

Politics of Law of Imposing Income Tax (PPh) Based on Micro, Small and Medium Enterprises (MSMEs) with Justice Value Base to Increase Voluntary Tax Compliance in Industrial Revolution 4.0 Era

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Abstract-Micro, Small and Medium Enterprises (MSMEs) are economic sectors that have significant role in the national economy. Based on data from the Central Statistics Agency (BPS) in 2017, the contribution of MSMEs reached 61.4% of the total Gross Domestic Product (GDP). MSMEs also absorb employment of almost 97% of the total national workforce, with the number of MSMEs reaching 60 million units. However, when compared with the contribution of MSMEs to tax revenues, there is a mismatch where the contribution of MSMEs to tax revenues is very small, which is approximately 1% of total tax revenues. The imbalance in the contribution of MSMEs is an indication that the level of compliance of MSMEs in fulfilling their tax obligations is very low. Data in this research will be obtained by field observation, interview and questionnaire. The legal policy of imposing MSME's Income Tax is expected to justify taxation policies, while considering the applicable variables in making a good tax policy, through harmonizing aspects of tax collection justice with efforts to encourage voluntary compliance and MSME growth. Through the right tax policy, it is expected to optimize government revenues from the tax sector and encourage the growth of MSMEs. The results of this study indicate that (1) the tax rate for MSMEs of 1% of turnover is quite burden some for MSME players. In addition to the large tax rate, their lack of understanding of tax obligations and the limitations of their human resources to take care of taxation are also obstacles for them to comply with tax payment obligations. (2) MSMEs actors appreciate the new tax rate for MSMEs as much as 0.5% of turnover contained in PP No. 23 of 2018. They hope that the socialization of MSME taxation can be obtained immediately so as to support them to comply with tax obligations.

Keywords- Politics of Law, Compliance, Income Tax, MSMEs

I. INTRODUCTION

In this era of industrial revolution 4.0 MSMEs faced increasingly difficult challenges. Therefore, it is necessary to have a justice-based law on imposing income tax law to increase voluntary tax compliance. In its efforts to encourage the fulfillment of voluntary tax compliance and encourage the contribution of state revenues from MSMEs, the Government has issued Government Regulation Number 23 of 2018 in lieu of PP No. 46 of 2013 concerning Income Tax on Income from Businesses Received or Obliged Taxes that have certain gross

circulation. In this Government Regulation the official UMKM PPh rates are reduced from 1% to 0.5%. The imposition of these MSME PPh needs to be analyzed for their impact on MSME performance and compliance.

The development of the political concept of tax policy needs to be done because the implications of a general tax policy in macro terms will encourage economic growth and increase tax revenues and benefit the community (especially taxpayers). Tax collection for micro, small and medium enterprises (MSMEs) actors needs to be done wisely by considering aspects of justice and can encourage compliance and progress of their business, rather than being a burden that hinders the growth of MSMEs.

Reconstruction of value-based SME-based MSME income tax to encourage voluntary compliance of MSMEs is important because it will analyze the impact of PPh imposition on UMKM compliance and competitiveness. Efforts to increase tax revenues by extending (extensifying) tax bases including MSMEs have created their own dilemmas. The business world that is overburdened with tax collection can hinder growth and competitiveness, so it is necessary to reconstruct the imposition of MSME income tax that can accommodate the interests of business growth and increase taxpayer compliance.

Policies that pay attention to the interests of the business world (business friendly) need to be a new paradigm of taxation. Through solidarity and the sharing of a fair tax burden, the growth of MSMEs is expected to contribute to the absorption of unemployment, expansion of business opportunities and social justice. It is also an important element in the empowerment and development of economic democracy and ensures that people are not economically excluded.

If managed properly, MSMEs can increase productivity, increase people's income and contribute to regional income. With globalization and structural change policies, MSMEs are increasingly needed. The role of the state is to provide an effective regulatory framework along with monitoring and enforcement mechanisms. The government must consider the fact that such tax support

or incentives are needed for MSME players where workers are low income or are in it. The incentives applied can be determined with consideration of relevant standards, because the capacity of MSMEs is limited, both in terms of revenue and the technology used.

Until now there has not been a clear picture of a study of the design development of MSME PPh tax policies that are both short and long term. Even though the UMKM contributes very much in sustaining the national economy but not necessarily followed by an increase in income. The lack of improvement in the business climate and the existence of policies on them are interesting things to be researched and studied so that solutions can be found academically and implementably. The formulation of the problem in this study is: How is the government legal policy towards MSMEs income tax collection to improve tax compliance?

II. RESEARCH METHOD

This research on law, the researcher used research method that has been determined, i.e. empirical juridical research. Juridical empirical is research on law that is developed and has a concept that is based on a doctrine used by the researcher of this study [1]. The approach method is conceptual and statute approach [2]. The method of data collecting is literature study and questionnaire. Data analysis method is qualitative analysis.

III. FINDINGS AND DISCUSSION

1. Existing Conditions for Imposing Income Tax (PPh) on MSMEs in Semarang City and Demak Regency

In this study data were collected from 50 respondents, namely MSMEs spread across Semarang City and Demak Regency, namely respondents who filled out questionnaires correctly and provided information that could be accounted for, with details as follows:

Most respondents did not know about the existence of Law Number 20 of 2008 concerning Micro, Small and Medium Enterprises, which amounted to 42 respondents with a percentage of 84%. Likewise, those who do not know of the existence of Government Regulation Number 23 of 2018 as a substitute for Government Regulation Number 46 of 2013 concerning Income Tax on Income from Businesses Received or Obtained by Taxpayers who have Certain Gross Circular amounts to 42 respondents with a percentage of 84%. Ignorance of the respondents turned out to be directly proportional to the lack of socialization and education from the government. The MSME actors who have received socialization and education about Income Tax (PPh) amounted to 13 respondents with a percentage of 26%, and which never amounted to 36 respondents with a percentage of 72%.

Most MSME practitioners have not registered MSMEs at the tax service office (KPP) to obtain Registered

Certificate (SKT), which amounts to 35 with a percentage of 70%, but apparently there are 23 MSMEs (46%) who already have a Tax Registration Number (NPWP) the rest answered that they did not have 25 respondents (50%).

As much 35 respondents (70%) felt that UMKM income tax payments were burdensome to MSMEs. Based on questions about the reasons MSMEs objected to paying PPh, some answers were obtained, including 19 MSMEs, and 11 respondents to reduce MSME income.

Based on questions about the reason MSMEs have made PPh payments, some answers were obtained, namely for fear of sanctions for the Law as many as 10 people, paying taxes voluntarily because the benefits of very large taxes for development were 12 people (24%). Based on the question of whether MSMEs benefited from the payment of income tax, only 13 respondents answered yes, while most respondents 34 people (68%) answered that they did not feel the benefits. Based on questions about the reason MSMEs have not paid PPh, some answers were obtained, including the financial condition / ability of MSMEs as many as 15 people, did not know how to pay taxes as many as 6 people, felt that the business was still small / turnover was still as little as 15 respondents, and would reduce income / profit of 5 people.

2. Politics of Law Imposing Msmes Income Tax (Pph) Viewed from Aspects of Justice and Voluntary Tax Compliance

In general, the taxation model of MSMEs can be divided into two major groups, the first group is the standard regime system and the two presumptive regime systems [3]. In the standard regime, MSMEs are not differentiated in tax treatment. However, there are some countries that apply standard regimes with simplification of tax forms, payment procedures, or tariff reduction. Countries that apply the standard regime for MSMEs in general are developed countries, whose MSME communities have high administrative efficiency and have adequate book-keeping capability.

Meanwhile, in the presumptive regime model, PPh is imposed based on the presumption of certain conditions of the taxpayer. Presumptive regimes are commonly used especially in countries where the majority of taxpayers are hard to tax groups, and inadequate administrative resources. In that country, most taxpayers do not have financial transparency that allows for effective taxation by the government. Therefore, the government needs to make estimates or presumptions on the appropriate income limits to be taxed. Presumptive regimes are more widely applied in non-OECD countries. This regime is generally used with the aim of increasing compliance and encouraging taxpayer keeping records. The application of presumptive regimes generally uses turnover based systems, indicator-based systems, or a combination of

both. However, in transition countries, system turnover is a commonly used model [4].

The provisions in Government Regulation Number 23 of 2018 as a substitute for Government Regulation Number 46 of 2013 concerning Income Tax on Income from Businesses Received or Obtained by Taxpayers Having Certain Gross Circulation are applications of the presumptive regime model in taxation. Presumptive regime itself is a form of tax imposition approach applied in the economy whose perpetrators still have limited administrative and bookkeeping capabilities. For this reason, a special taxation design is needed, with the aim of minimizing the cost of compliance [5].

The government is currently in a dilemma position, on the one hand we want to reduce dependence on foreign debt in closing the deficit, and therefore increasing taxes is one solution. But on the other hand, businesses that are too depressed will cause investment sluggishness, the end of which is rising unemployment.

Research by Rahmi et al. (2016) shows that the enactment of Government Regulation Number 46 of 2013 which began in July 2013 had a positive and negative impact [6]. The positive impact of the enactment of Government Regulation Number 46 of 2013 is that state revenues from tax revenues increase. The negative impact of the enactment of Government Regulation No. 46 of 2013 is that the aspect of justice for taxpayers (MSMEs) is not fulfilled.

Tax collection by tax officials has several implications. First, payment of taxes in real terms will reduce disposable income. Therefore, the WP will always look for ways to reduce the burden of paying taxes, even if necessary to avoid this obligation [7]. Efforts made by the WP can be in the form of tax planning (which is justified by law), or with tax evasion (which is a form of crime in the field of taxation). Besides that there are efforts to avoid taxation (tax avoidance), namely engineering, which should still remain within the framework of the provisions of tax laws and regulations.

Second, relating to the provisions on tax rates or quantities in general are very attractive to WP, because tariffs are variables that have an influence on the welfare of the WP in the form of a reduction in the income stream used to form assets in the economic activities carried out by the taxpayers.

Third, the tax apparatus in the setting of Indonesian tax legislation is given a very large authority (authority) which gives rise to sub-ordinative connectedness constructs [8]. In terms of more extreme relations between the tax authorities and the WP without the mechanism of checks and balances. From the perspective of the tax apparatus, this authority of superior position can be justified, because the construction of connectedness is between citizens and the state. However, such a view

cannot be justified. Reducing the position of the state through the representation of tax apparatus is potentially negative and counter-productive. The personal error of the tax apparatus can potentially be justified because it is raised to the level of State action [9].

In reviewing the economy there are two principles for measuring the fairness of the distribution of the tax burden associated with income levels [10]. These two principles can be used to answer how the tax burden is distributed fairly. First, the benefit principle relates to how much benefits someone gets from the country. The ability to pay principle, where the tax burden is associated with the economic ability of taxpayers.

Preliminary research was carried out in 2009 with results, including that: the role of the community in participating in running the wheels of government was enormous. Community contributions through tax payments are used by the government to carry out work in the form of public services, finance education, improve health facilities, housing, drinking water, electricity, transportation, salaries to civil servants, security facilities and many other things intended for the welfare of the community and the state [11].

Tax Policy is a government taxation tool that functions as an implementing regulation and guidelines for implementation in the field, so that it can help taxpayers with certainty carry out their tax obligations. Tax Design This tax policy is expected to justify the tax policy that will be made, while still considering the applicable variables in making a good tax policy. A good tax policy must fulfill 2 (two) elements, namely: (1) a tool to allocate funds available in certain groups or institutions to support government programs; (2) encouraging economic growth, meaning that this policy is specifically designed to encourage rapid economic growth in accordance with the government's objectives [12].

The influence obtained from a tax policy generally includes 3 (three) things, namely: (1) in macro terms it will encourage the growth of tax revenues; (2) beneficial to the community; (3) influence fiscal and monetary policies [13].

The Government has issued Government Regulation Number 23 of 2018 in lieu of Government Regulation Number 46 of 2013 concerning Income Tax on Income from Businesses Received or Obtained by Taxpayers with Certain Gross Circulations. In this Government Regulation the official UMKM PPh rates are reduced from 1% to 0.5%. The imposition of this Income Tax needs to be analyzed for its impact on MSME performance and compliance.

Government considerations for imposing income tax at a rate of 1 percent of business circulation every month and final for MSMEs as stated in the general explanation of PP 46 of 2013 are simplicity in tax collection, reduced

administrative burden for both taxpayers and the Directorate General of Taxes, and pay attention to economic development and monetary. There is no aspect of justice which is a consideration factor for the issuance of this PP. The imposition of final income tax means that after repayment of 1 percent PPh which is calculated from gross circulation every month, the tax liability for such income has been deemed completed and final [14]. Judging from the concept of equity in taxation (equity principle), the imposition of Final PPh is not in accordance with justice because it does not reflect ability to pay.

This tax policy for MSMEs is related to the fate of most people who are active as MSME players regarding the tax burden and continuity of their business. The politics of the law of imposing income tax for justice value-based MSMEs to improve tax compliance for MSMEs needs to be done by taking into account the harmonization between budgetary functions and regular functions, the amount of tax rates, who will bear, and how financial management will be carried out both short and long term.

According to Arijanto, the characteristics of MSMEs in Indonesia are not much different from the characteristics of MSMEs in other transition countries. In general, in carrying out its business MSMEs have the following business characteristics: (1) Generally the small and medium business sector starts its business with little capital and less skills than the founder or owner; (2) Limited sources of funds that can be used to help smooth the business, such as from credit suppliers (suppliers) and bank loans or from banks that want to serve small and medium entrepreneurs; (3) The ability to obtain a bank credit loan is relatively low. The reasons include the lack of ability to provide guarantees, bookkeeping, etc.; (4) Many of the UMKM economic actors do not understand recording / accounting. For those who have used financial records, they still have problems in preparing financial statements; (5) Generally the economic sector of MSMEs is less able to foster relations with banks [15].

The Ministry of Cooperatives and Small and Medium Enterprises noted that the number of Indonesian Micro, Small and Medium Businesses actors reached almost 60 million businesses in 2017 which were spread throughout Indonesia. MSMEs dominate the business structure in Indonesia around 99.99%, which consists of micro businesses 98.79%, small businesses at 1.11%, medium enterprises at 0.09%. While large businesses only contribute to the business structure in Indonesia by 0.01%. The magnitude of the number of MSME actors is not comparable with the tax revenue from MSMEs. Medium and large businesses are still the largest tax contributor in Indonesia. Wendy (2015) mentioned several reasons for the fact that the Directorate General of Taxes (DJP) was more focused on large taxpayers while the supervision of MSMEs had not been optimally carried out and tax compliance of MSMEs was also still low [16].

Compliance with taxpayers arises from several factors that can influence it. Simanjuntak and Mukhlis (2012) argue that several factors include understanding tax regulations, tax rates, sanctions and justice [17]. Research conducted by Ningtyas (2012) shows that tax rates have a significant influence on taxpayer compliance. Thus taxpayer compliance can also be achieved if there is a clear tariff setting, besides that the tax rate must also be fair in determining the subject and object of the tax [18].

Regarding the MSME tax rate, the Government has made several policies to encourage tax revenues. Initially there were tax provisions that regulated the special rate of income tax for MSMEs, but only applies to those in the form of business entities. In Law No. 36 Year 2008 (Income Tax Law) article 31 E, it is stated that domestic corporate taxpayers with gross circulation up to Rp50 billion receive facilities in the form of a tariff reduction of 50%. With the current corporate income tax rate of 25%, then for domestic corporate taxpayers who fulfill the requirements, the effective tariff becomes 12.5% of income up to Rp.4.8 billion.

Compliance with taxpayers arises from several factors that can influence it. Simanjuntak and Mukhlis (2012) argue that several factors include understanding tax regulations, tax rates, sanctions and justice [19]. Regarding the MSME tax rate, the Government has made several policies to encourage tax revenues. Initially there were tax provisions that regulated the special rate of income tax for MSMEs, but only applies to those in the form of business entities. In Law No. 36 Year 2008 (Income Tax Law) article 31 E, it is stated that domestic corporate taxpayers with gross circulation up to Rp50 billion receive facilities in the form of a tariff reduction of 50%. With the current corporate income tax rate of 25%, for corporate taxpayers in the imposition of income tax in this case it is carried out on taxable income calculated from the accounting profit and loss account after fiscal correction is carried out, because based on article 28 paragraph (1) Law Number 28 Year 2007 (UU KUP), Taxpayers are required to carry out bookkeeping.

The obligation to carry out bookkeeping is certainly an obstacle for most MSMEs. Muchid (2015) mentioned the constraints on the development of MSMEs in addition to low education and a lack of understanding of information technology, as well as obstacles in the preparation of financial statements [20]. In 2013 the Government also made a tax policy, namely Government Regulation (PP) Number 46 of 2013 which was implemented starting July 1, 2013. This PP provides a tax rate of 1% of taxpayer turnover that does not exceed 4.8 billion in one tax year. This PP is made by the government so that taxpayers are more obedient, then are encouraged to carry out tax obligations so that the tax revenue target can be achieved. But the realization, tax revenue after the 1% tariff of turnover has been implemented has not yet reached the target, as stated by Fauzi Ahmad et al (2016) [21].

In June 2018, the Government re-launched a new policy on the taxation of MSMEs contained in PP No. 23 of 2018. The applicable tax rates for MSMEs in the PP are 0.5% and come into force as of July 1, 2018. This policy aims to stimulate business MSMEs, encourage community participation and knowledge of taxation [22].

Government Regulation Number 23 of 2018 is a regulation concerning income or income from business obtained by taxpayers who have certain gross circulation in one year of tax period. This PP applies from 1 July 2018. The new income tax rate for MSMEs is 0.5% of turnover. The regulation replaces the previous regulation, namely PP No. 46 of 2013 with a final UMKM PPh rate of 1 percent which is calculated based on gross income (turnover) intended for MSMEs which have turnover of less than Rp. 4.8 billion in a year.

The time limit for this set of tax incentive policies is different for various tax subjects. First, for the subject of personal taxation, the incentive has a period of 7 years. Secondly, for the subject of tax, a business entity is in the form of a Limited Liability Company, with a term of 3 years. Lastly, for subjects in the form of CV business entities, firms, and cooperatives for 4 years. The time period calculated from the regulatory tax year applies to old taxpayers (WP), and since the tax year is registered for new taxpayers.

The income tax incentive policy for MSME players is one of the fiscal facilities provided by the government to MSME players to encourage the potential / activity of the MSME sector but it will also reduce the potential for tax revenue in the short term. The imposition of the old final tax rate for MSMEs of 1 percent is considered burdensome to MSME actors and often complained by MSME actors. The UMKM tax incentive policy provides tax breaks for MSME players with a tax deduction of 0.5%. In terms of business people, the reduction in new tariffs is expected to stimulate the emergence of new MSME players to develop and provide financial space (business opportunities) by reducing the cost burden of MSMEs to be used in business expansion [23].

IV. CONCLUSION

The conclusions from this study indicate that (1) Government's legal policy towards MSMEs is through reducing income tax rates. (2) UMKM practitioners appreciate the new tax rate for MSMEs of 0.5% of the turnover contained in PP No. 23 of 2018. They hope that the socialization of MSME tax can be obtained immediately so that they support compliance with tax obligations.

It is not easy to tax the community. If too high, people will be reluctant to pay taxes. But if it is too low, then the development will not work because of the lack of funds. In order not to cause various problems, the tax collection must meet the requirements, namely: tax collection must

be fair, tax regulation must be based on the law, tax collection does not disrupt the economy, tax collection must be efficient, and the tax collection system must be simple.

In the beginning the legal compliance problem arose in the process of applying written positive law. In the framework of the process problems arise because of a discrepancy between the legal provisions and the fact that they are complied with or not complied with written positive law. The law requires proportional harmony between social control by the authorities, community awareness and the reality of compliance with positive law.

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