

# Tax Dispute Analysis On Value Added And Uniform Cost

Handryno, SE, BKP

Institut STIAM I

DOI: 10.29322/IJSRP.11.07.2021.p11584  
<http://dx.doi.org/10.29322/IJSRP.11.07.2021.p11584>

**Abstract-** Value Added Tax (VAT) which has the greatest potential is found in City X, in addition to contributing the largest tax by type of tax, it also has a high tax risk. Tax planning is an instrument capable of mitigating VAT tax disputes. This study was conducted to explain and analyze the mechanism or process of mitigating VAT tax disputes through tax planning. This research was conducted using a qualitative approach and data collection techniques through in-depth interviews. PT X is the cost of wearing a uniform to take legal the action can be in the form of filing an objection to the Directorate General of Taxes, but the result is rejected and an appeal is submitted to the tax court. The results of this study indicate that optimal tax planning can reduce the risk of high VAT by reducing the number of VAT disputes, and uniform costs can reduce gross income.

**Index Terms-** Tax dispute, Value Added Tax, Uniform Cost

## I. INTRODUCTION

Tax is one of the sources of state treasury income which is ultimately used for development with the ultimate goal of welfare and prosperity of the people. Tax is an obligation that must be paid by every citizen to be responsible for carrying for the progress of this nation, it is necessary to build. However, it is undeniable that the increasing number of taxpayers and tax bearers, as well as an understanding of their rights and obligations in implementing tax laws and regulations, can trigger an increasing potential for tax disputes which require a fair settlement with a fast, simple and cost-effective process. light, because it requires a means to resolve tax disputes, namely through the Tax Court, to file a claim for rights then through the Tax Court which is a form of legal remedy as a form of implementing legal protection for Taxpayers and Tax Insurers. Advianto, L. H. S. (2018) states that legal protection for the community can be grouped into two types, namely preventive legal protection and repressive legal protection.

The annual state government financial plan approved by the DPR is the APBN (Indonesia, 2018). The state budget includes the state revenue budget, state expenditures, and budget financing. Details of the state revenue budget are obtained from taxation, non-tax, and grants. State revenues are obtained from the achievement of taxation, including all types of state revenues, namely domestic tax revenues and international trade. Domestic tax revenues are all types of state revenues from PPh, PPnBM, PBB, excise, and other tax revenues, while international trade tax revenues are all types of state revenues sourced from import duty and export duty income.

Details of tax revenues up to August 2019 show that the highest contribution from the tax sector is Oil and Gas PPh and VAT. The high income earned on PPh and VAT does not only affect the amount of state revenue, but this tax revenue also affects the tax ratio (OECD, 2019).

This is in line with the tax position which is still seen as a burden by most people, so it is possible for taxpayers to make various efforts to minimize the amount of tax that must be paid.

According to (Okky Putra, A. (2019) no one likes to pay taxes. Human nature will always try to avoid the burden of taxes. In addition, (Rosdiana, 2014) also said that currently a handful of people do not pay taxes because they feel they do not get or feel any benefits from the government and the use of the tax itself is considered not transparent.

Tax disputes, in accordance with the rules of Article 1 Paragraph 5 of the Law on Tax Courts, are as follows: "Tax disputes are disputes that arise in the field of taxation between a Taxpayer or tax insurer and the competent authority as a result of the issuance of a decision that can be appealed or sued".

Total tax dispute cases from 2014 to 2018 fluctuated (Okky Putra, A. (2019) Based on the dispute graph above, the dispute cases of the Director General of Taxes are disputed this case includes the case with the highest number of disputes between the Directorate General of Customs and Excise and local government disputes. Based on the type of tax, tax dispute cases over Value Added Tax are then assessed to increase every year. I Gusti Ngurah Mayun Winagun, chairman of the tax court in 2014, stated (Okky Putra, A. (2019) that the VAT tax is the most common dispute.

The Central Statistics Agency through the 2016 Economic Census stated that there were 26.71 million businesses or companies in Indonesia engaged in the non-agricultural sector. Based on the census, information was obtained that the concentration of the majority of companies is on the island of Java with a portion of 60.74% or equivalent to 16.2 million companies or businesses.

## II. THEORITICAL REVIEW

### Tax Dispute definition

Tax Disputes are tax disputes according to Article 1 Paragraph 5 of the Law on Tax Courts as follows:

"Tax dispute is a dispute that arises in the field of taxation between a Taxpayer or Tax Insurer and an authorized official as a result of the issuance of a decision that can be filed for appeal or a lawsuit to the Tax Court based on the tax laws and regulations, including a lawsuit on the implementation of collection based on the Billing Law. Tax by Forced Letter."

Pelita, S. A. (2019) said that tax disputes arise due to differences in understanding, differences in perception, differences in opinion on the date of the notification letter, and differences in the calculation of taxes that should be paid.

The cause of tax disputes in Indonesia according to (Kukuh, Prawira, Arya Sumerthayasa, 2018), is due to resistance from taxpayers. (Okky Putra, A. (2019) states that there are two very basic things that can lead to tax disputes, "not taking legal actions and as ordered by tax law norms, and taking legal actions but not in accordance with tax law norms."

The Decree issued by the Director General of Taxes is in accordance with the authority it has under the KUP Law, which in turn creates a tax dispute if the Taxpayer is not satisfied with the decision so that he can file legal remedies in accordance with the applicable provisions. law (Mahardika, DA (2020)

Settlement for tax disputes can be divided into three groups, then tax dispute resolution can be resolved at the DGT, tax dispute resolution to the tax court, and tax dispute resolution at the Supreme Court level (Mahardika, D. A. (2020)

Handling for tax disputes in the tax court includes appeals and lawsuits. An appeal is a legal remedy that is owned by a Taxpayer if he is not satisfied with the result of the objection assessment letter issued by the Director General of Taxes. Therefore, the application for this appeal will be submitted by the Taxpayer then no later than three months after the receipt of the objection assessment letter.

Tax disputes at a certain level are normal, but some countries experience problems related to tax litigation, namely the accumulation of tax disputes. The high number of appeals against objection decrees and the inadequate capacity of tax judges are the causes of the accumulation of tax disputes. The accumulation of tax disputes can cause delays in the resolution of tax disputes. Things like this will certainly have an impact on the government and companies. For the government, the accumulation of disputes will have an impact on delaying state revenues. For companies, a protracted future tax case will be a cost, both in terms of litigation costs and in terms of legal uncertainty Pelita, S. A. (2019).

### Value Added Subject

Tax Subjects According to Anta, I. G. K. C. B. (2019) the grouping of VAT Subjects can be divided into two, namely:

- a. Entrepreneurs will be subject to Tax in the Value Added Tax Law, a Taxable Entrepreneur is an entrepreneur who in his business activities or work produces goods, imports goods, exports goods, conducts trading business, utilizes intangible goods from outside the customs area, conducts service business, or delivery of taxable goods and or delivery of taxable services subject to tax based on this law, does not include small entrepreneurs whose limits are set by a Decree of the Minister of Finance (KMK), except for small entrepreneurs who choose to be confirmed as Taxable Entrepreneurs (PKP).
- b. Non-Taxable Entrepreneurs (Non PKP) Non-PKP Entrepreneurs who are subject to VAT include entrepreneurs who carry out the activities referred to in Article 4 paragraph (1) letter b importing Taxable Goods, letter d utilizing intangible taxable goods from outside the customs area in in the customs area as well as Article 16 C on the activities of building their own VAT Law. The confirmation of this

entrepreneur as or becoming a PKP is not a factor that determines his status as a tax subject.

### Evidence in Tax Disputes

The Tax Court Law No. 14 of 2002 regulates the types of evidence consisting of:

Letters or writings According to article 70, letters or writings as evidence consist of:

- a. authentic deed.
- b. Underhanded Deed.
- c. Decree or Decision Letter issued by an authorized official.

Examples: Tax Assessment Letters, Decision Letters from Government Agencies. d. Other documents or writings that do not include letters a, b, and c that are related to an appeal or lawsuit."

### Means of Legal Protection through Tax Court

Disputes regarding taxation occur because of differences in interpretation or opinion between the Taxpayer and the Tax Insurer on the one hand and the tax authorities on the other regarding tax provisions. The resolution of these differences in opinion or interpretation must lead to fair treatment for both parties. In this case, the taxpayer or the tax insurer can use available legal remedies such as appeals or lawsuits.

- a. Appeal

The appeal is a continuation of the dissatisfaction with the objection decision. In a sense, there is no appeal before going through an objection because what is being appealed is an objection decision letter as a form of tax dispute resolution at the Objection Institution level. Thus, the object of dispute at the appeal stage is directed to the objection decision letter issued by the tax official as the deciding party which is considered by the taxpayer or the tax insurer not reflecting justice, expediency, or legal certainty. The object of the dispute at the appeal stage is a continuation of the tax dispute at the objection stage, but what is disputed is the material or content of the said objection decision letter. In order for an appeal to be accepted for examination by the Tax Court, it must first meet the requirements, namely Arifuddin, A., Widhiyanti, H. N., & Susilo, H. (2017):

- 1) An appeal is filed with an appeal letter in the Indonesian language;
- 2) The appeal letter is addressed to the Tax Court;
- 3) Contains clear reasons and includes the date of receipt of the decision on the objection being compared;
- 4) Attach a copy of the decision on the objection being compared;
- 5) An appeal against the amount of tax payable, has previously been paid fifty percent;
- 6) An appeal letter is submitted within the specified time, except for circumstances beyond his control
- 7) If the appeal letter is drawn up and signed by the legal counsel for the comparison, it must be accompanied by a valid special power of attorney. The period of time for filing an appeal is a requirement for the validity of an appeal.

Article 35 paragraph (2) of Law Number. 14 of 2002 concerning the Tax Court confirms that: "An appeal will be filed within three months from the receipt of the cassation decision, unless otherwise stipulated in the tax laws and regulations. The

period of time is three months from the date of receipt of the decision until the date the appeal letter is sent by the appellant. If the appeal examination has been completed and a decision has been issued which is deemed not to reflect justice and legal protection, the decision can be submitted to the Supreme Court.

b. Lawsuit

The lawsuit is based on Article 1 point 7 of Law Number. 14 of 2002 concerning the Tax Court is "Legal efforts that can be taken by taxpayers or tax bearers against the implementation of tax collection or against decisions that can be submitted according to the applicable tax laws and regulations". The object of dispute at this stage has been regulated in Article 23 paragraph (2) of Law No. 28 of 2007 concerning the Third Amendment to Law Number. 6 of 1983 concerning General Provisions and Tax Procedures which states that: Lawsuits by Taxpayers or Tax Insurers against: Execution of forced warrant, warrant for confiscation, or announcement of auction;

- 1) Preventive decisions in the context of tax collection;
- 2) Decisions related to the implementation of tax decisions, other than those stipulated in Article 25 paragraphs (1) and 26; or
- 3) The issuance of a tax assessment letter or an objection decision letter which is not in accordance with the procedures or procedures stipulated in the provisions of the tax laws and regulations can only be submitted to the tax court.

In addition to the object of the lawsuit that determines the validity, there are also several requirements that must be met for a lawsuit, namely Arifuddin, A., Widhiyanti, H. N., & Susilo, H. (2017):

1. The claim is submitted in writing in the Indonesian language;
2. The lawsuit is addressed to the Tax Court;
3. The lawsuit contains clear reasons and includes the date of receipt of the tax invoice or decision being sued;
4. The lawsuit attaches a copy of the document being sued;
5. The lawsuit is filed within the specified period, unless it is in a situation beyond its control
6. If the claim is made and signed by the plaintiff's attorney, the lawsuit must be accompanied by a special valid power of attorney.

If the decision of the Tax Court is deemed not to reflect the existence of justice and legal protection, the decision can be submitted for review to the Supreme Court. A review by the Supreme Court as a legal remedy against the decision of the Tax Court. Review of the decision of the Tax Court to the Supreme Court is a legal tool for the Supreme Court. to supervise the decision of the Tax Court, considering that the Supreme Court in examining and deciding the Review of the Tax Court decision does not only examine the application of the law, but includes the

facts that occurred during the examination conducted by the panel or single judge Ispriyarso, B. (2015).

After the application for judicial review of the Tax Court's decision to the Supreme Court has fulfilled the reasons and the period for filing it, and is not revoked, the examination is carried out by the Supreme Court. The reasons for the application for judicial review of the decision of the Tax Court as referred to in Article 91 of Law Number. 14 of 2004 concerning the Tax Court are as follows:

- a. If the decision is based on a lie or trick of the opposing party which is known after the case has been decided or is based on evidence which is later declared false by the criminal judge;
- b. If there is new written evidence that is important and decisive; which if known at the trial stage in the Tax Court will result in a different decision;
- c. If something has been granted which is not demanded or more than what is demanded, unless it is decided based on Article 80 paragraph (1) letter b and letter c;
- d. If a part of the claim has not been decided without considering the reasons; and
- e. If there is a decision that is clearly not in accordance with the provisions of the applicable laws and regulations

As for the period for submitting the application for judicial review as regulated in Article 92 of Law Number. 14 of 2004 concerning the Tax Court which, if examined carefully, the period of the application for judicial review requires a maximum period of ninety working days, which is commencing from:

- a. It is known that lies or deception or since the decision of the judge of the Criminal Court has obtained permanent legal force as referred to in Article 91 letter a of Law No. 14 of 2002 concerning the Tax Court;
- b. The documents of evidence as referred to in Article 91 letter b of Law Number. 14 of 2002 concerning the Tax Court which day and date it is found must be declared under oath and ratified by a tax official; and
- c. The decision of the tax court is sent to the parties as referred to in Article 91 letter c, letter d. and letter e of Law Number. 14 of 2002 concerning the Tax Court. Based on Article 90 of Law No. 14 of 2004 concerning the Tax Court, related to legal remedies for judicial review, it is stated that "The current procedural law that applies to PK examinations is the procedural law of examination as referred to in Law Number 14 of 1985 concerning the Supreme Court except as specifically regulated in this law."

This means that the procedural law of judicial review used is the procedural law of judicial review contained in Law No. 14 of 1985 concerning the Supreme Court as long as it is not specifically regulated by Law no. 14 of 2002 concerning the Tax Court. Examination of the application for PK of the Tax Court's decision by the Supreme Court is an examination that does not require the presence of the disputing parties, but in its examination the Supreme Court has the authority to order the Tax Court to conduct additional examinations of the disputing parties and request additional information and considerations from the Tax

Court regarding it can be seen in the provisions of Article 18 of the Regulation of the Supreme Court Number. 3 of 2002 concerning Procedures for Submission of Applications for Review of Tax Court Decisions.

### **Costs that are Deductible from Gross Income under the Income Tax Law**

Understanding of earning, collecting, and maintaining income.

In Article 6 paragraph (1) of the Income Tax Law it is stated that the costs of obtaining, collecting, and maintaining income are used to determine the amount of taxable income for domestic taxpayers and permanent establishments by deducting them from gross income. directly or indirectly related to business activities, among others as follows.

- 1) The cost of purchasing materials.
- 2) Costs related to work or services including wages, salaries, honoraria, bonuses, gratuities, and allowances given in the form of money.
- 3) Interest, rent, and royalties.
- a. 4) Travel costs.
- 4) Waste treatment costs.
- 5) Insurance premium.
- 6) Promotional and sales costs which are regulated by or based on the regulation of the minister of finance.
- 7) Administration fee.
- 8) Taxes except income tax.

The matching concept in determining costs that can be deducted from gross income.

In accounting, the matching concept is also known as the attribution concept or the matching concept. The concept of matching in taxation has a close relationship in determining a reward in connection with work or services as an object of income tax for those who receive and as a deduction from gross income for those who provide. This concept can be found in the Elucidation of Article 4 paragraph.

### **III. RESEARCH METHODS**

This study uses qualitative research methods with a juridical-sociological research approach. Nababan, W. (2020). Data consists of two types, namely primary and secondary data. Primary data were collected through interviews with a number of respondents, namely:

- 1) Abdul Kadir;
- 2) Andreas Riyanto;
- 3) Soepeno, Purwo-sari village, and
- 4) Steven.

All of them are residents of Purwosari village. In addition, interviews were also conducted on: the Head of the Tax Extensification Section at the X Tax Service Office, and Mrs. Dewi, the Tax Service Section at the X Tax Service Office; Waskon Section; Tax Extensification Section Staff; Land and Building Tax Functional Officer and Staff of Reduction and Objection Section at Regional Office X.

Secondary data includes, among others, official documents, the results of book research, then either in the form of reports and so on." Bisnglation, n. PE. (2018). Secondary data or written data used in research can be in the form of: First, Legislation, namely

Law Number 12 of 1994 concerning Land and Building Tax, Regulation of the Directorate General of Taxes Number PER-16/PJ/2010; Second, books and literature on Legal Protection for Taxpayers; Third, documents and archives regarding Legal Protection for Taxpayers. Model The data analysis in this study was carried out after the researchers conducted interviews, observations and documentation, the researchers directly analyzed the data that had been obtained in the field, the data analysis process was carried out in stages during the research period Anjani, N. (2020).

## **IV. RESULTS AND DISCUSSION**

### **Legal Basis and Procedures for Tax Audit**

Based on the authority used to carry out tax audits held by the Directorate General of Taxes in accordance with Article 29 paragraph 1 of the KUP Law, the audit conducted by the Directorate General of Taxes on PT. Semarang Autocomp Manufacturing Indonesia, has complied with the applicable provisions, this is based on the results of research conducted by the Tax Court and the Supreme Court then there are no disputes that arise regarding the basis of tax audits and audit procedures, both disputes submitted by Taxpayers, and disputes submitted by the Directorate General.

### **Uniform fee charged by taxpayer**

However, based on the data and documents submitted by the Taxpayer who is the Respondent for Review (originally the Petitioner for Appeal) it cannot be proven that the provision of uniforms is a must in the implementation of work related to work security and safety or the situation of the work environment, so that the relationship between giving uniforms to work safety becomes bias considering that the uniform is intended for all employees/employees of the company including the directors, because this can be interpreted that the uniform is general in nature and does not have special specifications as a means and fulfills the elements of work safety as required.

The scope of costs to earn, collect and maintain (3M) income is very broad. So the costs with 3M are difficult to be detailed/detailed, depending on the classification of the business field/business process of the Taxpayer. However, based on the concept of using accounting concepts in the form of matching concepts in determining the costs that can be deducted from gross income, this will then become easier to explain. This concept is a concept that will equalize expenses and income that will be generated in the period of expenditures Paradina, D., & Tarmizi, M. I. (2017). In other words, expenses should be expensed according to the recognition and period of income.

The use of uniforms for all employees, whether the uniform costs are costs to obtain, obtain, collect, and maintain income, can be seen from the opinions of experts about the importance of uniforms for employees.

## **V. DISCUSSION**

### **Tax Dispute Resolution Procedure**

In the KUP Law there are no useful provisions to regulate the meaning of tax disputes. On the other hand, Article 25

paragraph (1) of the KUP Law regulates the right of taxpayers to file objections to tax officials. What is meant by objection that can be filed in the event of a tax dispute and Article 25 paragraph (1) of the KUP Law is only used to determine in a limited way the object that can be filed for a tax dispute. The definition of tax dispute is only regulated in Article 1 point 5 of Law Number 14 of 2002, but not in the KUP Law. The definition of a tax dispute is as follows: Disputes arising in the field of taxation between the Taxpayer and the Tax Insurer and the competent authorities as a result of the issuance of a decision that can be appealed or submitted to the Tax Court based on tax laws and regulations, including claims for the implementation of collection based on the law on tax collection by force letter". Based on this understanding, it can be concluded that the elements of a tax dispute are:

- a. Disputes in the field of taxation
- b. There are two parties, namely the taxpayer and the tax official
- c. There is a decision issued by the Tax Officer.
- d. There is an opportunity/right to file an appeal or lawsuit.
- e. An appeal or lawsuit is filed with the Tax Court.
- f. Based on laws and regulations in the field of taxation.

Settlement of the tax dispute is handled by internal and external DGT parties.

To make it easier for us to understand the settlement of tax dispute problems as follows:

a. Objection

If the Taxpayer is of the opinion that the amount of loss, amount of tax and withholding or collection of taxes is not as appropriate, the Taxpayer may file an objection only to the Director General of Taxes. The objection raised is regarding the material or content of the stipulation. tax, namely the amount of loss based on the provisions of tax laws and regulations, the amount of tax, or withholding or collection of taxes. What is meant by "a" in this paragraph is 1 (one) objection must be filed against 1 (one) type of tax and 1 (one) Tax Period or Tax Year. Taxpayers may file an objection only to the Director General of Taxes on a: a. Underpaid Tax Assessment Letter; b. Additional Tax Underpayment Assessment Letter; c. Zero Tax Assessment Letter; d. Overpaid Tax Assessment Letter; or e. Withholding or collecting taxes by third parties based on the provisions of tax laws and regulations. (Article 25 of the KUP Law)

b. Reduction, Elimination, and Cancellation In practice,

It can be found that administrative sanctions imposed on taxpayers are not appropriate due to the inaccuracy of tax officials which can burden taxpayers who are not guilty or do not understand tax regulations. In such case, the administrative sanctions in the form of interest, fines, and increases that have been determined can be abolished or reduced by the Director General of Taxes. • In addition, the Director General of Taxes because of his position or at the request of the Taxpayer and based on the element of justice can reduce or cancel an incorrect tax assessment letter, for example, a Taxpayer whose objection is rejected because it does not meet the formal requirements (insert objection letter not on time) even though material requirements are met. • The Minister of Finance regulates the procedure for the write-off and determines the amount of tax receivables that cannot be collected anymore, among others because the Taxpayer has died and has no inheritance or assets, the corporate Taxpayer has completed the bankruptcy process, or the Taxpayer does not fulfill

the requirements as a tax subject and the right to collect tax have expired. In this way, it can be estimated effectively the amount of tax receivable balance that will be collected or disbursed. • Likewise, the Tax Collection Letter that is incorrect can be reduced or canceled by the Director General of Taxes because of his position or at the request of the Taxpayer.

c. Appeal

Based on Article 27 paragraph (1) of Law Number 28 of 2007 (UU KUP), Taxpayers can file an appeal only to the tax court against the Decision Letter of Objection. Thus, the appeal process can only be carried out if it has gone through the objection process. The tax judiciary in question is the Tax Court as referred to in Law Number 14 of 2002. The application for an appeal shall be submitted in writing in Indonesian with clear reasons no later than 3 (three) months since the Decision Letter of Objection is received and attached with a copy of the Decision on Objection .

d. Lawsuit

Based on Article 23 paragraph (2) of the KUP Law, a lawsuit can be made by the Taxpayer or the Tax Insurer to the tax court. The tax judiciary in question is the Tax Court in accordance with Law Number 14 of 2002. In contrast to an appeal, a lawsuit is filed against:

- 1) Execution of Forced Warrants, Warrants to Implement Confiscation, or Announcement of Auctions;
- 2) Preventive decisions in the context of tax collection;
- 3) Decisions related to the implementation of tax decisions, other than those stipulated in Article 25 paragraph (1) and Article 26 of the KUP Law; or
- 4) Issuance of a tax assessment letter or a Decision Letter of Objection whose issuance is not in accordance with the procedures or procedures that have been regulated in the provisions of the tax laws and regulations.

### Tax Objection Settlement Process

Sending Request for Data, Information, and/or Documents to KPP

The Objection Research Team makes a request for data, information, and/or documents to the KPP and sends it no later than:

- a. 5 (five) days after receipt of the complete objection file; or
- b. 3 (three) working days after the period as stated in the letter of request for proof as a representative of the taxpayer.

The Objection Research Team makes a written notification of receipt of data, information, and/or documents to the Head of KPP who sends data, information, and/or documents no later than 5 (five) working days after the data, information, and/or documents are received.

There are several tax objection settlement processes keberatan

#### 1. Dispute Analysis of Objection Files

The Objection Research Team conducted a dispute analysis of the objection file. The results of the Objection Research Team's dispute analysis are stated in the form of a matrix. The objection dispute matrix is made by the Objection Research Team no later than 5 (five) working days after the data, information, and/or documents from the Tax Office are received.

## 2. Borrowing of Books, Records, Data, Information, Requests for Information to Taxpayers, Review of Taxpayer Places Including Other Necessary Places, Discussion and Clarification with Taxpayers

In the process of settling objections, the Director General of Taxes is authorized to: a. Borrowing books, records, data, and information in hardcopy and/or softcopy form to Taxpayers related to the disputed material by submitting a request letter for borrowing books, records, data, and information. Taxpayers must fulfill the loan request no later than 15 (fifteen) working days after the date the loan request letter is sent. If up to the end of the period and after checking the completeness of the files submitted by the Taxpayer it is known that the Taxpayer did not lend part or all of the books,

Records, data, and information, the Objection Research Team shall make a second loan request letter no later than 10 (ten) working days. If it is still needed, the Objection Research Team can make a request for borrowing books, records, data, and additional information. The loan request letter is submitted to the Taxpayer directly with proof of receipt from the Taxpayer, by post with proof of mail delivery, or through an expedition service company or courier service with proof of mail delivery. In terms of reaching the deadline for fulfilling the request.

For borrowing, the Research Team objected to making an official report no later than 10 (Ten) working days after the deadline as referred to in the loan request letter and still processing according to existing and/or received data. If the Taxpayer does not submit the original proof of tax withholding or collection when objecting to a tax withholding or collection, the Objection Research Team will continue to process according to existing or received data and make an official report.

Requesting the Taxpayer to provide information related to the disputed material through the submission of a letter of request for information.

The Objection Research Team may request written information regarding the disputed material by submitting a letter of inquiry. Taxpayers must fulfill the request for information no later than 15 (fifteen) working days after the date the request for information is sent.

If by the end of the period, the Taxpayer does not provide information, the Objection Research Team will make a second letter of request for information no later than 10 (ten) working days after the end of the period. A letter of request for information is sent to the Taxpayer directly with proof of receipt from the Taxpayer, by post with proof of mail delivery, or through an expedition service company or courier service with proof of mail delivery.

In the event that up to the deadline for fulfilling the request for information, the Taxpayer does not fulfill part or all of the request for information, the Objection Research Team shall make an official report no later than 10 (ten) working days after the deadline as stated. referred to in the letter of request for information and continue to process according to the information provided and/or received. In the event that the Taxpayer submits additional reasons or written explanations to complete and/or clarify the Objection Letter before the Notification for Attendance is submitted, the Objection Research Team may consider the additional reasons or written explanation of the Taxpayer in processing the objection settlement.

## 3. Requests for Information or Evidence related to the Disputed Materials to Third Parties Who Have Relationships with Taxpayers

If information or evidence related to the disputed material is required to a third party who has a relationship with the Taxpayer, the head of the objection research implementation unit on behalf of the Director General of Taxes requests information or evidence related to the disputed material to the third party who has a relationship with the Taxpayer as referred to Article 54 paragraph 1 of Government Regulation Number 74 of 2011 reads "In carrying out audits, preliminary evidence examinations, investigations of criminal acts in the field of taxation, tax collection, or objection processes, the Director General of Taxes may request information or evidence from third parties who have a relationship with the taxpayer. as referred to in article 35 paragraph 1 of the law.

## 4. Discussion and Clarification of Tax Disputes with Auditors, Audit Quality Assurance Team, Account Representatives, or Other Related Parties within the Directorate General of Taxes

The head of the implementing unit in the objection research on behalf of the Director General of Taxes can discuss and explain the matters that will be required by summoning the examiner from the Audit Quality Assurance Team, Account Representative, or other related parties within the Directorate General of Taxes by submitting a summons. Summons are submitted to the Examiner, Audit Quality Assurance Team, Account Representative, or other related parties within the Directorate General of Taxes directly with proof of receipt from the KPP/related work unit, by post with proof of mail delivery, or through expedition services or courier services. with proof of delivery.

## 5. Requests to Conduct Inspections for Other Purposes for the Resolution of Objections

The head of the objection research implementing unit may assign/request the relevant unit to conduct an examination for other purposes in order to resolve the objection to obtain objective data and/or information that can be used as the basis for considering the objection decision with a request letter to conduct an examination for other purposes in the objection process. Requests for examination for other purposes in the context of resolving objections are carried out by taking into account the period and stages of examination for other purposes as well as the period and stages of complaint settlement.

## 6. Discussion of Objections

Before the Notification of Attendance (SPUH) will be issued, the Objection Research Team conducts research on the fulfillment of the criteria to discuss the results of research on the submission of objections by the Taxpayer in accordance with the tax provisions that apply legally. if the research results meet the criteria for discussion, the Objection Research Team proposes to the head of the objection research implementation unit to form an Objection Discussion Team in accordance with the provisions of the applicable tax laws and regulations.

## 7. Preparation of Research Working Papers and Research Reports Objections

The Objection Research Team conducts research on the books, records, data, and information as well as information

relating to the Taxpayer's objections. Based on the results of the research, the Research Team objected to making the Objection Research Working Paper only if there was a difference in the calculation of numbers between the Examiner and the Objection Research Team.

#### 8. Submission of Notice to Attend

Prior to issuing the Objection Decision Letter, the head of the objection research implementation unit on behalf of the Director General of Taxes asks the Taxpayer to be present to provide information or obtain an explanation regarding the Taxpayer's objection through the submission of a Notification for Attendance (SPUH) which is accompanied by: a. Notification of the list of objection research results; and

b. Response form of objection research result.

#### 9. Issuance of a Substitute Letter of Assignment

In the event of a change/change in the composition of the Objection Research Team at the objection research implementation unit, the head of the objection research implementation unit assigns the authorized employee to continue the objection research by issuing a replacement Letter of Assignment. A replacement letter of assignment is made by an officer appointed to the objection research unit.

#### 10. Issuance and Delivery of Decision Letter of Objection

The head of the objection research implementation unit issues an Objection Decision Letter based on the Objection Research Report. The Objection Research Team makes an Objection Decision Letter with the following designations:

- a. Original for objection research implementing unit
- b. A copy for the taxpayer, the KPP where the place of registration and or the place where the Taxable Entrepreneur is confirmed, and the Director General of Taxes.

The Objection Research Team re-examined the inclusion of data, re-examined the writing, and re-examined the calculations in the Objection Decision Letter before being submitted to the head of the objection research implementation unit. Delivery of the Decision on Objection shall be made within a maximum period of 2 (two) working days after the date on which the Decision on Objection is issued. In the event that the period of 2 (two) working days as referred to above exceeds the deadline

### VI. CONCLUSIONS AND SUGGESTIONS

Based on existing data in the form of tax court decisions and reconsideration decisions, as well as the rules submitted and analysis in the discussion, it can be concluded that:

1. The rules used in the discussion of "uniform costs as a deduction from gross income" are rules related to the tax year.
2. There is no rule that clearly states that uniform costs for all employees can be charged as a deduction from gross income in the Taxpayer's SPT.
3. There are many opinions of experts regarding the definition of uniform, but generally this understanding is related to the concept of matching costs and income, namely the use of employee uniforms is generally carried out in

order to obtain, collect, and maintain company income.

4. At the Regional Office of the Directorate General of Taxes X 1 especially in the field of objections, appeals and deductions, the process of resolving tax disputes through the objection process is carried out in accordance with applicable procedures and provisions
5. The Tax dispute resolution process through the objection process at the Regional Office of the Directorate General of Taxes X 1 from 2016-2019 has been effective in resolving all objection cases submitted because it can settle all cases in less than 12 months even in 2016 being the fastest time in 4 years. know the last time in solving cases, the average is only 5 months
6. The problems or obstacles that are often experienced by the Appeals Objection Division and reductions in processing objection letters are that there are objection files that come in but the formal requirements are not met, there are limited data attached to the application, there are also taxpayers whose financial reports are still manual so it is rather hard to calculate the tax.

### VII. SUGGESTION

Based on the conclusions above, the suggestions from the author are as follows:

1. The need to provide counseling on how the procedure for filing an objection is carried out so that when submitting an objection the taxpayer can fulfill the formal requirements properly.
2. To socialize the tax dispute resolution facility through the objection process so that many taxpayers know better and can use it when they feel there is an injustice in the Tax Assessment Letter (SKP) they receive.

### REFERENCES

- [1] Anjani, N. (2020). Tinjauan Putusan Pengadilan Pajak Atas Sengketa Pajak Pph Badan Pada PT XYZ.
- [2] Anta, I. G. K. C. B. (2019). Menakar Kualitas Pemeriksaan Pajak Dalam Sengketa Pajak. *Jurnal Pajak Indonesia (Indonesian Tax Journal)*, 2(1), 77-84.
- [3] Gotama, I. W. S., Widiati, I. A. P., & Seputra, I. P. G. (2020). Eksistensi Pengadilan Pajak Dalam Penyelesaian Sengketa Pajak. *Jurnal Analogi Hukum*, 2(3), 331-335.
- [4] Hadi, H. (2017). Reformulasi Pengaturan Penyelesaian Sengketa Pajak Di Indonesia (Doctoral Dissertation, Universitas Brawijaya).
- [5] Ispriyarso, B. (2018). Upaya Hukum Dalam Sengketa Pajak. *Administrative Law & Governance Journal*, 1(1), 9-14.
- [6] Mahardika, D. A. (2020). Kepastian Hukum Dalam Penyelesaian Sengketa Pajak Daerah Atas Bea Perolehan Hak Atas Tanah Dan Bangunan Di Kabupaten Sidoarjo (Doctoral Dissertation, Universitas Airlangga).

- [7] Muhasan, I. (2017). Menakar Ulang Spesialitas Hukum Pajak Dalam Lapangan Hukum Di Indonesia: Tinjauan Atas Penerapan Kompetensi Absolut Dalam Penyelesaian Sengketa Pajak. *Jurnal Pajak Indonesia (Indonesian Tax Journal)*, 1(1), 12-22.
- [8] Nababan, W. (2020). Efektivitas Penyelesaian Sengketa Pajak Melalui Proses Keberatan Pada Kantor Wilayah Direktorat Jenderal Pajak Sumatera Utara 1 Tahun 2016-2019. (Doctoral Dissertation, Universitas Teknologi Yogyakarta).
- [9] Okky Putra, A. (2019). Sengketa Pajak Pada Wajib Pajak Orang Pribadi (Doctoral Dissertation, Universitas Teknologi Yogyakarta).
- [10] Oktaviani, N. N. (2018). Analisis Sengketa Pajak Pertambahan Nilai (Studi Kasus Pada PT Pelabuhan Indonesia III Untuk Proses Sengketa Pajak Tahun 2009-2012) (Doctoral Dissertation, Universitas Brawijaya).
- [11] Padang, H. (2019). Analisis Sengketa Pajak Atas Jangka Waktu Pengajuan Keberatan (Studi Pada Putusan Pengadilan Pajak Nomor Put-87030/PP/M.XVB/99/2017 Dan Putusan Mahkamah Agung Nomor 2535/B/PK/Pjk/2018) (Doctoral Dissertation, Universitas Brawijaya).
- [12] Paradina, D., & Tarmizi, M. I. (2017). Pengaruh Manajemen Laba Dan Tax Planning Dengan Konservatisme Akuntansi Sebagai Variabel Intervening Terhadap Sengketa Pajak Penghasilan. *JABE (Journal Of Applied Business And Economic)*, 1(3), 145-159.
- [13] Pelita, S. A. (2019). Analisis Sengketa Pajak Atas Pajak Penghasilan Badan (Studi Kasus Pada Pt Tsv) (Doctoral Dissertation, Universitas Mercu Buana Jakarta).
- [14] Rendy, A. (2018). Analisis Pertimbangan Hakim Pengadilan Pajak Dalam Menyelesaikan Suatu Sengketa Pajak (Studi Kasus Di Pengadilan Pajak Jakarta) (Doctoral Dissertation, Universitas Brawijaya).
- [15] Sharma, N. (2020). Analisis Penyelesaian Keberatan Dalam Upaya Menyelesaikan Sengketa Pajak Pada Kantor Pelayanan Pajak Pratama Rengat (Doctoral Dissertation, Universitas Islam Negeri Sultan Syarif Kasim Riau).
- [16] Zarathrusta, Z. (2019). Penyelesaian Sengketa Pajak Terhadap Ppn Yang Seharusnya Tidak Terutang Di Pengadilan Pajak (Doctoral Dissertation, Unika Soegijapranata Semarang).

AUTHORS

**First Author** – Handryno, SE, BKP, Institut STIAMI,  
Handryno@yahoo.com