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Analysis of Tax Crimes Committed by Tax Personnel in Lampung Province

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ABSTRACT

Criminal acts in the field of taxation refer to violations or crimes related to the tax provisions of a country. Tax crime often involve manipulation or violation of the law by individuals in order to avoid or reduce the tax obligations they should pay. This study aimed to analyze tax crimes committed by unscrupulous tax personnel in Lampung province. This research is a qualitative observational study and uses a literature study. Secondary data such as laws and regulations, legal theory, and doctrine are used to explain legal phenomena. This study highlights the phenomenon of tax crime in the Bengkulu and Lampung DGT areas. There are five suspects in tax crimes during 2021. In addition, there is also an investigation into the alleged criminal act of garbage retribution corruption at the Bandar Lampung Environment Agency (DLH) for the 2019, 2020, and 2021 fiscal years. The legal basis used in settlement of criminal acts in the field of taxation is Law Number 6 of 1983 concerning general provisions and tax procedures and their amendments. In addition, the norms of criminal acts in the field of taxation also include provisions contained in the Criminal Code and other laws and regulations. In conclusion, corruption is an act of enriching oneself or others, which can harm the economy and state finances. Legal subjects of corruption can be corporations and civil servants.

1. Introduction

Tax crimes are serious violations of tax law and can be subject to criminal sanctions, which include fines, imprisonment, or a combination of both. The purpose of enforcing tax law is to ensure compliance of all parties with tax provisions and maintain fairness in the tax system (Mardhiah, 2021). Criminal acts in the field of taxation refer to violations or crimes related to a country's tax provisions (Bird et al., 2008). Tax crimes often involve manipulation or violation of the law by individuals in order to avoid or reduce the tax obligations they should pay.

Corruption by tax officials has a detrimental impact on the state in various aspects (Choi et al., 2005; Silalahi, 2022). Corruption results in a waste of state resources that should be used for the development and

welfare of society. Public funds in the form of taxes that should be allocated to education, health, infrastructure, and other important sectors are often misused or corrupted, thereby hindering sustainable development (Toggler et al., 2009).

Corruption undermines public trust in government and state institutions (Friedman et al., 2000; Saputra et al., 2016). When corruption is rampant, people lose their faith in the political and bureaucratic system and perceive that corruption has penetrated almost every aspect of life (Ajaz et al., 2010; Budiarti et al., 2015). Low public trust can disrupt the country's political and social stability. Corruption also undermines the sustainability of government institutions and the legal system. When corruption is rampant, government institutions become weak and ineffective in carrying



out their duties. Poor law enforcement and the existence of a corrupt system mean that corruptors are rarely punished fairly, thus encouraging a wider culture of corruption. Legal subjects of corruption can be corporations and civil servants (Fuadi et al., 2013; Siat et al., 2013). Normatively, the criminal act of corruption is an extraordinary crime that can damage the order of life in the nation. This study aimed to analyze tax crimes committed by unscrupulous tax personnel in Lampung province.

2. Literature Review

Law No. 28 of 2007 concerning general provisions and tax procedures (KUP) states that taxes are mandatory contributions to the state owed by individuals or entities that are coercive by law by not getting compensation directly and used for the needs of the state for the greatest extent possible people's prosperity. Article 1 point 2 of the KUP Law explains that 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.

Mardiasmo (2011) explains the definition of tax as a fee that must be paid by the people to the state and entered into the state treasury. The state or government is in charge of implementing laws, and their implementation is coercive without any remuneration. Taxes are the main source of state revenue. The use of tax money covers everything from personnel spending to financing various development projects. The construction of public facilities such as roads, bridges, schools, hospitals/health centers, and police stations is financed using money from taxes. Thus it is clear that the role of tax revenue for a country becomes very dominant in supporting the running of the government and financing development. In addition to the budgetary function (revenue function) above, taxes also carry out a redistribution function to finance public expenditures and national development so as to open employment

opportunities with the aim of increasing people's income (Virginia et al., 2021).

3. Methods

This research is a qualitative observational study and uses a literature study. Secondary data such as laws and regulations, legal theory, and doctrine are used to explain legal phenomena. This study highlights the phenomenon of tax crime in the Bengkulu and Lampung DGT areas. There are five suspects in tax crimes during 2021. In addition, there is also an investigation into the alleged criminal act of garbage retribution corruption at the Bandar Lampung Environment Agency (DLH) for the 2019, 2020, and 2021 fiscal years. The data is presented in a narrative and discussed in accordance with applicable literature and laws.

4. Results and Discussion

Bengkulu and Lampung DGT Regional Offices are collaborating with the Lampung High Court and the Lampung Police in law enforcement in the field of taxation. There were five suspects recorded in criminal acts in the field of taxation in 2021. This law enforcement collaboration has resulted in a number of tax crime cases that can be uncovered and are expected to have a deterrent effect on other taxpayers. The following is an excerpt from the statement from the Head of the Regional Offices of DJP Bengkulu and Lampung,

"During 2021, we handed over five suspects and evidence of alleged criminal acts in the field of taxation to the prosecutor,"

The five suspects in question are as follows; First, the suspect AC was found guilty of committing a crime in the field of taxation with a prison sentence of 2 years and 6 months and a fine of twice the value of the tax invoice not based on actual transactions (TBTS) used in the amount of Rp. 8,391,802,082. Second, the suspect IL was sentenced to 1 year and 8 months in prison and a fine of twice the amount of tax collected



but not paid in the amount of Rp. 20,134,084,376. Third, suspect N deliberately submitted a letter of notification and/or statement whose contents were incorrect or incomplete; or did not pay the taxes withheld or collected during August-September 2017. Suspect N violated Article 39 paragraph (1) letter d or letter i of the KUP Law and was handed over to the Tanggamus Prosecutor's Office on December 27th, 2021. Fourth, suspect EW was handed over to the District Attorney East Lampung Tuesday, December 28th, 2021. The suspect allegedly deliberately did not submit a notification letter or did not deposit the tax withheld or collected from December 2018 - June 2019. The suspect is subject to Article 39 paragraph (1) letter c or letter i of the KUP Law. Fifth, suspect W was handed over to the North Lampung District Attorney Wednesday, December 29th, 2021. Suspect W allegedly submitted a letter announcement and/or information whose contents are incorrect or incomplete or did not deposit taxes withheld or collected during January-December 2018. Suspect W is subject to Article 39, paragraph (1) letter I of the KUP Law.

The actions of suspects N, EW, and W are punishable by imprisonment for a minimum of 6 months and a maximum of 6 years and a fine of at least 2 times the amount of tax payable that is not paid or underpaid and at least and a maximum of 4 times the amount of tax payable that is not or underpaid. The actions of the three suspects caused state losses of IDR 2,107,641,208.

Criminal acts committed by tax officials in Lampung Province have been increasing in recent years. The Lampung High Prosecutor's Office (Kejati) investigation team also recently searched the Office of the Regional Tax and Retribution Management Agency (BPPRD) in the One-roof Building of the Bandarlampung City Government Thursday (3/11/2022) morning. The presence of the Attorney General's Investigation Team was to conduct an investigation into a case of alleged corruption in waste

retribution at the Bandarlampung Environmental Service (DLH) for 2019, 2020, and 2021 fiscal years. BPPRD employee in the tax room. The search and search lasted for about two hours. The investigator left the BPPRD office while carrying a number of documents. The arrival of the investigative team to check and search for documents in the process of strengthening evidence in the investigation of corruption at DLH.

"The prosecutor's team for the DLH case conducted a search of the BPPRD. This search was based on input from our team of experts. We found several documents that can strengthen the process of investigating corruption in DLH. With these documents, it is hoped that this can support evidence."

Currently, the Investigative Team of the Special Prosecutor's Office is also seeking information from independent auditors and economists regarding state losses in the alleged corruption case of collection of garbage fees at the Bandarlampung Environment Agency (DLH). So far, DLH Bandar Lampung does not have master data on the mandatory waste processing fees in accordance with the stipulation from the head of the agency, so the potential for real income from the collection of waste service fees in Bandarlampung is not known.

"I do not know for sure how much the state has lost in this case. Later the expert will conclude. We will immediately expose the determination of the suspects if the results of the examination and calculation of state losses have been officially declared complete. As for potential suspects, all of them will be handed over to the investigation team."

Investigators found that there was a difference between the number of tickets printed and the number of tickets issued and the tickets handed over to the garbage collection officers. In addition, it was found that the results of retribution payments collected by collection officers from both the DLH and the UPT for



solid waste services in the sub-district were not deposited into the regional treasury within 1 x 24 hours, and there were retribution collectors who did not have an official letter of assignment. It was found that the results of collecting fees were not fully paid to the regional treasury but were used for other interests and personal interests. Made explained that the target for collection of 2019 solid waste retribution of IDR 12,050,000,000 was only IDR 6,979,724,400 or less than around IDR 5 billion. In 2020 the target was Rp. 15 billion. Only Rp. 7,193,333,000 or less is realized. IDR 8 billion. And in 2021, the target of IDR 30 billion is only realized at IDR 8.2 billion or around IDR 22 billion less. From these calculations, it is estimated that there is a potential loss to the surrounding country IDR 35 billion. The head of the Bandarlampung BPPRD said that his party was cooperative with the search carried out by the prosecutor's Lampung investigation team.

"We have handed over the correspondence from the previous year. We are cooperating with this search. The register book, incoming correspondence, and several previous documents have been submitted."

Victims of crimes committed by tax officials in Lampung Province are the public. This situation really makes people in Lampung Province worry, and there is distrust towards tax officials in Lampung Province. The impact of this action is also one of the causes of unequal people's income with limited available job opportunities, especially in Lampung Province.

The legal basis used in settlement of criminal acts in the field of taxation is Law Number 6 of 1983 concerning General Provisions and Tax Procedures and their amendments. In addition, the norms of criminal acts in the field of taxation also include provisions contained in the Criminal Code and other laws and regulations. Of course, this must also be in accordance with the principles of criminal law and the principles of criminal law enforcement (Ningrum et al., 2016; Nurchalis, 2018).

The reason is because of the nature of the specific criminal act law in the field of taxation and the specificity of criminal tax acts, in which special legal rules will override general legal rules. On the basis of these considerations, the use of general criminal acts in the Criminal Code is aimed at crimes that are not included in the realm of criminal acts in the field of taxation. This is also reinforced in Article 36A paragraph (3) of Law Number 28 of 2007 concerning the Third Amendment to Law Number 6 of 1983 concerning General Provisions and Tax Procedures, which reads: threatening Taxpayers to benefit themselves unlawfully is punishable by crime as referred to in Article 368 of the Criminal Code (KUHP)."

Chapter XXIII Article 368 states, "Whoever, with the intention of unlawfully benefiting himself or another person, forces a person by force or threat of violence to give something, which is wholly or partly owned by another person, or to make debts or write off debts, shall be punished for extortion with imprisonment for a maximum of nine years.

Tax audits will be carried out by civil servant investigators (PPNS) within the Directorate General of Taxes or experts appointed by the Directorate General of Taxes who are given authority and responsibility (Putra et al., 2018; Yoserwan, 2020). This tax audit, one of them, is to test compliance with tax obligations in order to provide legal certainty, justice, and guidance to taxpayers (Sarwini, 2014).

The scope of the inspection itself includes field inspections of one or all types of taxes for the current year or previous years, which were carried out at the taxpayer's place (Sulastyawati, 2014; Tarigan et al., 2014). There will also be an inspection by the Directorate General of Taxes on a certain type of tax, both in the current year and in previous years. After the audit, a payable report on the results of the audit is issued, which is compiled in a tax audit report by the tax auditor in a concise, clear manner and in accordance with the scope of the purpose of the audit.



Tax is a mandatory contribution from a person or entity to the state, which is coercive in accordance with the law without any direct reward. Taxes are mandatory contributions to the state owed by individuals or entities that are coercive by law, by not receiving direct compensation, and used for the needs of the state for the greatest prosperity of the people. Tax payment is a manifestation of state obligations and the participation of taxpayers to directly and jointly carry out tax obligations for state financing and national development. From the above understanding, it can be concluded that tax is a contribution that must be carried out by the taxpayer.

5. Conclusion

The criminal act of corruption is an act of enriching oneself or another person, which can harm the economy and state finances. Legal subjects of corruption can be corporations and civil servants. The legal basis used in settlement of criminal acts in the field of taxation is Law Number 6 of 1983 concerning General Provisions and Tax Procedures and their amendments. In addition, the norms of criminal acts in the field of taxation also include provisions contained in the Criminal Code and other laws and regulations.

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