be able to survive in order to maintain business stability during the pandemic and beyond. The government seeks to overcome the problems experienced by MSMEs by providing tax incentive policies. This study aims to analyze the policies implemented by the government regarding tax incentives for MSMEs during the Covid-19 pandemic. This study uses a qualitative method with a literature study paradigm. Data was collected from library documents related to changes in several tax regulations during the pandemic. The results of the study show that the role of MSMEs as business actors as well as taxpayers can also take advantage of the advantages of this tax incentive facility throughout 2020. In accordance with PMK No. 23 which has been expanded to PMK No. 44, there is no provision for Final Income Tax incentives for MSMEs. Therefore, the emergence of PMK No. 44 has accommodated new tax incentives, namely Final Income Tax with a certain gross turnover for MSMEs. This tax incentive has been extended based on PMK No.

Keywords: Tax Incentives, MSMEs, Pandemic

### I. INTRODUCTION

Micro, Small and Medium Enterprises (MSMEs) are one of the models of taxpayers that dominate as well as become the main pillar of the economy in Indonesia. MSMEs dominate the business structure in Indonesia around





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99.99% (Pertiwi *et al.* 2020). Based on data from the Central Statistics Agency (BPS), the number of MSMEs in Indonesia as of September 2020 reached 64 million. The existence of MSMEs in Indonesia is able to have a positive effect in the form of a very large employment absorption. The government seeks to manage MSMEs with special tax arrangements. Taxes for MSME actors are based on the new MSME tariff rate, namely Government Regulation Number 23 of 2018 concerning Income Tax on Business Income Received or Gained by Taxpayers with Certain Gross Circulation.

Every year, MSMEs experience a significant increase so that their contribution to the Indonesian economy is increasing (Pratiwi dan Hanafi, 2016). However, the Covid-19 pandemic that has occurred since March 2020 in Indonesia has had a major effect on all lines of society, including MSMEs which are the stronghold of the strengthening of Indonesian economy. In this case, MSMEs are the sector most affected by the number of MSMEs going out of business.

The pandemic situation greatly affects the existence and existence of MSMEs in Indonesia so that they are required to be able to survive so that their business can continue to run during the Covid-19 pandemic onwards. The pandemic caused a decline in the performance of MSMEs because it led to decrease the amount of consumption and weakening the people's purchasing power, resulting in termination of employment and the threat of default in credit payments due to a lack of debtor income (Pakpahan, 2020). Therefore, the role of the government is very important in order to deal with the obstacles experienced by MSME actors.

One of the effort's steps taken by the government to overcome the problems experienced by MSMEs during the pandemic is to provide tax incentives. The official website of the Directorate General of Taxes of the Republic of Indonesia stated that the tax incentive program is one of the Economic Recovery Programs established by the President Joko Widodo. Tax incentive policies are aimed in correcting market failures and also expected to lead to higher social returns (Radas et al, 2015). Thus, this policy is expected to be able to overcome the obstacles faced by MSMEs in Indonesia, especially as a result of the Covid-19 Pandemic impact. Based on the description above, this study aims to analyze the policies implemented by the government related to tax incentives for MSMEs during the Covid-19 pandemic in Indonesia.

#### II. LITERATURE REVIEW

### 2.1 Micro, Small and Medium Enterprises (MSMEs)

The definition of Micro, Small and Medium Enterprises in Indonesia is very diverse. The Central Statistics Agency (BPS) defines MSMEs based on the number of workers while Law Number 20 of 2008 concerning MSMEs defines MSMEs based on net assets worth and annual sales results. Based on these two definitions, the MSMEs criteria are summarized and presented in the following table:

Business Size	Criteria			
	Net Assets	Turnover	Credit Ceiling	Labor
Micro Business	Max 50 million	Max 300 million	Max 50 million	4 people
Small Business	>50-500 million	Max 300 million	>50 – 500 million	5-19 people
Medium	>500 milion-10	>2,5 – 50 billion	>500 million	21-99 people
Enterprise	billion			

TABLE I. THE MSMES CRITERIA

# 2.2 MSMEs Tax Regulation

The Covid-19 pandemic has an impact on the declining of MSMEs performance and people's purchasing power (Nugraheni,2020). As a response to this situation, the Indonesian government try to provide some economic stimulus to increase people's purchasing power (Wei,2020; Alfonsius,2020). In addition, the government also provides assistances to MSME actors. One of which is by providing convenience in the field of tax obligations or better known as tax incentives (Marlinah, 2020). This convenience in the field of taxation is in the form of relief and also the convenience of making restitution. The rules regarding these facilities are listed in several Minister of Finance Regulations (PMK) that have been implemented after the Covid-19 outbreaks.

Initially, the Indonesian government issued a regulation, namely PMK Number 23/PMK.03/2020 concerning Tax Incentives for Taxpayers Affected by the Corona Virus Outbreak on March 21, 2020. However, due to the expansion of the pandemic impact to several sectors, a new regulation was issued to replace the PMK No. 23, namely PMK. Number 44/PMK.03/2020 concerning Tax Incentives for Taxpayers



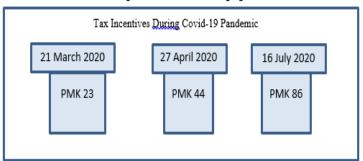
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Affected by the 2019 Corona Virus Disease Pandemic on 27 April 2020. However, because the impact of the pandemic is still expanding, government has issued latest regulation by PMK Number 86/PMK.03/2020 concerning Tax Incentives for Taxpayers Affected by the 2019 Corona Virus Disease Pandemic on July 16, 2020. The list of regulations regarding tax incentives issued throughout 2020 by the government is shown in this figure 1 below:



#### III. RESEARCH METHOD

This study used a qualitative method with a literature study paradigm. Bogdan and Biklen in (Sugiyono, 2013)explain that qualitative research is research that uses natural settings and carried out directly from data sources. Qualitative methods are carried out because of the need to explore and explain phenomena in depth. While the study of literature according to Mardalis quoted from Sari (2020) is a research which the objects are extracted from various library materials such as books, scientific journals, magazines, articles and so on. Research with literature studies focuses on finding new theories, principles, or ideas to answer research questions. The research method based on the objectives used in this research is descriptive research method.

Secondary data in this study was data collected from existing sources (Sugiyono, 2013). The data in this study are library documents related to the changes in several tax regulations during the Covid-19 pandemic period. The document includes several scientific articles on taxation as well as several PMKs issued in connection with the provision of tax incentives during the Covid-19 pandemic in Indonesia.

#### IV. RESULT AND DISSCUSION

Some of the incentives provided include Article 21 Income Tax (PPh 21), Article 22 Income Tax (PPh 22), income tax with a certain gross income, Article 25 Income Tax 25 Instalment Deduction, and Value-Added Tax (VAT) Refund facility. The explanation of the changes in each PMK related to the tax incentives provided as following:

### 3.1. PMK 23

Based on PMK No. 23, there are several tax incentives for taxpayers affected by the corona virus outbreak. Some of the taxes that received the incentives facilities are: PPh 21, PPh 22, instalments for PPh 25, and VAT Refund.

- a. Article 21 Income Tax
  - PPh 21 that is provided with facilities is income received by employees who meet certain criteria. The criteria for obtaining this incentive are income earned from the employer with the number of business classifications (Klasifikasi Lapangan Usaha-KLU) code as listed in attachment letter A. Businesses that receive incentives are 440 KLU which are the manufacturing sector plus KITE taxpayers/Ease of Import for Export Destinations. The employee has a TIN and a gross income of not more than 200 million. The income of employees with these criteria is borne by the Government. This payment must be paid in cash at the time of payment of income and is not counted as taxable income. The period of granting this incentive is from the April 2020 tax period to September 2020 (Indonesia, 2020).
- b. Article 22 Income Tax
  - PPh 22 on Imports is levied by the Foreign Exchange Bank or the Director General of Customs and Excise during the import of goods. Tariff of PPh 22 on imports is imposed in accordance with the regulations regarding levies on the delivery of goods and activities. Imported income tax that utilize the incentive facilities is the one that has the KLU provisions in attachment F. Exemption through the Free of Charge



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Certificate can be obtained after submitting a written submission to the Head of KPP in accordance with the registered taxpayer. The exemption period for PPh 22 of PPh levies is valid from the date of issuance the Exemption Certificate until 30 September 2020. Taxpayers who have received exemption services are required to submit a realization report every 3 months. The deadline for the realization report is no later than 20 July for the April to June tax period and 20 October for the July to September tax period (Indonesia, 2020).

### c. Article 25 Income Tax

PPh 25 installments are given to taxpayers based on the provisions that they are required to make periodic financial reports. PPh 25 on tax installments is given a facility for reducing the amount of the installment by the 30% of the installment of PPh 25. The installment reduction is obtained by submitting a written notification of the reduction to the Head of the Tax Office according to the registered taxpayer. The installment reduction facility is up to the September 2020 tax period. Taxpayers who obtain the reduction facility are required to submit a report on the realization of the reduction every 3 (three) months. The deadline for reporting the realization of PPh 25 installment reductions is July 20 for the April to June 2020 tax period, and 20 October for the July tax period to September 2020 tax period (Indonesia, 2020).

### d. VAT Refund

VAT incentives are given to taxpayers with KLU attachment F and are designated as KITE companies. And submit an SPT period of VAT overpayment for restitution of a maximum of 5 billion. Entrepreneurs who obtain facilities must attached a decision regarding the determination as a company that obtains facilities. The maximum period for submitting a VAT return is 31 October 2020 (Indonesia, 2020).

#### 3.2. PMK 44

The COVID-19 pandemic has had an impact on the economy. The impact of this pandemic has spread to other sectors so that PMK No. 23 is considered inappropriate. The PMK No. 44 changes include PPh 21 incentives, Final PPh incentives, PPh 22 incentives PPh 25 incentives and VAT incentives (Indonesia, 2020). Some of the changes and additions to PMK No. 44 related to these incentives are:

- a. Article 21 Income Tax
  - In the PPh 21 Incentives, the criteria for employees who receive incentives are added to PMK 44. From PMK No. 23, only 440 KLU received incentives, in PMK No. 86 this increased to 1,062 KLU plus KITE Taxpayers and bonded zones. Because there is an expansion of the sector that is given incentives, there are additional criteria. The criteria which are additional to the regulation are that the related company has obtained a Bonded Zone Operator permit, Entrepreneur-Operator in Bonded Zone (Pengusaha Dalam Kawasan Berikat-PDKB) permit. Furthermore, the report on the realization of PPh 21 borne by the Government must be submitted by the employer no later than 20 months after the tax period ends (Indonesia, 200).
- b. Final Income Tax On Certain Gross Income
  - The final income tax incentive based on PMK No. 23 is 0.5% of gross income. This final income tax is paid in person or collected by the tax collector. (Indonesia, 2020)
- c. Article 22 Income Tax
  - PPh 22 incentives are given to taxpayers who have KLU according to attachment I, are designated as KITE companies. In PMK No. 44, there are additional criteria for taxpayers who are exempt from levies, namely having obtained a bonded zone operator permit, a bonded zone entrepreneur permit or a PDKB permit when releasing goods from the bonded zone to another place within the customs area. KLU is in accordance with the 2018 SPT that has been reported or on the data in the administration of the newly registered taxpayer after 2018 (Indonesia, 2020).
- d. Article 25 Income Tax
  - PPh 25 incentives are given to taxpayers who have a KLU in accordance with attachment N, have been designated as a KITE company or have obtained a bonded zone operator permit, a bonded zone entrepreneur permit or a PDKB permit. The installment reduction is given by 30% of the total installments of PPh 25. The KLU in question is the one listed in the 2018 SPT or in the tax administration data of the newly registered taxpayers after 2018 (Indonesia, 2020).
- e. VAT Refund





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VAT incentives are given to taxpayers who have KLU in accordance with attachment I. Taxpayers have been designated as a KITE company or have obtained a bonded zone operator permit, a bonded zone entrepreneur permit or a PDKB permit. The KLU in question is the one listed in the 2018 SPT or in the tax administration data of the newly registered taxpayers after 2018 (Indonesia, 2020).

#### 3.3. PMK 86

PMK No. 44 is deemed inappropriate and needs to be revoked and amended by a new regulation. This is due to the expansion of the sector affected by Covid-19 as follows:

- a. Article 21 Income Tax
  - In PPh 21 incentives, those who receive incentives are taxpayers who have certain KLUs listed in the tax administration. Intended for taxpayers who have not or do not have the obligation to submit a 2018 SPT. The period of giving this PPh 21 incentive is extended for 3 months. In PMK No. 86, taxpayers could take the incentives from April 2020 to December 2020 period. Additional provisions in PMK No. 86 are about the obligation to notify the use of incentives. This notification obligation is intended for taxpayers with central status whose branches are carried out by taxpayers with central status (Indonesia, 2020).
- b. Income Tax For Taxpayer With Certain Gross Circulation
  Based on PMK No. 86, PPh for taxpayers who have a certain gross turnover or MSME final PPh also
  get the incentives. The tax borne by the government has been extended until the December 2020 tax
  period. The new provisions also mention the submission of the realization report. Taxpayers who do
  not yet have a certificate can submit a realization report and this is the submission of a certificate to
  obtain incentives. For the taxpayer, a certificate can be issued if the taxpayer meets the requirements to
  obtain a certificate (Indonesia, 2020).
- c. Article 22 Income Tax
  - The provision of incentives for PPh 22 will get an additional extension of the incentive. The duration of the incentive grant is extended until the tax period of December 2020. In PMK No. 86 there is a new rule regarding the report on the realization of PPh 22 exemption. Taxpayers are required to submit a realization report once a month no later than the 20th of the following month (Indonesia, 2020).
- d. Article 25 Income Tax
  - PPh 25 is given an additional extension of incentives. The duration of the incentive is extended until the tax period of December 2020. The installment reduction rate is still the same, which is 30%. In PMK No. 86 there is a new rule regarding the report on the realization of PPh 25 reduction. Taxpayers are required to submit a realization report once a month no later than the 20th of the following month (Indonesia, 2020)
- e. VAT Refund
  - The VAT refund in PMK No. 86 has a change in this time period. VAT is given refund facilities including the correction of SPT until the December 2020 tax period which in PMK No. 44 regulation is only until the September 2020 tax period. The SPT is submitted no later than January 31, 2021, in contrast to the previous regulation which is until October 31, 2020 only (Indonesia, 2020).

Tax incentives are given to stimulate the economy in Indonesia. Several PMKs are issued by the government to provide facilities for taxpayers in terms of tax obligations. The government issued a regulation, namely PMK No. 23 on March 21, 2020. However, due to the expansion of the impact of the pandemic which is increasingly spreading to several sectors. The government issued a new regulation replacing PMK No. 23, namely PMK No. 44. PMK No. 44 was issued on 27 April 2020, but the impact of the pandemic was still widespread and a new regulation was issued, namely PMK 86 on 16 July 2020. Some of these PMKs were issued considering the expansion of sectors affected by Covid-19 pandemic. The thing that distinguishes on those PMKs is the expansion of KLU which given the incentive facilities and the longer period of giving incentives.

MSMEs as taxpayers can also take advantage of the tax incentive facilities. This appears in PMK No. 44 which has expanded PMK No. 23 which does not include MSME Final PPh. In PMK No. 44 there is a new tax incentive, namely Final PPh with a certain gross turnover. The MSMEs Final PPh based on PMK No. 44 regulation, get incentives or in other words it is borne by the government. With this tax incentive, MSMEs are subject to 0% rate of turnover, or in other words, they don't have to pay taxes dime. However, MSMEs are still required to report their taxes.



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This tax incentive can be obtained by MSMEs by following several procedures. There are two steps, namely submitting a PP 23 Certificate and submitting a realization report. The first step is to apply for a Certificate of Meeting the Criteria as a Taxpayer based on Government Regulation No. 23. The submission of this certificate can be obtained online and if the MSME meets the criteria, a new Certificate can be issued. The second step is to submit the Final PPh realization report. If MSMEs already have a Certificate and get the tax incentives, MSMEs are required to submit a realization report as a form of accountability for the tax incentives that have been obtained. Submission of this realization report is carried out a maximum of the following month on the 20th, either offline or online.

Based on Pasal 6 of PMK No. 86, MSMEs that utilize the tax incentives are required to submit a Final Income Tax realization report no later than the 20th of the following month after the end of the tax period. If MSMEs do not submit a realization report, MSMEs cannot take advantage of the Final PPh incentives, in other words, MSMEs are still required to pay a tax of 0.5% of turnover. In addition, MSMEs that receive tax incentives but do not submit a realization report will be subject to administrative sanctions based on the Circular Letter of the Director General of Taxes Number SE-29/PJ/2020 concerning Instructions for Implementing the Regulation of the PMK Number 44/PMK.03/2020 concerning Tax Incentives for Taxpayers Affected by the 2019 Corona Virus Disease Pandemic. The administrative sanction is in the form of interest of 2% per month (maximum 24 months) of the late payment for late payment of MSMEs Final PPh and a fine of Rp 100,000.00 for late reporting of the Final PPh Tax Return (Surat Pemberitahuan-SPT) Period.

In some developed countries, tax incentives for SMEs are provided by applying tax advantages, including tax holidays, reduced tax rates, special procedures for tax amortization, tax discounts and tax credits, as well as simplification of administrative, accounting and tax reporting procedures. Research conducted by Ordysaka et. al. (2016) in 28 countries in the European Union showed that countries are currently in transition to implementing a special tax regime known as "simplification of the tax system". Tax incentives are a way to stimulate investment and innovation. However, the appropriateness of applying tax incentives may vary depending on different social and economic levels, macroeconomic development models, and the impact of the global financial crisis on each country.

#### V. CONCLUSION

The Indonesian government has tried to provide various kinds of economic stimulus to increase people's purchasing power during the Covid-19 pandemic. The government also provides assistance to MSME actors because MSMEs are considered the sector most affected by the Covid-19 pandemic. One of the government's assistance to MSMEs is to provide convenience in fulfilling tax obligations, namely in the form of relief and ease of doing tax restitution. Several PMKs that accommodate the convenience of business taxpayers have been issued and adjusted to the development of the impact of the pandemic on various industrial sectors in Indonesia. Some of these PMK changes are PMK No. 23 on March 21, 2020 which was revised with PMK No. 44 on April 27, 2020, and then revised again through PMK No. 86 on July 16, 2020. Each of these PMKs is related to tax incentives given to business actors, including Article 21 Income Tax (PPh 21), Article 22 Income Tax (PPh 22), income tax with a certain gross income, Article 25 Income Tax 25 Instalment Deduction, and Value-Added Tax (VAT) Refund facility.

The role of MSMEs as business key actors as well as taxpayers can also take advantages of tax incentive facility throughout 2020. This is in accordance with the PMK No. 44 which has been expanded to PMK No. 44, that is not arranged about incentives Final Income Tax for MSMEs. PMK No. 44 has been accommodated a new tax incentive, namely Final Income Tax with a certain gross turnover. MSME Final Income Tax based on PMK No. 44 regulation is entitled to receive incentives, so it is implied that the tax is borne by the government for the April 2020 to September 2020 Tax Period. The tax incentive for MSMEs is extended until the December 2020 Tax Period based on PMK No. 86. In taxation, MSMEs are the subject 0% rate of turnover so it means that they don't have to pay taxes dime. However, MSMEs that utilize the tax incentives are required to submit a Final Income Tax Realization Report before and no later than 20th of the following month after the end of the Tax Period. If there is condition when MSMEs do not submit the reports, MSMEs will can't take the advantage of Final Income Tax incentives, so that MSMEs are still required to pay taxes as usual, which is 0.5% of turnover. It also has consequences consisting of administrative sanctions in the form of interest for payment of Final Income Tax late and the fines for reporting of Final Income Tax Returns late.

Further research can analyze the impact of providing incentives to SMEs. The use of a qualitative approach can take a deeper look at the impact on an MSME in depth. if using a quantitative approach, then testing can be done regarding



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what factors cause the use of tax incentives to be effective and efficient.

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