
ANALYSIS OF THE UTILIZATION OF THE ADMINISTRATIVE EXEMPTION OF HOTEL TAX, RESTAURANT TAX, AND ENTERTAINMENT TAX IN ACCORDANCE WITH MAYOR REGULATION NO. 42 YEAR 2021 BITUNG CITY

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ABSTRACT

Tax sanctions are divided into two types, namely administrative sanctions and criminal sanctions. The taxpayer's duty to pay hotel, restaurant, and entertainment taxes in the pandemic era is felt to burden the community, especially those in the city of Bitung. Therefore, the local government issued a policy through Mayor Regulation No. 42 in 2021 in terms of granting exemption from administrative sanctions. The purpose of this study was to determine the use of the exemption from administrative sanctions for Hotel Tax, Restaurant Tax, and Entertainment Tax in Bitung City in accordance with Mayor Regulation No. 42 in 2021. The analytical method used in this study is a qualitative descriptive analysis. The results of this study indicate that there are 22 Restaurant Taxpayers, 5 Hotel Taxpayers, and 4 Entertainment Taxpayers who take advantage of the exemption of sanctions. For those who do not take advantage, there are 15 Restaurant Taxpayers and 4 Hotel Taxpayers with constraints of lack of information and economic difficulties. The method of paying taxes during the exemption period is still the same as the normal payment, but the Taxpayer is no longer subject to administrative sanctions.

Keywords: Analysis, Administrative Sanctions, Hotel Tax, Restaurant Tax, Entertainment Tax.

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1. INTRODUCTION

The Covid-19 pandemic that hit the whole world has had a big impact on every country, especially Indonesia. The economy in Indonesia is an important center of attention for the government and society. Many efforts have been made by the government in an effort to maintain the Indonesian economy while minimizing the spread of Covid-19. The government issued a policy for the implementation of Work From Home (WFH) and Social Distancing.

As a result of the pandemic and also the policies issued by the government, several business sectors such as hotels, restaurants, and entertainment venues experienced large losses due to reduced income. On the other hand, they as taxpayers need to carry out their obligations in reporting and paying taxes. When they do not carry out these obligations, they will be subject to tax sanctions in accordance with the applicable provisions by the collector. Tax sanctions are divided into 2, namely administrative sanctions and criminal sanctions. Administrative sanctions are payments to the state for losses borne by taxpayers in the form



of interest, fines, or increased payments. Criminal sanctions are applied for intentional or unintentional violations or criminal acts committed by taxpayers.

The obligation to pay hotel taxes, restaurant taxes, and entertainment taxes during the pandemic is felt to be burdensome for taxpayers, especially in the city of Bitung. Therefore, the local government issued a policy through Mayor Regulation No. 42 of 2021 in terms of exemption from sanctions for hotel tax, restaurant tax, and entertainment tax for the April to August 2021 tax period. With the issuance of this regulation, it is hoped that it will attract the attention of taxpayers to be able to report and pay their taxes.

Based on the results of data analysis obtained at the Bitung City Regional Revenue Agency, out of the total registered taxpayers for hotel taxes, restaurant taxes, and entertainment taxes, there are more than 50% of taxpayers actively pay taxes. When there is an exemption from sanctions, taxpayers from the three types of taxes take advantage of it and some do not take advantage of it due to a lack of information and difficult economic conditions.

2. LITERATURE REVIEWS

2.1. Accounting

According to Agie Hanggara (2019: 1) accounting is a process of identifying, recording, and reporting economic data or information that is useful as an assessment and decision-making. Accounting is a process of accountability, in which every use and receipt of funds in an entity must be adequately recorded and a report prepared (Sari and Fitriastuti, 2017:1).

2.2. Tax Accounting

Tax accounting is a process of recording, classifying, and summarizing economic transactions related to taxpayers' obligations which end with the preparation of fiscal financial reports in accordance with tax laws. Tax accounting is part of accounting that is made on the basis of principles regulated by the Tax Law. In tax accounting, everything related to the recording and reporting of all financial transactions will be discussed to determine the amount of tax that must be paid by taxpayers.

2.3 Tax Sanctions

According to Siti Kurnia Rahayu (2017: 170), tax sanctions are a form of control or supervision from the government to ensure compliance with regulations by citizens so that there are no violations of fulfilling tax obligations by taxpayers. In the tax regulations, there are two kinds of sanctions, namely administrative sanctions and criminal sanctions. Administrative sanctions are in the form of 2% interest, fines, 50%, and 100% increases. While criminal sanctions are in the form of criminal fines and imprisonment.

Tax sanctions are a guarantee that the provisions of tax law and regulation (taxation norms) will be complied obeyed. Or in other words, tax sanctions are a preventive tool so that taxpayers do not violate tax norms (Mardiasmo, 2019: 72).

2.4 Local Tax

According to the Law of the Republic of Indonesia Number 1 in 2020 concerning Financial Relations between the Central Government and Regional Governments, Regional Taxes are mandatory contributions to the regions that are owed by individuals or entities that are coercive based on the Law by not receiving direct compensation and are used for Regional needs for the greatest prosperity of the people.

Regional taxes namely taxes determined by local regulations, and taxpayers do not receive compensation directly from the local government (Damas Dwi, 2017: 18).

2.5 Hotel Tax

Phaureula Artha (2018: 65) says that hotel tax is a tax on services provided by hotels with payment. The legal basis used is Law of the Republic of Indonesia No. 1 in 2022 and

Bitung City Regional Regulation No. 4 in 2017. Hotel tax objects include hotels, motels/inns, tourism huts/guesthouses, lodging houses, and boarding houses with more than 10 rooms. The basis for imposing hotel tax in Bitung city is the amount of payment to the hotel. The rate set is 10% according to local regulations.

2.7 Restaurant Tax

Phaureula Artha (2018: 67) says that restaurant tax is a regional levy for services provided by restaurants including the sale of food and/or drinks consumed by buyers, both consumed at service points and elsewhere. The legal basis used is the same as the hotel tax. Restaurant tax objects include restaurants, cafeterias/canteens, food stalls/depots, bars, food courts, and catering services. The tax base is the amount paid by the restaurant. The rate set is 10% according to local regulations.

2.7 Entertainment Tax

According to Firdausy (2017: 109) entertainment tax is a tax on the organization of entertainment, where entertainment is defined as all types of shows, games, and or crowds that are enjoyed for a fee. The legal basis used is the same as the hotel tax and restaurant tax. Objects of entertainment tax include watching movies, art, music, dance, fashion shows, beauty/bodybuilding contests, exhibitions, discotheques, karaoke, nightclubs, circuses, acrobatics, magic, billiard games, and bowling. The tax base is the amount of money received by the entertainment provider. Rates set according to regional regulations start from 5%, 10%, 15%, and 20%.

2.8 Bitung Mayor Regulation No. 42 in 2021

Bitung Mayor Regulation No. 42 in 2021 concerning the Elimination of Administrative Sanctions and Extension of Time for Payment of Hotel Tax, Restaurant Tax, and Entertainment Tax for the April to August 2021 Tax Period for Taxpayers Affected by Covid-19. This regulation was made by the local government of the city of Bitung to reduce the socio-economic impact on taxpayers due to the Covid-19 pandemic.

3. RESEARCH METHOD

3.1. Data types and sources

The type of research used is qualitative with a descriptive approach. The qualitative data used is in the form of interviews with Badan Pendapatan Daerah Bitung City employees and several taxpayers regarding the exemption from administrative sanctions for hotel taxes, restaurant taxes, and entertainment taxes in accordance with Mayor Regulation No. 42 in 2021. Quantitative data is in the form of data on the number of taxpayers for hotel taxes, restaurant taxes, and entertainment taxes in the city of Bitung as well as data on the collection of hotel taxes, restaurant taxes, and entertainment taxes for 2021.

The data sources used are primary data in the form of interviews with Bapenda Bitung City employees and several taxpayers related to this research as well as secondary data in the form of the number of taxpayers and hotel tax reports, restaurant tax, and entertainment tax in Bitung city.

3.2. Data collection technique

1. Interviews

The researcher conducted a debriefing with employees of the Data Collection and Registration of the Badan Pendapatan Daerah Bitung City and several taxpayers to obtain data related to taxpayers, exemption from tax sanctions, and collection of hotel taxes, restaurant taxes, and entertainment taxes in the city of Bitung.

2. Documentation

The documentation in question is data collection through a review of documents, evidence, or records related to hotel taxes, restaurant taxes, and entertainment taxes in the

form of data on the number of taxpayers, tax administration sanctions, and data on tax collection at Badan Pendapatan Daerah Bitung City.

3.3. Method of analysis

The data analysis method used in this research is descriptive qualitative analysis. This method is carried out by collecting, presenting, and analyzing the data obtained in order to get a clear picture of the use of the exemption from hotel tax administration sanctions, restaurant tax, and entertainment tax in the city of Bitung in accordance with the Mayor Regulation No. 42 in 2021.

4. RESULTS AND DISCUSSIONS

4.1. Results

4.1.1 Target and realization

In assessing the success of a regional apparatus, it will be seen from the realization of the plan of the regional apparatus itself. The realization that will be discussed in this thesis is related to the hotel tax, restaurant tax, and entertainment tax in Bitung City in 2021.

Table 1. Target and Realization of Hotel Tax, Restaurant Tax, and Entertainment Tax for Bitung City in 2021

Tax Type	Target (IDR)	Realization (IDR)	Percentage
Tax Hotel	3.618.293.806	1.714.516.372	47,38%
Tax Restaurant	2.374.437.642	3.885.476.861	163,64%
Tax Entertainment	500.000.000	243.793.052	48,76%

Source: Badan Pendapatan Daerah Bitung City, 2021

From the table above it can be seen that only the restaurant tax whose realization can reach the specified target even exceeds this target. Meanwhile, the hotel tax and entertainment tax have not reached the specified target, not even 50% of the existing target.

4.1.2 Number of Hotel Taxpayers, Restaurant Taxes, and Entertainment Taxes

Table 2. Number of Bitung City Hotel Taxpayers in 2021

Description	Taxpayer		Realization	
	Amount	%	Amount (IDR)	%
Not Active	30	26,08%	0	0,00%
Pay full	22	19,13%	178.674.848	10,42%
Pay not full	54	46,96%	1.495.605.611	87,23%
Not utilizing exemption from administrative sanctions	4	3,48%	11.366.000	0,66%
Utilizing exemption from administrative sanctions	5	4,35%	28.869.913	1,69%
Total	115	100,00%	1.714.516.372	100,00%

Source: Processed data, 2022

The table above shows that out of a total of 115 hotel taxpayers in Bitung City, there are 76 taxpayers who actively pay taxes with 9 taxpayers paying their taxes past due during the exemption from administrative sanctions. The remaining 30 taxpayers are not actively paying in this case due to no activity during 2021.

Table 3. Number of Bitung City Restaurant Taxpayers in 2021

Description	Taxpayer		Realization	
	Amount	%	Amount (IDR)	%
Not Active	60	23,17%	0	0,00%
Pay full	19	7,33%	1.913.159.061	49,24%
Pay not full	142	54,83%	1.618.047.749	41,64%
Not utilizing exemption from administrative sanctions	16	6,18%	270.076.151	6,95%

Utilizing exemption from administrative sanctions	22	8,49%	84.193.900	2,17%
Total	259	100,00%	3.885.476.861	100,00%

Source: Processed data, 2022

The table above shows that out of a total of 259 restaurant taxpayers in Bitung City, there are 199 taxpayers who actively pay taxes and 38 taxpayers who pay their taxes past due during the exemption from administrative sanctions. The remaining 60 taxpayers are not actively paying in this case due to no activity during 2021.

Table 4. Number of Bitung City Entertainment Taxpayers in 2021

Description	Taxpayer		Realization	
	Amount	%	Amount (IDR)	%
Not Active	8	25,00%	0	0,00%
Pay full	5	15,63%	84.562.800	34,69%
Pay not full	15	46,87%	151.018.252	61,94%
Not utilizing exemption from administrative sanctions	-	0,00%	0	0,00%
Utilizing exemption from administrative sanctions	4	12,50%	8.212.000	3,37%
Total	32	100,00%	243.793.052	100,00%

Source: Processed data, 2022

The table shows that out of a total of 32 Entertainment Taxpayers in Bitung City, there are 20 Taxpayers who are actively paying taxes with 4 Taxpayers paying their taxes past due during the exemption from administrative sanctions. The remaining 8 taxpayers are not actively paying in this case due to no activity during 2021.

4.2.3 Procedures for paying taxes at Badan Pendapatan Daerah Bitung City

To make tax payments, there are stages that need to be carried out by taxpayers based on provisions from the relevant agencies. The stages were through an interview with one of the Sub-Division Heads of the Data Collection and Registration of Badan Pendapatan Daerah Bitung City, namely Novi Tuegeh, SE, as follows:

- a. Before the due date (manually):
 1. Taxpayers report taxes to Badan Pendapatan Daerah (Bapenda) with a local tax notification letter (SPTPD)
 2. Then, the taxpayer will get a billing code for payment
 3. Taxpayers make payments via Bank SulutGO
 4. Successful payments will go directly to the Bapenda's dashboard
- b. Before the due date (online):
 1. Taxpayers report taxes with the e-SPTPD via the website <https://esptpd.banksulutgo.co.id/bitung/login> and will fill in the data from the website
 2. Then, the taxpayer will get a billing code for payment
 3. Taxpayers make payments via Bank SulutGO
 4. Successful payments will go directly to the Bapenda's dashboard
- c. After past the due date:
 1. Payments are made starting on the 1st-15th of each month, if after that date the taxpayer does not report their taxes, they will be given a warning letter containing the authority to make payments for 3 days.
 2. After 3 days taxpayers still haven't reported and paid the taxes, the right to self-count is no longer valid and taken over by Bapenda.
 3. Underpaid Local Tax Assessment Letters (SKPDKB) or Regional Head Determinations or Occupational Determinations are issued containing sanctions for non-reporting of 25% and negligence sanctions of 2% every month

4. If after 1-month taxpayer does not make a payment, it will be increased to Local Tax Invoice (STPD)

4.2. Discussions

Based on table 4.2 above, out of a total of 115 registered hotel taxpayers, there are 85 taxpayers who are actively paying their taxes. 22 taxpayers of whom paid in full for 12 months with a realization of IDR 178,674,848.00, 54 taxpayers paid not in full with a realization of IDR 1,495,605,611.00 and 9 taxpayers paid past due. Of the 9 taxpayers, 5 of them took advantage of the exemption from sanctions with a realization of IDR 28,869,913.00 so that if multiplied by 27% of the applicable administrative sanctions, they have saved IDR 7,794,876.51. The remaining 4 taxpayers did not take advantage of administrative sanctions with a realization of IDR 11,366,000.00. When interviewed, some said that at that time there were economic difficulties, some did not want to provide information, and some said that they did not know about the exemption from administrative sanctions. The rest could not be interviewed due to unclear or unknown addresses.

Then in table 4.3 above shows that of the total registered restaurant taxpayers at that time, as many as 199 taxpayers were active in paying their taxes. There were 19 taxpayers who paid in full for 12 months with a realization of IDR 1,913,159,061.00, 142 taxpayers who paid not in full with a realization of IDR 1,618,047,749.00, and 38 restaurant taxpayers who paid taxes past due. In past due payments, there were 22 taxpayers who took advantage of the exemption from sanctions with the realization that they received IDR 84,193,900.00 which if multiplied by 27% of the applicable administrative sanctions, there is a saving of IDR 22,732,353.00 for the Compulsory the tax. The remaining 16 taxpayers with a realization of IDR 270,076,151.00 did not take advantage of these administrative sanctions. When conducting interviews with taxpayers who did not take advantage of the exemption from sanctions, 5 taxpayers said that they did not know information about the existence of the exemption from administrative sanctions, 4 taxpayers said that because at that time the number of pandemic cases was still high they experienced economic difficulties and 5 taxpayers who do not want to provide information. The other 2 taxpayers had unclear addresses which made them difficult to reach and could not be interviewed.

Table 4.4 above shows that there are 24 Entertainment Taxpayers who actively pay taxes. 5 Taxpayers of whom paid in full for 12 months with a realization of IDR 84,562,800.00 15 Taxpayers paid not in full with a realization of IDR 151,018,252.00 and 4 Taxpayers paid past due. Of the 4 taxpayers who missed the payment deadline, they all took advantage of the exemption from administrative sanctions with the realization that they received IDR 8,212,000.00 in which there were savings of IDR 2,217,240.00 for the taxpayers.

Through the results of interviews regarding the procedures for paying taxes above, it can be seen that when taxpayers are late paying their taxes they will be subject to a penalty of 27%, where a penalty of 25% is a penalty for not reporting taxes at the Regional Revenue Agency of Bitung city and a 2% penalty is a penalty for negligence sanctions. So, when a Taxpayer has reported the tax to Bapenda but has not made a payment by the specified time limit, the Taxpayer will only be subject to a penalty of 2%. Meanwhile, if the taxpayer does not report and pay the tax, the taxpayer is subject to a penalty of 27%. With the Mayor Regulation No. 42 in 2021 regarding the exemption from sanctions for the April-August 2021 tax period, taxpayers who pay past the due date for the tax period will only pay the principal tax without any administrative sanctions. Even though they will not pay administrative sanctions, the Taxpayer will still receive an Underpaid Regional Tax Assessment Letter

(SKPDKB) or a Regional Tax Collection Letter (STPD) according to the procedure above because the Taxpayer is late in reporting and paying taxes.

5. CONCLUSION

Based on the results of existing research, it can be concluded:

1. Of the 9 hotel taxpayers who paid past due, 5 of them took advantage of the exemption from administrative sanctions and 4 taxpayers did not. Of the 38 restaurant taxpayers who paid past due, 22 of them took advantage of the exemption from administrative sanctions and 16 taxpayers did not. For Entertainment Taxpayers there are 4 Taxpayers who pay past due and they take advantage of the exemption from sanctions.
2. Lack of information regarding the exemption from administrative sanctions for Restaurant Tax, Hotel Tax, and Entertainment Tax as well as the difficult economic conditions due to the pandemic have become an obstacle for these Taxpayers to take advantage of the existing sanction exemptions.
3. In the procedure for paying taxes during the exemption from administrative sanctions for Restaurant Tax, Hotel Tax, and Entertainment Tax, the process is still the same as when paying before the exemption from administrative sanctions, the only difference being during the exemption from administrative sanctions, Taxpayers paying past due taxes do not need to pay sanctions until the specified time limit.

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