



Review of the BPHTB Collection System in the Transfer of Land and or Building Rights according to Lamongan Regency Regulation No. 10 of 2023 concerning Regional Taxes

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ABSTRACT

Land and Building Acquisition Fee (hereinafter abbreviated as BPHTB) according to Law No. 1 of 2022 in Article 1 paragraph (37) states "Land and Building Acquisition Fee, hereinafter abbreviated as BPHTB, is a tax on the acquisition of land and/or building rights". The BPHTB collection system is calculated and paid by the taxpayer himself, namely with the Self Assessment System. In Lamongan Regency, Article 16 paragraph (1) of Lamongan Regency Regulation Number 10 of 2023 concerning Regional Taxes and Regional Retributions explains that PPAT/Notary requests proof of BPHTB payment from taxpayers, indicating that there are characteristics of a self-assessment system where BPHTB tax must be paid by taxpayers. In the Lamongan Regency Regulation, BPHTB payments are made electronically. In practice, this system is still mixed with the official assessment system in terms of research and calculation of BPHTB owed and then the supervision process by the government/fiscus carried out by the Lamongan Regency Regional Revenue Agency. Bapenda supervises if there is a discrepancy in the calculation, a tax underpayment letter will be issued which must be paid by the taxpayer, so that the self-assessment system is not fully running. This study uses a normative legal research method (normative law). The normative legal research method is a scientific research procedure to find the truth based on the logic of legal science from its normative side. In this normative research, the analysis method used is a qualitative approach by collecting data and materials needed through literature studies either through books, articles, journals or internet media. The results of this study are the system in collecting BPHTB, namely the self-assessment system, which still has the involvement of the fiscus/government in the BPHTB payment process, namely the official assessment system.

Keywords: Acquisition Fee, Land and Building Rights, Lamongan Regency Regulation No. 10 of 2023



Introduction

In the context of collecting BPHTB tax, it can only be carried out by a special Regional Government (Perda) that regulates BPHTB. To ensure that BPHTB collection is in accordance with the conditions and characteristics of the community in each region, the Regional Regulation on BPHTB provides a legal basis for regulating policies related to BPHTB in a region. This includes objects, subjects, and taxpayers, as well as rates, tax bases, and other provisions. Thus, the implementation of regional autonomy has had a major impact on the process of managing a region's finances. This is especially related to the authority to manage sources of income in a region, one of which can be seen from the delegation of authority in collecting BPHTB. According to Marihot et al., one way for regional governments to maximize their income is by delegating the authority to collect BPHTB from the central government to regional governments in managing regional income sources. This includes exploring the potential of BPHTB as part of regional taxes to be more optimal.

BPHTB is a tax collected by the Regional Government and is regulated in a special Regional Regulation (Perda) that regulates BPHTB. Thus, the implementation of regional autonomy has had a major impact on the process of managing a region's finances. This is especially related to the authority to manage sources of income in a region, one of which can be seen from the delegation of authority in collecting BPHTB. According to Marihot et al. One way for regional governments to maximize their income is by delegating the authority to collect BPHTB from the central government to regional governments in managing regional income sources. This includes exploring the potential of BPHTB as part of regional taxes to be more optimal. In the context of collecting BPHTB tax, the mechanism refers to the self-assessment system, which means that this taxation system gives taxpayers the freedom to calculate the amount of tax they are responsible for themselves, to carrying out their obligations to pay the tax burden they are responsible for. and in practice, the self-assessment system in Lamongan Regency



has implemented this system, but there is still a mixture of the official assessment system in the research and calculation stages carried out by the Lamongan Regency Bapenda and then there is an underpayment during supervision carried out by the Lamongan Regency Bapenda.

Research methods

This study uses a normative legal approach. To answer current legal problems, normative legal studies are a process of finding legal rules, legal principles, legal doctrines for the legal issues being faced.¹ Thus, the rules or norms contained in positive law become the main topic of this legal study.

This study uses normative juridical, so the approach used in this study is the statute approach and the conceptual approach. The statute approach is carried out by examining laws and regulations related to the legal issues being handled.

The primary legal materials in this study are: Law Number 1 of 2022 concerning Financial Relations between the Central Government and Regional Governments, Government Regulation Number 35 of 2023 concerning General Provisions for Regional Taxes and Regional Levies, Lamongan Regency Regional Regulation Number 10 of 2023 concerning Regional Taxes and Regional Levies.

Results and Discussion

BPHTB according to Law No. 1 of 2022 in Article 1 paragraph (37) states "Land and Building Acquisition Fee, hereinafter abbreviated as BPHTB, is a tax on the acquisition of land and/or building rights". The transfer of ownership rights to land and/or buildings is subject to BPHTB when an individual or entity legally obtains rights to land and/or buildings, this is referred to as the acquisition of land

¹ Peter Mahmud Marzuki, *Penelitian Hukum*, Kencana Prenada Media Group, Jakarta, 2013, h.35



and/or building rights. Everyone has the right to own and use land and buildings, namely land rights including management rights and buildings standing on the land.²

BPHTB is classified as a regional tax. Regional tax is a tax that is collected by the Provincial Government and the Regency/City Regional Government respectively to collect regional taxes to help fund local households.³

To optimize regional taxes to achieve the full potential of regional income requires a strong commitment, a transparent system for the community, efficient and effective administration. This requires a deep understanding of regulations, good system implementation, and cooperation between the government, community, private sector and others.⁴

There are three tax collection systems, according to the tax setter, namely: ⁵

1. Official Assessment System

Taxes are collected through the Official Assessment System, which gives the government (fiscus) the power to decide how much money citizens must pay in taxes. The characteristics of the official assessment system are:

- a. The authority to determine the amount of tax payable lies with the tax authorities.
- b. Taxpayers are passive.
- c. Tax debts arise after the issuance of a Tax Assessment Letter (SKP) by the tax authorities.

The Fiscus remains dominant in determining and calculating when it comes to assessing tax debts. ⁶

² Eka Susanti, Problematika Dalam Pelaksanaan Pemungutan Bea Perolehan Hak Atas Tanah dan Bangunan (BPHTB) Di Kota Padang. *Jurnal Cendekia Hukum*, Vol. 5 No. 2, 2020, h. 334

³ Rabbani Haddawi, Mengenal Pajak yang Dipungut Pemerintah Pusat dan Jenis Lainnya, 2022. Sumber: <https://lifepal.co.id/media/pajak-yang-dipungut-pemerintah-pusat>. Diakses pada 18 Maret 2024.

⁴ Satria Utama Teja Sukmana, Optimalisasi Pemungutan Pajak Daerah Melalui Penerapan Peraturan Undang-Undang BPHTB, *Jurnal Kajian Hukum dan Kewarganegaraan*, Universitas Negeri Semarang, 2023, Vol. 2, No. 6

⁵ Tunggul Anshari Setia Negara, *Ilmu Hukum Pajak*, Setara Press, Malang, 2017, h. 84

⁶ Ibid. h.85



2. Self Assessment System

Self assessment system namely a method of tax collection given to individuals in the authority to determine for themselves, determining the amount of their tax obligations owed. Characteristics of the Self Assessment System ⁷:

- a. Taxpayers are fully responsible for calculating their own tax obligations.
- b. Individuals who are actively involved in the tax system, starting from calculating, depositing, and reporting their own tax obligations.
- c. The Fiscus does not interfere and only supervises.

3. With Holdiing Sysem

With Holdiing Sysem is a tax collection system that gives authority to other than the fiscus and taxpayers or often referred to as third parties. So that the collection is not on the fiscus and not on the taxpayer concerned to determine the amount of tax owed by the taxpayer. An example is in Income Tax (PPh), where employers, pension funds, government treasurers and so on are given the responsibility to deduct tax on the income they pay⁸

According to Government Regulation Number 35 of 2023 concerning Regional Taxes and Regional Retributions, it states that in collecting BPHTB, it is calculated and paid by the taxpayer himself, namely with the Self Assessment System. As stated in Article 3 paragraph (4) point a of Government Regulation Number 35 of 2023 as follows:

“Types of district/city taxes as referred to in Article 2 letter b which are collected based on the Taxpayer's own calculations consist of: a. BPHTB”

BPHTB is classified as a tax that applies the Self Assessment System where full authority for calculation and payment is carried out by the taxpayer. BPHTB is a type of district/city regional tax, in Lamongan Regency Regulation Number 10 of 2023 Lamongan Regency is regulated by the Self Assessment System, One of the characteristics of the self assessment system listed as stated in Article 16 paragraph 1 point a of Lamongan Regency Regulation Number 10 of 2023 as follows:

⁷ Ibid

⁸ Ibid



“The land deed making official or notary in accordance with his/her authority is obliged:

- a. Request proof of BPHTB payment from taxpayers, before signing the deed of transfer of rights to land and/or buildings.”

Land Deed Officials/Notaries can only sign the deed of transfer of land and/or building rights after the taxpayer has submitted proof of payment of his/her tax, this shows that the taxpayer plays a role in calculating and paying his/her tax with his/her own calculation, which is a characteristic of the self-assessment system. And from the self-assessment system, the taxpayer is fully responsible for the tax process.

In terms of the BPHTB collection system in Lamongan Regency, payments are already electronic-based, where there are modern payments that do not take a long time, and make it easier for the public to make payments, and also increase administrative efficiency and transparency in the management of BPHTB in the Lamongan Regency area, as stated in Article 91 paragraph and 3 of Lamongan Regency Regional Regulation Number 10 of 2023 as follows:

“Payment and deposit of regional taxes and regional levies as referred to in paragraph 2 letter c is carried out through an electronic-based payment system”.

In practice, the activities in the field of BPHTB tax collection are through the website <http://ebphtb.bapenda-lamongan.com>. The stages are as follows:

1. The required input data includes:
 - a. For Buyers/New Owners/Right Recipients, namely: tax subject identity (KTP, SIM, or other identity), tax subject name (full name), tax subject full address, NPWP
 - b. For Sellers/Old Owners/Right Relinquishers, namely: tax subject identity (KTP, SIM, or other identity), tax subject name (full name), tax subject full address
 - c. Tax Object, including: transaction year/SPPT basis, Tax Object Number, tax object address
 - d. Filling in transaction data including: land area, NJOP land per meter, Land Zone Value (ZNT), building area if there is a building, NJOP building, NJOP PBB, SHM number, filling in the transaction price, then Taxable Object Acquisition Value



(NPOP), and Non-Taxable Tax Object Acquisition Value (NPOPTKP) and the Taxable Tax Object Acquisition Value arises, and then calculated and multiplied by 5%, the tax payable will appear, and saved.

2. Upload the required documents including: KTP and Family Card of the recipient of the rights and the previous owner, proof of land ownership (certificate or plot map), SPPT PBB.
3. Document Verification: the document verification process is carried out by the Lamongan City Regional Revenue Agency (hereinafter abbreviated as Bapenda)
4. Research and Calculation: Bapenda examines the taxpayer's calculations that have been stored in the system, and recalculates the tax owed.
5. Supervision: Bapenda if it is in accordance with the calculation, then a Regional Tax Payment Letter (SSPD) will arise and if it is not in accordance with the calculation, then an underpayment will arise with a Regional Tax Underpayment Determination Letter (SKPDKB) which must be paid by the taxpayer.
6. Approval of Determination: carried out by the taxpayer
7. Determination: carried out by the Lamongan Regency Bapenda and the tax owed is determined
8. Payment: carried out by the taxpayer, payment is made through the designated Bank, namely Bank Jatim by submitting the payment code.
9. Process Completed: after all processes have been carried out, the transfer of rights process can be carried out.

In the electronic BPHTB payment stage, in Lamongan Regency it cannot be done with a full self-assessment system because there is still interference from the government/fiscus carried out by the Lamongan Regency Bapenda at the research and calculation stage. So that what has been calculated by the taxpayer itself can be underpaid at the supervision stage, so that the pure self-assessment system does not fully run in Lamongan Regency, namely mixed with the official assessment system.

Electronic-Based BPHTB Collection



In terms of BPHTB collection in Lamongan Regency, payments are already electronic-based, where there are modern payments that do not take a long time, and make it easier for the public to make payments, and also increase administrative efficiency and transparency in the management of BPHTB in the Lamongan Regency area, as stated in Article 91 paragraph and 3 of Lamongan Regency Regional Regulation Number 10 of 2023 as follows:

“Payment and deposit of regional taxes and regional levies as referred to in paragraph 2 letter c is carried out through an electronic-based payment system”.

In practice, the activities in the field of BPHTB tax collection are through the website <http://ebphtb.bapenda-lamongan.com>. The stages are as follows:

The required input data includes::

1. For Buyers/New Owners/Right Recipients, including: tax subject identity (KTP, SIM, or other identity), tax subject name (full name), tax subject full address, NPWP
2. For Sellers/Old Owners/Right Relinquishers, including: tax subject identity (KTP, SIM, or other identity), tax subject name (full name), tax subject full address
3. Tax Objects, including: transaction year/SPPT basis, Tax Object Number, tax object address
4. Filling in transaction data including: land area, NJOP land per meter, Land Zone Value (ZNT), building area if there is a building, building NJOP, PBB NJOP, SHM number, filling in the transaction price, then Taxable Object Acquisition Value (NPOP), and Non-Taxable Tax Object Acquisition Value (NPOPTKP) and the Taxable Tax Object Acquisition Value arises, and then calculated and multiplied by 5%, the tax payable will appear, and saved.
5. Upload the required documents including: KTP and Family Card of the recipient of the rights and the previous owner, proof of land ownership (certificate or plot map), SPPT PBB.
6. Document Verification: the document verification process is carried out by the Lamongan City Regional Revenue Agency (hereinafter abbreviated as Bapenda)



7. Research and Calculation: Bapenda examines the taxpayer's calculations that have been stored in the system, and recalculates the tax payable.
8. Supervision: Bapenda if it is in accordance with the calculation, then a Regional Tax Payment Letter (SSPD) will arise and if it is not in accordance with the calculation, then an underpayment will arise with a Regional Tax Underpayment Determination Letter (SKPDKB) which must be paid by the taxpayer.
9. Approval of Determination: carried out by the taxpayer
10. Determination: carried out by the Lamongan Regency Bapenda and the tax payable is determined
11. Payment: carried out by the taxpayer, payment is made through the designated Bank, namely Bank Jatim by submitting the payment code.
12. Process Completed: after all processes have been carried out, the transfer of rights process can be carried out.

In the electronic BPHTB payment stage, in Lamongan Regency it cannot be done with a full self-assessment system because there is still interference from the government/fiscus carried out by the Lamongan Regency Bapenda at the research and calculation stage. So that what has been calculated by the taxpayer itself can be underpaid at the supervision stage, so that the pure self-assessment system does not fully run in Lamongan Regency, namely mixed with the official assessment system.

Kesimpulan

BPHTB in Lamongan Regency Regional Regulation No. 10 of 2023 in the transfer of rights to land and/or buildings uses a self-assessment system, where taxpayers have the authority to determine, calculate, pay taxes, and report the amount of tax owed, as stated in Article 16 paragraph (1) point a of Lamongan Regency Regional Regulation Number 10 of 2023, namely PPAT/Notary requests proof of BPHTB payment from Taxpayers before signing the deed of transfer of land and building rights. So that taxpayers complete the BPHTB payment first so that the deed can be signed by the PPAT/Notary so that the transfer of rights process can be carried out.



Within the authority of the Lamongan Regency Regional Government according to Lamongan Regency Regional Regulation Number 10 of 2023, BPHTB payments are electronically standardized, which makes it easier for taxpayers to make payments, so that it can increase administrative efficiency and transparency in the management of BPHTB in Lamongan Regency. In the electronic BPHTB payment stage, in Lamongan Regency, it cannot be done completely with a self-assessment system because there is still interference from the government/fiscus carried out by the Lamongan Regency Bapenda at the research and calculation stage. So that what has been calculated by the taxpayer itself can be underpaid at the supervision stage, so that the pure self-assessment system does not fully run in Lamongan Regency, namely mixed with the official assessment system.

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