

Ambiguity Between The Placement Of Zakat Collecting Objects and the Tax Payable (Literature Study)

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Abstract

This study aims to find out the clarity of the ambiguity of the placement of zakat collection objects and taxes payable through the concept of zakat as a direct deduction from taxes, the opinions of scholars about zakat and taxes, the opinions of previous researchers about zakat as a direct deduction from taxes, opinions of the Qur'an, hadith and regulations. laws on zakat and taxes, as well as the difference between zakat as a deduction from taxable income and zakat as a direct deduction from taxes. . This research was conducted using the literature study method, in which researchers used data collection techniques in the form of library research and literature review. The results of this study are that zakat as a direct deduction from tax or tax payable (tax credit), is an effective way compared to zakat as a deduction for taxable income because there will be an increase in the tax ratio, namely the number of taxpayers will increase. Muslim taxpayers will be more eager to pay zakat and taxes, because there are no more double payments.

1. INTRODUCTION

The Indonesian state still relies on taxes as the main source of state revenue, because 78 percent of APBN funds come from taxes. Because taxes are the main source of state revenue, the government seeks to continuously increase tax revenues. However, despite an increase in tax revenues, Indonesia's tax ratio, which is 13.6 percent of GDP, is still below the average tax ratio of European and American countries, which reaches 33 percent (Ali 2008). The April 2003 edition of the Tax News Magazine said that only 2.3 million people out of a potential 210 million people were registered as tax objects. This means that the source of taxes in Indonesia is large enough to be explored (Hamidiyah, 2007). The source of this large amount of tax is in the hands of the Muslim population . As is well known, the Muslim population in Indonesia is around 87 percent of the total population. Even though the Muslim population is 87 percent of Indonesia's population, the tax revenue is not directly proportional to the large number of Muslim residents who exist. Taxpayer non-compliance and decreased realization of

revenue from tax obligations and zakat are also caused by the ambiguity of society regarding these two obligations. Ambiguity should be reviewed based on considerations of perception. Perception is confronted with a complex process of determining what to do in a given situation or critical thinking about moral teachings (Ward et al. 1993).

Law Number 17 of 2000 concerning income tax, which was replaced by Law no. 36 of 2008, recognizes zakat as a deduction from taxable income (PKP) and not as a direct deduction from taxes (tax deductible) (Abdullah MW, 2015). In addition, Law no. 23 of 2011 concerning the management of zakat also regulates the deduction of zakat from the remaining taxable profits/income so that taxpayers are not subject to double burdens (obligations). Zakat income and income tax are basically imposed on the same object, namely income received by the taxpayer (muzakki). The treatment of zakat as a deduction from taxable income means that zakat can be used as a deductible expense. This treatment does not eliminate multiple obligations for the same object, but only reduces the tax burden owed (Junaedi 2014). Thus, to reduce the double

burden on the community, zakat should be treated as a direct tax deduction.

Zakat should be treated as a direct deduction from taxes, zakat and taxes have the potential to increase awareness of paying taxes and maximize state revenue from the tax sector, as happened in Malaysia which applies zakat as a direct deduction from taxes. This incentive encourages muzakki to compete to pay their zakat to amil zakat institutions (Hamidyah, 2007), and the increase in zakat receipts also triggers an increase in Malaysian State revenue from the tax sector (Muktiyanto and Hendrian, 2008).

2. LITERATURE REVIEW

2.1 Insurance Theory

According to this theory, the state in carrying out its duties/functions also includes the task of protecting the lives and property of individuals. Therefore, the state works or acts as an insurance company. For that protection, citizens pay a premium and it is the payment of taxes that can be seen as that premium. This theory has long been abandoned, and now there are practically no defenders for it, because the state does not compensate for losses if the people concerned suffer losses, for example being killed or having their property stolen.

2.2 Interest Theory

According to this theory, the tax has a relationship with individual interests derived from state work. The more you enjoy the services of government work, the greater the tax.

2.3 Sacrifice Theory

This theory stems from the organic teachings of the state (Organische Staatsleer) and argues that without a state it is impossible for individuals to live freely and try within the state. Therefore, the state has the absolute right to collect taxes. Without the state, then the individual does not exist, and the payment of taxes by individuals to the state is seen as a sign of sacrifice or dedication to the state. This

theory places too much emphasis on the state, as if the individual cannot live without the state, but the state can live without the individual. Even though the reality is not so, because the state cannot exist without individuals.

2.4 Buying Style Theory

This theory teaches that the function of tax collection, if seen as a phenomenon in society is likened to a pump, namely taking purchasing styles from households in the community for state households and then channeling them back to the community with the aim of maintaining community life or for the welfare of society as a whole. This theory has many adherents, because of its practicality. This theory is valid at all times both in liberal economics, even in socialist societies, although it does not escape variations in its features. This theory does not question the origin of the state collecting taxes, but only looks at the good "effect" as the basis for fairness in tax collection and not individual interests, nor the interests of the state, but the interests of society which includes both.

2.5 Hip style theory

This theory teaches that tax collection must be in accordance with the paying power of the taxpayer (individual). The pressure of all taxes must be in accordance with the bearer's style of the taxpayer by taking into account the amount of income and wealth, as well as the expenditure of the taxpayer.

3. METHOD STUDY

3.1 Types of research

This type of research belongs to library research or literature (Library Research) in the form of fact finding with the right interpretation. According to Sangadji and Sopiah (2010: 28), "The definition of library research is research carried out using literature (library), either in the form of books, notes, or research reports from previous studies."

3.2 Types and Data Sources

Qualitative data is data that cannot be measured or assessed directly by numbers. Quantitative data is data that can be measured or assessed with numbers directly. The source of data used in this study is secondary data, namely data obtained from various literature, such as books that support the object of research and are related to what will be examined in this case regarding zakat and taxes, journals and websites that discuss the relation of zakat and taxes, and others related to research.

3.3 Data collection technique

In this study, researchers used data collection techniques in the form of Document Research and literature reviews. This technique is a form of research conducted by researchers by collecting a number of data by reading and exploring literature in the form of books, magazines, and scientific writings related to the problem to be discussed.

3.4 Data analysis technique

Describing zakat and taxes using the basis in the form of the Qur'an and as-sunnah as well as the underlying arguments for zakat and using the KUP basis for the tax concept, formulating or concluding how the deduction of zakat on taxes payable, referring to the findings of previous researchers on taxes and zakat, comparing the treatment of zakat in calculating accrued taxes with the payment of zakat after tax, determining normatively and positively the treatment of zakat in taxes.

4. RESULTS AND DISCUSSION

4.1 Zakat as a Deduction for Outstanding Taxes

The dualism of obligations, zakat and taxes has been compromised in Law Number 38 of 1999 concerning the management of zakat which is also emphasized in the replacement zakat law, namely Law Number 23 of 2011 (Anonymous, 2011), and Law Number 17 of 2011. 2000 regarding income tax (Anonymous, 2000). The law emphasizes that

zakat can be deducted from taxable income (PKP), not a direct tax deduction. Income tax (professional zakat) which is deducted does not cover all assets subject to zakat according to Islamic regulations, including gold, silver, money, trade, companies, agricultural products, plantation products, mining products, livestock products, income, and services.

Zakat deduction from tax payments is also explained in the elucidation of Article 14 paragraph (3) of Law Number 38 of 1999. The deduction of zakat from profits/remaining taxable income is intended so that taxpayers are not subject to a double burden (Anonymous, 1999). This provision is still regulated in the latest law on zakat management, namely Number 23 of 2011 Article 22. However, the presentation of zakat which treats the same as bank interest expense accounts for personal and corporate income taxes contains an interpretation of double obligations for Muslims who obey ulil amri -his.

In line with these matters, Zarqa put forward a definition that allows the inclusion of various assets, in accordance with the development of conditions and times. He stated that wealth is anything concrete, material in nature that has value in the human view.

4.2 Basic Al'Qur'an, Hadith and Laws Regarding Zakat and Taxes

4.2.1 Zakat

"And establish prayer and pay the poor alms. And whatever good you do for yourself, surely you will get the reward from Allah. Verily, Allah sees what you do" (Qs. Al Baqarah verse 110).

"O you who believe! Spend some of the results of your good efforts and some of what we spend from the earth for you. Do not choose what is bad for you to spend, even though you yourself do not want to take it, but by narrowing your eyes (aversion) towards it. And know that Allah is rich, most praiseworthy" (Qs. Al Baqarah verse 267).

"And on their property there is a right for the poor who ask, and the poor who do not get a share" (Qs. Az-Zariyat verse 19).

"Take zakat from some of their wealth, with that zakat you clean and purify them and pray for them, in fact your prayer (becomes) peace of mind for them. And Allah is All-Hearing, All-Knowing" (Qs. At-Taubah verse 103).

Rasulullah SAW said "Islam is built on 5 main pillars namely the testimony that there is no god but Allah and Muhammad is Allah's messenger, establishing prayers, fasting in the month of Ramadan, reaping zakat, and going on pilgrimage for those who can afford it" (HR. Bukhari & Muslim).

Rasulullah SAW "Fortify your wealth with zakat, treat those who are sick from you with alms, prepare prayers for disaster reinforcements" (HR. Abu Dawud).

Zakat is property that must be issued by a Muslim or business entity to be given to those who are entitled to receive it in accordance with Islamic law. (Law No. 23 of 2011 article 1 point 2 concerning the management of zakat).

4.2.2 Taxes

"O you who believe! Obey Allah and obey the Messenger (Muhammad), and Ulil Amri (those in power) among you. Then, if you differ on something, then return it to Allah (the Qur'an) and the Messenger (the Sunnah), if you believe in Allah and the Last Day. Such is it. That is more important (for you) and better consequences " (Qs. An Nisa verse 59).

Taxpayers are individuals or entities, including taxpayers, tax collectors, and tax collectors, who have tax rights and obligations in accordance with the provisions of the tax laws and regulations. (Law No. 16 of 2009 concerning KUP article 1 point 2).

4.3 Comparison of Zakat as Income Deduction and Zakat as Tax Credit

Table 1.1

Uraian	Pendapatan Sebulan	Pendapatan Setahun
Pendapatan Bersih setahun	Rp 15.000.000	Rp 180.000.000
Biaya jabatan 5% (Max Rp 6 Juta)		Rp 6.000.000
Pendapatan Bersih		Rp 174.000.000
PTKP		
PTKP (TK/0)		Rp 54.000.000
PKP		Rp 120.000.000
PPH pasal 17		
(5% x 50.000.000)		Rp 2.500.000
(15% x 62.500.000)		Rp 10.500.000
		Rp 13.000.000
Dikurangi:		
zakat 2,5%		Rp 4.500.000
Pajak Yang harus dibayar		Rp 8.500.000
PPH pasal 25 (Pajak masa)	Rp 708.333	

Calculation of zakat as a deduction from individual taxable income

Table 1.2

Zakat as a Tax Credit

Uraian	Pendapatan Sebulan	Pendapatan Setahun
Pendapatan Bersih setahun	Rp 15.000.000	Rp 180.000.000
Biaya jabatan 5% (Max Rp 6 Juta)		Rp 6.000.000
Pendapatan Bersih		Rp 174.000.000
PTKP dan Zakat		
PTKP (TK/0)		Rp 54.000.000
zakat 2,5%		Rp 4.500.000
		Rp 58.500.000
PKP		Rp 115.500.000
PPH pasal 17		
(5% x 50.000.000)		Rp 2.500.000
(15% x 62.500.000)		Rp 9.825.000
Pajak Yang harus dibayar		Rp 12.325.000
PPH pasal 25 (Pajak masa)	Rp 1.027.083	

From the calculation results above, it can be seen that by implementing the zakat policy as a deduction for personal taxable income, the amount of tax to be paid is Rp. 1,027,083. However, if zakat is used as a direct deduction for personal taxes, the amount of tax to be paid is only Rp. , this shows that zakat as a direct deduction from taxes is the best way to eliminate the double burden on the Muslim

population who are both muzakki and taxpayers, and preferably the regulation of Law no. 36 of 2008 concerning income tax and Law no. 23 of 2011 concerning the management of zakat treats zakat as a deduction from the tax payable, not as an expense. As is the case in Malaysia. When zakat deduction for tax payable is accommodated in tax regulations and zakat in Indonesia, it has implications for increasing taxpayer compliance and awareness, and also has consequences for increasing state revenue in the tax sector (M.Wahyuddin Abdullah, 2015). This will also indirectly eliminate the ambiguity of society regarding both zakat and tax obligations as a double burden, especially Muslims who are registered as muzakki as well as taxpayers.

5. CLOSING

5.1 Conclusion

The ambiguity of the placement between the collection of objects of zakat and the object of tax payable must know the position in the object of collection of zakat and taxes, then raise the argument in the Qur'an related to the object of collection, and refer to laws and regulations related to taxes and zakat.

Based on the results of the description comparing the calculation of zakat as a deduction from taxable income and zakat as a direct deduction of taxes, researchers agree more if zakat is a direct deduction of taxes or taxes payable (tax credit) compared to zakat as a deduction from taxable income because there will be an increase in the tax ratio, namely the amount taxpayers will be more and more. Muslim taxpayers will be more eager to pay zakat and taxes, because there are no more double payments. As is the case in Malaysia. When zakat deduction for tax payable is accommodated in tax regulations and zakat in Indonesia, it has implications for increasing taxpayer compliance and awareness, and also has consequences for increasing state revenues in the tax sector.

5.2 Suggestions

Based on the research conclusions, researchers can provide suggestions. To the

government to treat zakat as a tax credit or to be a deduction from the tax owed, not as a deduction from income. Ambiguity basically does not exist as long as zakat can be positioned as a tax deduction. Zakat is basically not a fee so it is not a deduction from income, but as a deduction from the tax owed.

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