

Analisis perlakuan pajak pertambahan nilai atas transaksi penjualan agunan yang diambil alih

RA. Ira Wardani, author

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Abstrak

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Salah satu kegiatan lanjutan yang muncul dalam suatu transaksi pembiayaan konsumen adalah penjualan Agunan Yang Diambil Alih (AYDA) yang dilakukan oleh pihak kreditur dalam hal debitur gagal bayar (wanprestasi). Dari studi kasus terhadap beberapa Putusan Pengadilan Pajak terkait sengketa PPN sehubungan dengan penjualan AYDA dari kreditur kepada pembeli, terdapat perbedaan pendapat antara DJP di satu sisi dengan kreditur selaku Wajib Pajak dan Majelis Hakim di sisi lain. Analisis perlakuan PPN atas transaksi penjualan AYDA dilakukan dengan menganalisis pendapat yang dikemukakan masing-masing pihak pada ketiga contoh kasus yang diambil dalam penulisan ini. Dari hasil analisis menunjukkan bahwa transaksi penjualan AYDA dari kreditur kepada pembeli terutang PPN sesuai Pasal 4 huruf a khususnya Pasal 1A ayat (1) huruf a Undang-Undang PPN Nomor 18 Tahun 2000 tentang Perubahan Kedua tentang Undang-Undang Nomor 8 Tahun 1983 tentang Pajak Pertambahan Nilai Barang dan Jasa dan Pajak Penjualan atas Barang Mewah. Selain itu dari hasil analisis juga diketahui bahwa peraturan PPN yang ada belum efektif dalam menjaring potensi transaksi penjualan AYDA dari kreditur kepada pembeli.

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ABSTRACT

One of the follow-up in a consumer finance transaction is the sale of collateral foreclosed (repossessed collateral) that were carried out by the creditor in case the debtor fails to pay (default). From the case studies of several Tax Court Decision; VAT dispute relating to the sale of repossessed collateral from the creditor to the buyer, there are differences of opinions between the Directorate General of Taxation (DGT) on one side with the Taxpayers as creditors and the Judges on the other side. DGT found that the sales of repossessed collateral by creditors are owed submission of VAT but the creditors (banks and finance companies) as well as the Judges thought that the sale of AYDA is not a VAT payable. Analysis treatment of VAT on the sale of AYDA is done by analyzing the opinions expressed in each of the third party case which is taken in this thesis. The results of the analysis indicate that the sale of repossessed collateral from creditors to the buyers are owed VAT pursuant to Article 4 letter (a) particular paragraph of Article 1A (1) letter (a) VAT Law Number 18 Year 2000 concerning the Second Amendment Act Number 8 of 1983 on VAT Value of Goods and Services and Sales Tax on Luxury Goods. In addition, from the results of the analysis is also found out that the existing of VAT regulations have not been effective in attracting the potential sale of repossessed collateral from the creditors to the buyers.

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