

## Analysis of Final TaxAtion on Construction Services Companies Listed on the Indonesia Stock Exchange Year 2015-2019

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### **Abstract**

*This study aims to analyze about the imposition of final taxes on construction services companies. This research will discuss before and after the implementation of the Final Income Tax on construction services to find out the comparison of the two and to find out the resulting reform goals whether or not to create a balanced tax system. Data collection techniques in this research is quantitative. The analysis techniques used are descriptive, where the author describes in detail the existing data of each activity related to the Final Income Tax of construction services companies. Through the indicators described in the writing, the author will see the difference before it is applied and after the implementation of the Final Income Tax on construction services in each company. If the application of the Final Income Tax can reduce the burden of taxation on the company then the Final Income Tax on construction services has created a balanced taxation system, and vice versa.*

### **Keywords:**

*Corporate Income Tax, Income Tax ,Income*

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### **A. Introduction**

For developing countries, including Indonesia, tax is one of the sources of state revenue that has a significant role. Government revenue itself is more focused on receipts derived from the taxation sector, including Income Tax (PPh), Value Added Tax (PPN), Sales Tax on Luxury Goods (PPnBM), Earth and Building Tax (PBB), and other taxes. In accordance with Law No.36 year 2008 on construction services are consulting services planning construction services, construction worker executive services, and consulting services. While construction workers are part of a series of planning or implementing activities along with supervision that includes architectural, civil, mechanical, electronic, and environmental work respectively and their ability to realize a building or other physical.

Taxes on construction services businesses included in real estate are different from corporate taxpayers in general. Tax regulations regarding construction services business are currently regulated specifically. The Government issued Government Regulation (PP) Number 51 year 2008 dated July 20, 2008 and is valid from January 1, 2008 to simplify the imposition of Income Tax on income from construction services business and provide convenience and reduce administrative burden for taxpayers of construction services business<sup>1</sup>. The imposition of final tax on construction services business has caused critical and protests from taxpayers. In the end, the Government decided to change PP number 51 Year 2008 with PP No. 40 of 2009 on the basis of consideration to provide ease in the imposition of income tax on income from construction services business and keep the climate of construction services sector remains conducive.

The imposition of tax on income from construction services business is also stipulated in The Minister of Finance Regulation No.153/PMK.03/2009 which is a change from PMK

<sup>1</sup> Bursa Efek Indonesia: [www.idx.go.id](http://www.idx.go.id) (2019).

No.187/PMK.03/2008 which stipulates that the income received by domestic taxpayers and permanent business form of business in the field of Construction Services, due to income tax where the income received can be subject to a final tax deduction<sup>2</sup>. Being final means that the income does not need to be combined with other income in the calculation of income tax owed<sup>3</sup>. The income of construction services companies subject to tax is final, the tax payable can be calculated from certain rates based on The Minister of Finance Regulation No.153/PMK.03/2009, the treatment is intended to provide ease and simplicity in calculating the imposition of income tax, as well as to provide legal certainty for taxpayers engaged in the construction services business in fulfilling their tax obligations.

Most of the companies that sampled the research paid taxes on the Final Tax on Construction Services more than 30% of the gross profit value they generate in the implementation of construction services performed by the company, which indicates the considerable value they have to spend to pay taxes on construction services. As well as the in effect of the burden of implementing construction that should be able to become a tax deduction. Therefore, this research conducts an analysis of whether the imposition of Final Income Tax based on PP No. 51 of 2008 jo. PP No. 40 of 2009 and Income Tax Law No. 36 of 2008 on services construction is more burdensome in the tax burden owed or vice versa the tax burden owed becomes lighter

## B. Discussion

### Final Tariff Calculation Acset Indonusa Tbk (ACST) Company

In accordance with Tax Law No. 36 of 2008 Article 4 paragraph 2 concerning Income Tax that for income from construction services business is subject to final tariff. Income tax of the Company and its subsidiaries from construction services activities is calculated based on Government Regulation (PP) No. 40 of 2009 concerning amendments to PP No. 51 of 2008 concerning income tax on income from construction services business effective from 1<sup>st</sup> August 2008, where a final tax of 3% is imposed on contracts signed since August 1, 2008.

**Table 1. Calculation of Final Tariff Tax of PT Acset Indonusa Tbk During 2015-2019**

<b>Pasal 4 ayat 2</b>	<b>Tahun</b>				
	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>DPP</b>	1.291.421.000.000	1.745.779.000.000	2.870.138.000.000	3.512.189.000.000	3.646.091.000.000
<b>Tarif</b>	3%	3%	3%	3%	3%
<b>PPh Final</b>	38.742.630.000	52.373.370.000	86.104.140.000	105.365.670.000	109.382.730.000

From the table above, it can be known that the calculation of income tax at the final rate of PT Acset Indonusa Tbk based on Law No. 36 of 2008 Article 4 paragraph 2 and PP No. 51 of 2008 jo. PP Number 40 of 2009 is in the amount of Rp. 38,742,630,000 (in 2015), Rp. 52,373,370,000 (in 2011), Rp.86,104,140,000 (in 2017), Rp.105,365,670,000 (in 2018), and Rp.109,382,730,000 (2019). Basic Taxation of construction companies is obtained from the contract value of the company's income, so it is assumed that the contract value of income for construction services is Rp. 1,291,421,000,000 (in 2015), Rp. 1,754,779,000,000 (year 20116), Rp.2,870,138,000,000 (in 2017), Rp.3,512,189,000,000 (in 2018), and Rp.3,646,091,000,000,000 (in 2019).

<sup>2</sup> Direktorat Jenderal Pajak: <https://pajak.go.id> (2007).

<sup>3</sup> Edu Saham, *Perusahaan Subsektor Konstruksi Bangunan yang Terdaftar di BEI*. (2019).

**Table 2. Percentage of Final Income Tax of PT Acset Indonusa Tbk During 2015-2019**

<b>Tahun</b>	<b>Laba Bruto</b>	<b>PPh Final</b>	<b>Persentase</b>
2015	158.927.000.000	38.742.630.000	39%
2016	231.416.000.000	52.373.370.000	23%
2017	309.049.000.000	86.104.140.000	26%
2018	284.661.000.000	105.365.670.000	37%
2019	(731.457.0000.000)	109.382.730.000	-15%

From the percentage table above, we can see that in 2015 the company paid up to 39% tax which is a large percentage for the company and in 2017 PT Aset Indonusa Tbk paid a final tax of 26% deducted from the gross profit of the company, while in 2018 there was a final tax increase followed by an increase in the value of the kontak. In 2019, PT Acset Indonusa Tbk suffered losses in its implementation resulting in a loss of (Rp. 731,457,0000,000) but in accordance with the final income tax provisions on construction services, the company still had to pay in accordance with the contract value stated at the time of implementation. So in 2019 the company again added a loss of Rp.109,382,730,000 which is 15% of the profit loss already stated in the gross L/R in the financial statements.

#### **Adhi Karya (Persero) Tbk (ADHI) Company**

**Table 3. Calculation of Final Tariff Tax of PT Adhi Karya Tbk During 2015-2019**

<b>Pasal 4</b>	<b>Tahun</b>				
<b>ayat 2</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>DPP</b>	4.403.247.968.844	4.693.920.891.090	12.929.770.957.623	12.973.891.480.557	12.419.128.798.555
<b>Tarif</b>	3%	3%	3%	3%	3%
<b>PPh Final</b>	132.097.439.065	140.817.626.733	387.893.128.729	389.216.744.417	372.573.863.957

From the table above, it can be known that the calculation of income tax final rate of PT Adhi Karya (Persero) Tbk (ADHI) based on Law No. 36 of 2008 Article 4 paragraph 2 and PP Number 51 year 2008 jo. PP Number 40 Year 2009 amounted to Rp. 4,403,247,968,844 (in 2015), Rp. 4,693,920,891,090 (in 2016), Rp.387,893,128,729 (in 2017), Rp.389,216,744,417 (year 2018), and Rp.372,573,863,957 (in 2019). Basic Taxation of construction companies is obtained from the contract value of the company's revenue, so it is assumed that the contract value of income for construction services is Rp. 132,097,439,065 (in 2015), Rp.140,817,626,733 (in 2016), Rp.12,929,770,957,623 (in 2017), Rp. 12,973,891,480,557 (in 2018), and Rp. 12,419,128,798,555 (2019).

**Table 4. Percentage of Final Income Tax of PT Adhi Karya Tbk During 2015-2019**

<b>Tahun</b>	<b>Laba Bruto</b>	<b>PPh Final</b>	<b>Persentase</b>
2015	413.821.478.791	132.097.439.065	32%
2016	621.452.420.210	140.817.626.733	24%
2017	1.727.897.723.094	387.893.128.729	22%
2018	1.987.228.469.568	389.216.744.417	19%
2019	1.758.071.534.505	372.573.863.957	21%

From the percentage table above we can see that the tax that must be paid by the company for the last 5 years. The table above shows the largest income there is in 2018, but when compared to the taxation over the last five years shows that in 2018 it is the lowest percentage of the nominal tax to be paid to the government. While 2015 was the lowest gross profit year but the highest final tax percentage was up to 32% which was very burdensome for the company.

### Nusa Raya Cipta Tbk Company

In accordance with Tax Law No. 36 of 2008 Article 4 paragraph 2 concerning Income Tax that for income from construction services business is subject to final tariff. Based on Government Regulation of the Republic of Indonesia No. 40 Year 2009 concerning Income Tax on Income from Construction Services Business is the final 3% of the payment amount excluding Value Added Tax and is deducted by service users in the case that the Service User is a Tax Cutter.

**Table 5. Calculation of Final Tariff Tax of Nusa Raya Cipta Tbk During 2015-2019**

Pasal 4 ayat 2	Tahun				
	2015	2016	2017	2018	2019
<b>DPP</b>	3.600.623.912.590	2.476.348.809.009	2.163.684.653.862	2.453.628.818.665	2.610.993.050.329
<b>Tarif</b>	3%	3%	3%	3%	3%
<b>PPh Final</b>	108.018.717.378	74.290.464.270	64.910.539.616	73.608.864.560	78.329.791.510

From the table above, it can be known that the calculation of income tax final rate of PT Nusa Raya Cipta Tbk (NRC) based on Law No. 36 of 2008 Article 4 paragraph 2 and PP No. 51 of 2008 jo. PP Number 40 of 2009 is in the amount of Rp. 108,018,717,378 (in 2015), Rp. 74,290,464,270 (in 2016) Rp.64,910,539,616 (in 2017), Rp.73,608,864,560 (in 2018), and Rp.78,329,791,510 (in 2019). Basic Taxation of construction companies derived from the contract value of income on construction services of the company, so it is assumed that the contract value of income is Rp. 3,600,623,912,590 (in 2015), Rp. 2,476,348,809,009 (in 2016), Rp. 2,163,684,653,862 (year2017), Rp. 2,453,628,818,665 (in 2018), and Rp. 2,610,993,050,329 (2019).

**Table 6. Percentage of Final Income Tax of Nusa Raya Cipta Tbk During 2015-2019**

Tahun	Laba Bruto	PPh Final	Persentase
2015	324.261.947.451	108.018.717.378	33%
2016	253.007.542.672	74.290.464.270	29%
2017	214.875.552.975	64.910.539.616	30%
2018	249.887.315.605	73.608.864.560	30%
2019	270.907.930.470	78.329.791.510	29%

From the percentage table above we can see that the tax that must be paid by the company for the last 5 years. The table above shows the largest income in 2015 with the highest percentage of final income tax imposition is also 33%, taxation over the last five years shows that in 2018 it is the lowest gross profit, but the lowest percentage of nominal tax to be paid to the government is still lower in 2016 and 2019 which is 29%. The table above also shows the amount of tax that must be paid by the company that reaches 33% of the gross profit generated by the company which is quite large.

### Comparison of Final and Not Final Tariff Tax Acset Indonusa Tbk (ACST) Company

**Tabel 7. Perbandingan PPh Tarif Final dan Tidak Final PT Acset Indonusa Tbk Tahun 2015-2019**

Tahun	PPh Final	PPh Tidak Final
	Pasal 4 Ayat 2	Pasal 17
2015	Rp. 38.742.630.000	Rp39.731.750.000
2016	Rp. 52.373.370.000	Rp57.854.000.000
2017	Rp. 86.104.140.000	Rp. 38.467.750.000
2018	Rp.105.365.670.000	Rp. 71.165.250.000

2019

Rp. 109.382.730.000

Rp. -

From the table above, it can be seen that the imposition of final tariff on PT. Acset Indonusa Tbk resulted in losses to the company because the company's outstanding income tax is greater than the imposition of article 17 rates. In the 2019 financial statements PT Acset Indonusa suffered losses on expenses during implementation<sup>4</sup>. In the imposition of this final tariff does not take into account the costs incurred by the company during the project, so if the company suffers losses will still be subject to the final tariff in accordance with the *prendapatan* for construction services and result in the company's further losses due to the final tariff cuts. In contrast to the income tax payable in accordance with the tariff of article 17 of Law No. 36 of 2008 which takes into account the burden during the implementation of the project as a tax deduction.

#### Adhi Karya (Persero) Tbk (ADHI) Company

**Tabel 8. Perbandingan PPh Tarif Final dan Tidak Final Adhi Karya (Persero) Tbk Tahun 2015-2019**

Tahun	PPh Final Pasal 4 Ayat 2	PPh Tidak Final Pasal 17
2015	Rp. 132.097.439.065	Rp. 82.764.295.758
2016	Rp. 140.817.626.733	Rp. 124.290.484.042
2017	Rp. 387.893.128.729	Rp. 345.579.544.600
2018	Rp. 389.216.744.417	Rp. 397.445.693.800
2019	Rp. 372.573,863.957	Rp. 351.614.306.800

From the table above, it can be seen that the imposition of final tariff on PT. Adhi Karya (Persero) Tbk resulted in losses in 2015, 2016, 2017 and 2019 on the company due to income tax owed by the company PPh Final. Final Income Tax is calculated only from revenues on construction services without taking into account the expenses during the implementation of the project. In contrast to income tax payable in accordance with the tariff of article 17 of Law No. 36 of 2008 which takes into account the burden during the implementation of the project as a deduction for corporate tax. The imposition of the final tariff on PT Waskita Jaya (Persero) Tbk experienced a profit in 2018 when compared to the non-final rate due to large income with a burden in a balanced manner, resulting in a large profit, so that the non-final taxation of the profit is also large with a fairly high tax rate.

#### Nusa Raya Cipta Tbk Company

**Tabel 9. Perbandingan PPh Tarif Final dan Tidak Final Nusa Raya Cipta Tbk Tbk Tahun 2015-2019**

Tahun	PPh Final Pasal 4 Ayat 2	PPh Tidak Final Pasal 17
2015	Rp. 108.018.717.378	Rp. 81.065.486.863
2016	Rp. 74.290.464.270	Rp. 63.251.885.668
2017	Rp. 64.910.539.616	Rp. 53.718.888.000
2018	Rp. 73.608.864.560	Rp. 62.471.828.750
2019	Rp. 78.329.791.510	Rp. 67.726.982.500

From the table above it can be seen that the imposition of the final tariff at PT. Nusa Raya Cipta Tbk resulted in losses to the company because the income tax payable was greater than the tariff imposition of article 17. This final tariff does not take into account the costs incurred during the

<sup>4</sup> <http://binakonstruksi.go.id> (2020).

project. Unlike the income tax payable in accordance with the tariff of article 17 of Law Number 36 Year 2008 which takes into account all expenses in implementation as a deduction from the tax burden that will be received by the company.

### C. Conclusion

Based on the results of the analysis that the author did before, then the author can draw conclusions as follows:

1. The imposition of income tax at the final rate from the Government side is actually favorable for State revenues because income that has been subject to final income tax is no longer reported as taxable income and all expenses in connection with income that has been subject to final income tax should not be deducted<sup>5</sup>. The research shows that the issuance of PP No. 51 of 2008 jo. PP No. 40 of 2009 on income tax on the final rate of construction services only meets the principle of revenue adequacy principle (government interest). But on the other hand can also benefit the company if the burden in the implementation of construction services still makes the profit generated by large companies then the tax owed article 17 can be higher than the imposition of final income tax.
2. From the administrative side, the imposition of the final rate is very easy for taxpayers in the delivery of income tax, but the final rate clearly does not reflect the fairness that adheres to the theory of "ability to pay principle" where taxation is based on the ability of each taxpayer.
3. Application of final rate income tax becomes very burdensome when the Taxpayer must pay income tax despite suffering such losses and losses should not be compensated to the following tax years.

### Suggestions

1. For construction service companies to be able to understand in the imposition of this final rate, because the imposition of this final rate will further simplify the calculation and facilitate the delivery of income tax.
2. For further research can analyze more about the imposition of final tariffs on construction service companies in the opinion of corporate taxpayers. Although with the imposition of the final rate the amount of tax owed becomes greater, but the imposition of the final rate further simplifies the calculation and facilitates the delivery of income tax..

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