

Effectiveness of Open Access to Customer Financial Information for Tax Interests in Denpasar

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Abstract

Taxpayer compliance problems in Indonesia are still occurring as reflected in the compliance ratio which has not reached the maximum percentage. This condition prompted the government to stipulate Law Number 9 of 2017 concerning Access to Financial Information for Tax Purposes in the hope that taxpayers will not be absent from paying taxes. However, the enactment of this law has interesting pros and cons to study, how effective it is in supporting taxation interests in Indonesia and in Denpasar, Bali in particular. This research is empirical study with a fact approach. Data collection techniques were carried out by interviewing the head of the DJP for the Bali region, the Head of the Lmats Consulting Tax Consulting Office, and the taxpayers. The results of this study indicate that the implementation of Law No. 9 of 2017 concerning Access to Financial Information for Tax Purposes has been going well. The supporting factor for the implementation of Law No. 9 of 2017 is the support from the DPR and the ministries which led to the passing of Law No. 9 of 2017. The inhibiting factor for the implementation of Law No. 9 of 2017 is the limited number of IT staff at DGT and also banking which causes technical problems related to the reporting of financial data, besides that the lack of quantity of human resources owned by DGT, especially in the IT field, causes implementation to be disrupted. Based on the data obtained regarding the ratio of taxpayer compliance in Indonesia during the period 2017 to 2021, it was found that there was a significant increase in taxpayer compliance. This increase in taxpayer compliance indicates that the implementation of Law No. 9 of 2017 in Indonesia has been effective in increasing taxpayer compliance.

Keywords

Taxes, Access to Financial Information, Implementation of Laws

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1. INTRODUCTION

Tax is a means to bring one human closer to another human being in the form of sharing obligations. The obligation to pay taxes is a form of nonverbal communication in the sense of sharing with others who have more income to those who earn less than enough, even individuals who have not worked (Maulida & Sumartiah, 2022). Tax funds are useful for the most realistic people's lives to manage a better and prosperous life. Efforts that must be made by the government to realize the life of a prosperous society, namely by carrying out development. To carry out this development, the



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government needs large funds, so it requires the participation and contribution of the community, one of which is through taxes as state revenue.

Taxes are state income paid by the people to the government which is managed to develop the country such as improving the welfare of its people, dealing with social problems that are regional and national in nature (Riyadi & Rahmayani, 2022). Tax as an obligation to surrender part of the wealth to the state treasury caused by a condition, event and action that gives a certain position, but not as a punishment, according to regulations determined by the government and can be forced, but there is no reciprocal service and the state directly maintains general welfare (Gani, 2022).

Taxes play an important role in the development of a country. Countries that receive large taxes when managed properly, the welfare of the people will be guaranteed and the country will develop for the better. Tax payment is one of the embodiments of state obligations and the role of taxpayers to directly and jointly carry out tax obligations for state financing and national development (Ariandhini, 2019). In accordance with the philosophy of the tax law, paying taxes is not only an obligation, but also the right of every citizen to participate in the form of participation in state financing and national development.

As with the economy in a household, the country's economy also recognizes sources of income and expenditure items. Taxes are the main source of state revenue in addition to revenue from other sources. As much as 80% of state revenue is obtained from taxes so that this becomes an important role in increasing the country's development (Puspitasari, 2019). With such an important position, tax is a strategic revenue that must be managed properly by the state. In the state financial structure, the duties and functions of tax revenue are carried out by the Directorate General of Taxes or hereinafter referred to as DGT which is located under the Ministry of Finance of the Republic of Indonesia.

A country's tax revenue is influenced by various factors, including the extent of taxpayer compliance in that country (Yulianti, 2022). Assuming that individuals become more aware and respectful of tax collection, this will result in an increase in domestic tax revenues. Another factor that also affects tax revenue, especially in Indonesia, is the understanding of taxpayers interpreting the implementation of the self-assessment system in completing taxpayer tax commitments, which is estimated through understanding taxpayers can interpret commitments to calculate, pay, and report taxpayers that must be paid (Sofiana et al., 2021). The self-assessment system is a tax collection system in which the taxpayer determines the amount of tax owed by himself in accordance with the provisions of the law (Imron Rizki, 2018). Taxpayers are responsible for determining their own tax liability and for promptly and accurately paying and reporting it (Tambun & Haryati, 2022).

The weakness of the self-assessment system or self-assessment system is that it allows taxpayers to be dishonest in calculating, paying, and reporting their own taxes that must be paid. This is supported by the unstable compliance ratio in the last five years, as well as the lack of a compliance ratio that has occurred with a predetermined formal compliance ratio target of 85% in reporting the Annual Tax Return, hereinafter referred to as the Annual Tax Return. The compliance level of taxpayers, both individuals and entities, in carrying out their tax obligations for the last five years from 2018-2022 can be seen in the following table:

Table 1 Taxpayer Compliance Ratio 2018 - 2022

No	Year	Compliance Ratio (%)
1	2018	71,10
2	2019	77,63
3	2020	73,06
4	2021	84,07
5	2022	83,20

Source: Directorate General of Taxes, Ministry of Finance

Based on the data above, it can be seen that there was an increase in the compliance ratio of 6.53% from 2018 - 2019, but in 2019 - 2020 there was a decrease of 4.57%. Then in 2020 - 2021 there was a fairly high increase of 11.01% but there was a decline again in 2021 - 2022 of 0.87%.

It is very necessary for DGT to carry out tax reform with the aim of, among other things, improving work processes, management and receipt of taxpayer information data. Indonesia has entered into international agreements in the field of taxation with many countries or jurisdictions which also regulate the exchange of information including the automatic exchange of financial information (Automatic Exchange of Financial Account Information) in accordance with agreed international standards.

One of the requirements that must be met by Indonesia to implement the automatic exchange of financial information is to establish domestic regulations governing the authority of tax authorities to access financial information, obligations for financial service institutions, other financial service institutions, and/or other entities to report financial information. automatically to the taxation authorities, carrying out procedures for identifying financial accounts for the purposes of the intended reporting, as well as imposing sanctions for non-compliance with these obligations.

To support this international agreement, the President has enacted Government Regulation in Lieu of Law Number 1 of 2017 concerning Access to Financial Information for Tax Purposes, which later stipulated it to become Law Number 9 of 2017 concerning Access to Financial Information for Tax Purposes, hereinafter referred to as the AIK Law, which has been promulgated on August 23, 2017. This step is useful to provide legal certainty regarding granting broad access for tax authorities to receive and obtain financial information for tax purposes and to fulfill Indonesia's commitments in international agreements related to the automatic exchange of financial information and to increase taxpayer compliance.

Access to financial information for tax purposes includes access to receive and obtain all financial information, both in the form of numbers and in writing as referred to in Article 1, from financial service institutions carrying out activities in the banking, capital market, insurance, other financial service institutions, and/or entities others that are categorized as financial institutions according to the standard of exchange of financial information based on international agreements in the field of taxation (Putri et al., 2022). This law contains strict rules for parties who do not implement what has been stated in the articles above, this is stated in Article 7 Paragraph 1 namely the leadership and/or employees of financial service institutions, leaders and / or employees of other financial services institutions, and leaders and / or employees of other entities as referred to in Article 2 Paragraph 1, when:

1. Not submitting the report as referred to in Article 2 Paragraph 2;
2. Failure to carry out the procedure for identifying financial accounts correctly as referred to in Article 2 Paragraph 4; and/or
3. Not providing information and/or evidence or statement as referred to in Article 4 Paragraph 2, shall be subject to imprisonment for a maximum of 1 (one) year or a fine of a maximum of Rp. 1,000,000,000.00 (one billion rupiah).

Enacting the AIK Law will nullify all bank secrecy as stated in the Banking Law, Islamic Banking Law and Capital Market Law. This means that banks can no longer keep their customer data secret from the DGT. From the explanation above, it can be concluded how big the role or contribution of the tax sector is to our state revenue, on the other hand the level of taxpayer compliance is seen as still lacking. This raises questions related to the effectiveness of the implementation of the AIK Law in increasing taxpayer compliance.

2. METHODS

In the context of writing this research, the research location chosen was in Denpasar. The choice of location in Denpasar City was based on the fact that Denpasar City is the capital city of the Province of Bali, where the flow of economic activity can be said to be smooth so this certainly supports the activities of tax obligations. This type of research is empirical legal research. Empirical legal research is a method

that uses empirical facts taken from human behavior, both verbal behavior obtained from interviews and real behavior that can be carried out through direct observation (Bambang, 2002:15).

There are two types of data used in the preparation of this research, namely primary data and secondary data (Ali, 2017).

1. Primary data is data obtained from field data through guided free interviews, namely interview techniques by preparing a list of questions as a guide, but not closing the questions which vary according to the circumstances during the interview. In this case, research was conducted on taxpayers who have met the subjective and objective requirements to carry out tax obligations, the Tax Consulting Office, as well as Representatives from the Regional Office of DJP Bali located in Denpasar.
2. Secondary data in this study are:
 - a. Law Number 28 of 2007 concerning General Provisions and Tax Procedures
 - b. Law Number 9 of 2017 concerning Access to Financial Information for Tax Purposes
 - c. Law Number 7 of 2021 concerning Harmonization of Tax Regulations

In this study, the authors conducted interviews with closely related parties and in accordance with the problems studied by the authors, according to interview guidelines. Informants who were used as resource persons in this study were the head of the DGT, the Tax Consultant Office, and the Taxpayer. The interview technique used was a semi-structured interview, namely asking a series of structured questions one by one and then explaining them one by one.

Legal materials and supporting information that have been collected relating to the ratification of Law Number 9 of 2017 concerning Access to Financial Information for Tax Purposes. Respondents' opinions were obtained by way of interviews, then analyzed qualitatively so as to get a solution, so that conclusions can be drawn. In this study the analytical method used is descriptive analysis method. Descriptive analysis method aims to accurately describe the characteristics of an individual, situation, symptoms, or certain groups. Or to determine whether there is a relationship between a symptom and other symptoms in society. Besides that, field verification is also carried out, meaning what has been obtained from the literature study and observations in the field, adjusted to the case study in Denpasar City.

3. FINDINGS AND DISCUSSION

Implementation of Law Number 9 of 2017 Concerning Access to Financial Information for Tax Purposes

Automatic Exchange of Information (hereinafter written as AEOI) or automatic exchange of information for tax purposes is made based on the idea of a policy made initially by the United States through a policy that only applies in the United States called the Foreign Account Tax Compliance Act (FATCA) in 2010. FATCA is a provision for all financial institutions located outside the United States of America to report all financial activities of United States citizens who are outside their country for tax purposes which became effective on January 1, 2013 (Putri et al., 2022). Then on August 23, 2017, the DPR RI formed and ratified Law Number 9 of 2017 concerning the Stipulation of Government Regulations in lieu of Law Number 1 of 2017 concerning Access to Financial Information for Taxation Purposes to Become Law (hereinafter written by Law No. 9 of 2017) as the basis and basis for implementing AEOI.

Implementation of Law no. 9 of 2017, of course, reap the pros and cons in society, because Law no. 9 of 2017 is considered to have violated the principle of bank secrecy which according to absolute theory that banks have an obligation to keep secrets or information about their customers which the bank knows because of their business activities under any circumstances, under ordinary circumstances or under extraordinary circumstances (Subagyo et al., 2019). According to this absolute theory, the bank must maintain the confidentiality of its customer's financial data no matter what. Law no. 9 of 2017 is indicated to reduce public trust in banks, because banks are no longer able to maintain the confidentiality of their customers' financial information if the DGT wants to access that information.

This absolute theory is broken by the relative theory, which states that bank secrecy is still followed but in special cases, namely in extraordinary cases, the principle of bank secrecy can be breached. For example in the interests of the state or the public interest (Subagyo et al., 2019). This theory is adhered to by several banks in the world, one of which is in Indonesia so that for the benefit of the state and taxation, access to financial information can be made by the DGT, if there are taxpayers who are committing tax violations. In addition, the passing of Law no. 9 of 2017 was also carried out with the consideration that Indonesia has bound itself to international agreements in the field of taxation which is obliged to fulfill commitments to participate in implementing the automatic exchange of financial information (Automatic Exchange of Financial Account Information) and must immediately establish statutory regulations at the level of laws regarding access to financial information for tax purposes before June 30, 2017.

According to Article 1 of Law Number 9 of 2017 it states that:

"Access to financial information for tax purposes includes access to receive and obtain financial information in the framework of implementing provisions of laws and regulations in the field of taxation and implementing international agreements in the field of taxation"

Based on the provisions above, the DGT is given the authority to obtain financial information on taxpayers from the financial institutions mentioned above without the need for a permit mechanism/procedure for any party to be able to obtain such taxpayer information. This is in accordance with the results of interviews conducted with the Head of the Bali DJP Regional Office which stated that "the stipulation of Law No. 9 of 2017 concerning Access to Financial Information for Tax Purposes was carried out to accelerate the process of accessing information related to taxation interests, this was also carried out to overcome efforts tax evasion, tax evasion and so on (Interview, 29/3/2023)".

Article 2 paragraph (2) of Law no. 9 of 2017 states that:

"Financial service institutions, other financial service institutions, and/or other entities as referred to in paragraph (1) must submit this to the Director General of Taxes:

- a. a report containing financial information in accordance with the standard of exchange of financial information based on international agreements in the field of taxation for each financial account that is identified as a financial account that must be reported; And
- b. reports containing financial information for tax purposes, which are managed by financial service institutions, other financial service institutions, and/or other entities referred to during one calendar year."

The results of the interview also showed that "the implementation of Law No. 9 of 2017 has been carried out in accordance with the provisions contained in the law, namely in Article 3 of the law. No 9 of 2017 regarding the mechanism for submitting reports as referred to in Article 2 paragraph (2) (Interview, 29/3/2023). Implementation of the Act. No. 9 of 2017, of course, with the hope of increasing taxpayer compliance, because taxpayer compliance issues are still a concern of the state today. Based on the results of interviews with the Head of the Bali DJP Regional Office it was found that "efforts to increase taxpayer compliance in the Province of Bali are important matters, therefore there have been several efforts made such as gathering tax volunteers which aim to protect the community, especially taxpayers to carry out their obligations, so that taxpayer compliance in the Bali DJP Regional Office has shown an increase. Especially for the implementation of Law no. 9 of 2017, has its own role in increasing taxpayer compliance, because the implementation of the law relates to access to taxpayer financial information at the bank, so that taxpayers who wish to commit tax evasion or evasion by using a bank account can access their financial information by the DGT (Interview, 29/3/2023)".

Based on the results of these interviews, it can be seen that the implementation of Law No. 9 of 2017 in the Bali DPJ regional office has been carried out well by the DGT, although there have been other efforts outside the provisions of Law no. 9 of 2017 which was carried out and contributed to increasing taxpayer compliance. In general and more broadly, the implementation of Law No. 9 of 2017 has brought together AEOI Cooperation in the world, there has been a significant increasing trend in terms of the number of countries, bilateral exchanges, financial accounts, and assets traced through

AEoI cooperation in the 2017-2019 period (Lestari & Pohan, 2021). Automatic Information Exchange system a rule of law that facilitates the exchange of information and the effect is the transparency of transactions carried out by taxpayers and forces and forces taxpayers to be honest automatically accepts this assessment in terms of honesty from the parties involved, namely the taxpayer (Juwono & Gunadi, 2021).

The results of interviews conducted with the head of a tax consulting firm in Denpasar, namely Lmats Consulting, show that "the implementation of Law no. 9 of 2017 certainly has a significant impact on taxpayer compliance, but this risks reducing customer trust in banks, customers are afraid to put their money in the bank because of fear of access to financial information leaking, even though access to financial information that can be requested by parties DGT has been strictly regulated in Law No. 9 of 2017, this must at least be socialized so that the ratification of the law is right on target and achieves the goals to be realized (Interview, 24/3/2023)".

Based on the results of interviews conducted with the Head of the Lmats Consulting Tax Consulting Office, it was found that there was concern from the company about data leaks due to the exchange of financial information of taxpayer customers at the bank. This is because Law No. 9 of 2017 does not stipulate sanctions in the event of a data leak by the DGT. However, the implementation of Law No. 9 of 2017 was carried out by establishing Minister of Finance Regulation Number 70/PMK.03/2017 concerning Technical Officers Concerning Access to Financial Information for Tax Purposes. The implementing regulations, namely: Regulation of the Minister of Finance Number 70/PMK.03/2017 concerning Technical Officers Concerning Access to Financial Information for Tax Purposes, is specified in Article 30 (Subagyo et al., 2019).

The same concern was shown by the taxpayer, where based on an interview conducted with one of the taxpayers it was found that "When asked how my response would be, of course there was a feeling of fear and worry that the financial information would be leaked and no longer safe. Yes, it is clear that there is a factor from the banking side. Yes, but because it is implemented by all financial institutions, there is less worry. This all applies to Indonesian banks, any taxpayer who has savings at any bank is required to report. So there is no bank competition and I can be more relieved (Interview. 28/3/2023)".

Based on the interview above, it can be seen that bank customers experience fear, as well as bank internal parties who are worried that the regulation will cause a decrease in the number of customers. At the beginning, banks were shocked because they felt that this policy was suddenly targeted at domestic, and there was a factor of fear experienced by their customers about the disclosure of their financial data by the DGT. This illustrates that there are conflicting interests of the banking sector and the necessity to implement this policy. The fear of taxpayer customers can be indicated as one of the obstacles to the implementation of Law No. 9 of 2017.

Based on the interviews, it can be seen that the consultant represented by Lmats Consulting said that they support the policy of opening access to banking data. Because, prior to Law Number 9 of 2017, requests for customer data from banks were still by request through the Minister of Finance, and the purposes were still limited, namely billing, investigations and examinations.

Factors inhibiting the implementation of the policy of opening access to banking data include (i) Inadequate information technology systems. The results of field interviews with the Head of the Bali DJP Regional Office stated that the most inhibiting factor in the implementation of the policy of opening access to banking data was the IT factor. Implementation in the field, there are problems experienced by DGT and banking.

Effectiveness of Implementation of Law Number 9 of 2017 in Increasing Taxpayer Compliance

The effectiveness of the implementation of Law No. 9 of 2017 Concerning Access to Financial Information for Tax Purposes, can be measured from several aspects, the first is the level of taxpayer compliance after the enactment of the law, and how the taxpayers respond to the implementation of the

law. based on data obtained through DGT and processed by katadata.co.id, the following is data on the ratio of taxpayer compliance in reporting tax returns for the period 2017 to 2021.

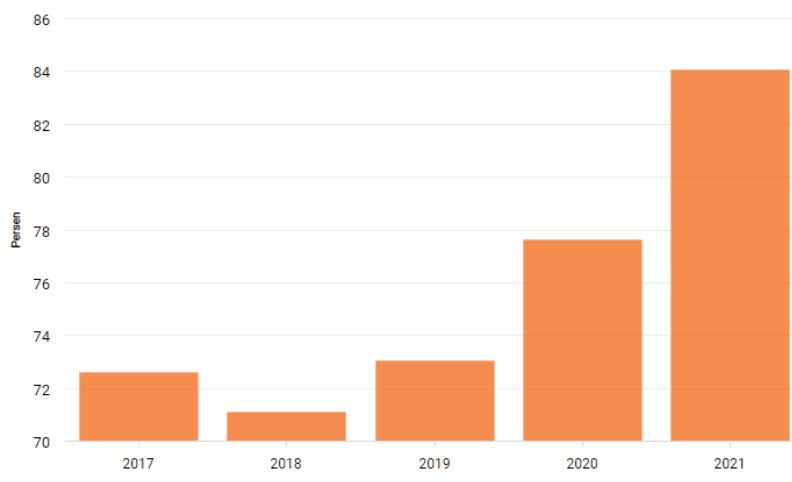


Figure 1 Taxpayer Compliance Ratio in Reporting Tax Returns for the Period 2017 to 2021
Source: (Nurhayati et al., 2022)

Based on the table above, it can be seen that Indonesia's tax compliance has experienced an increasing trend for five years. The measure of tax compliance, in this case, is reflected in the compliance with the submission of SPT reports. In addition to measuring tax compliance through submission of SPT, it can also measure compliance with tax payments owed by taxpayers reflected in tax revenues. This was conveyed by the Head of the DJP Bali Regional Office in the following interview:

"Because we get more and more data, the more data we have, the more tools we have to test compliance, test taxpayer reporting, there is optimism that tax revenue will reach the target, one of the many factors of this policy. Due to the law on open access to banking data, taxpayers report their taxes correctly. Maybe we can't measure it exactly because data processing and utilization is still being carried out (Interview, 23/3/2023)"

Based on the interview above, it can be seen that the existence of this banking data disclosure policy can indirectly increase tax compliance, one of the proofs is by increasing tax revenues. With this policy, taxpayers are encouraged to submit their financial data through customer data reporting by banks. Data and results of interviews with the Head of the Bali DJP Regional Office show that the policy in Law No. 9 of 2017 is indeed not the only factor that causes taxpayer compliance to increase, but the law contributes to the amount of tax revenue so that it can be said that Law No. 9 of 2017 can be considered effective in its contribution to increasing taxpayer compliance.

In addition, the implementation of Law No. 9 of 2017 is still not fully understood by taxpayers, this is reflected in the results of interviews with the following taxpayers:

"I don't know much about tax rules, especially Law No. 9 of 2017, but what I'm worried about is the protection of my financial data, the rest I'm ready to pay taxes because I think the taxes I pay are used wisely. Paying taxes on time is also important because if you can't be subject to tax sanctions, it's quite hard if you have to pay fines or deal with the law because of taxes (Interview, 28/3/2023)".

Based on the results of interviews conducted with these taxpayers, it can be said that taxpayer compliance has increased as a result of tax sanctions contained in tax regulations and applicable laws, one of which is Law No. 9 of 2017. The law can encourage taxpayers to pay and report taxes in accordance with the income and tax burden provided.

4. CONCLUSION

Implementation of Law No. 9 of 2017 Regarding Access to Financial Information for Tax Purposes has been going well, although there are several obstacles encountered. The supporting factor for the implementation of Law No. 9 of 2017 is the support from the DPR and the ministries which led to the passing of Law No. 9 of 2017. The inhibiting factor for the implementation of Law No. 9 of 2017 is the limited number of IT staff at DGT and also banking which causes technical problems related to the reporting of financial data, besides that the lack of quantity of human resources owned by DGT, especially in the IT field, causes implementation to be disrupted. The results of the interviews that show that there is concern about leaking taxpayer financial data can also be overcome with sanctions for those who carry out these actions and have been regulated in Minister of Finance Regulation Number 70/PMK.03/2017.

Based on the data obtained regarding the ratio of taxpayer compliance in Indonesia during the period 2017 to 2021, it was found that there was a significant increase in taxpayer compliance. This increase in taxpayer compliance indicates that the implementation of Law No. 9 of 2017 in Indonesia has been effective in increasing taxpayer compliance. The results of the interviews also show that the mandatory increase in tax revenue indicates that the implementation of Law No. 9 of 2017 has succeeded in having a positive impact on taxpayer compliance.

It is hoped that the government will add IT staff to DGT, so that changes to the electronic system that occur do not cause delays in the existing taxation system. Increasing the quantity and quality of human resources at DGT is important to produce maximum performance from the tax sector. The government, through the DGT, should be more aggressive in socializing related to existing tax regulations, such as Law No. 9 of 2017, so that these regulations can be well understood by related parties, especially taxpayers. The application of Law No. 9 of 2017 must be followed by the development of a good technology system, so that there is no leakage of taxpayer financial data by irresponsible persons.

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