

Perbandingan automatic exchange of information dan foreign account tax compliance act serta implikasi keduanya terhadap industri perbankan di Indonesia = Comparisons between automatic exchange of information and foreign account tax compliance act and their implications for the banking industry in Indonesia

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Abstrak

Pemberlakuan Automatic Exchange of Information AEOI dan Foreign Account Tax Compliance Act FATCA di Indonesia bertujuan meningkatkan pemasukan pajak bagi Indonesia dan negara mitranya dengan menggunakan informasi keuangan milik masyarakat. Karena diberlakukan secara bersamaan, harus dipahami persamaan dan perbedaan antara AEOI dan FATCA. Selain itu harus diamati bagaimana AEOI dan FATCA akan berdampak pada kegiatan perbankan di Indonesia. Penelitian ini merupakan suatu penelitian yuridis normatif dengan metode pengumpulan data berupa studi pustaka dari bahan hukum primer, sekunder dan tersier. Dikembangkan dari basis yang sama, yakni Intergovernmental Agreement Model 1 FATCA IGA Model 1, menjadikan AEOI dan FATCA memiliki beberapa persamaan dan perbedaan. Persamaan tersebut diantaranya latar belakang dan tujuan pembentukan, media serta sifat pemberlakuan, klasifikasi lembaga jasa keuangan yang terlibat serta informasi yang wajib dilaporkan. Adapun perbedaannya antara lain, subjek yang terlibat, objek yang wajib dilaporkan, prosedur pemberlakuan, peran dan keterlibatan negara, sanksi dan kondisi penerapan di Indonesia. AEOI dan FATCA memberikan dampak pada kegiatan dalam industri perbankan Indonesia. Adanya kewajiban untuk melaporkan informasi keuangan nasabah membuat berubahnya ketentuan mengenai akses rahasia bank untuk kepentingan perpajakan. Perubahan ini membuat Direktorat Jenderal Pajak memiliki akses rahasia bank secara langsung. Perubahan ketentuan rahasia bank ini dapat pula mengganggu fungsi intermediasi dalam perbankan. Nasabah yang tidak nyaman dengan ketentuan ini berkemungkinan melakukan capital flight atau terjadi banking panic yang dapat mengganggu kesehatan perbankan. Penerapan AEOI dan FATCA harus menjadi perhatian bagi stakeholder di bidang perbankan. Bank juga harus mempersiapkan solusi untuk mempertahankan kepercayaan masyarakat seiring dengan perubahan ketentuan akses rahasia bank untuk kepentingan perpajakan.

.....The enactment of the Automatic Exchange of Information AEOI and the Foreign Account Tax Compliance Act FATCA in Indonesia aims to increase tax revenue for Indonesia and its partner countries by using publicly owned financial information. Because it is applied simultaneously, we must understand the similarities and differences between AEOI and FATCA. In addition it should be observed how AEOI and FATCA will impact on banking activities in Indonesia. This research is a normative juridical research with data collection method in the form of literature study from primary, secondary and tertiary law materials. Developed from the same base, namely Intergovernmental Agreement Model 1 FATCA IGA Model 1, making AEOI and FATCA have several similarities and differences. These equations include the background and objectives of the formation, the media as well as the nature of enforcement, the classification of the financial services institutions involved and the information that must be reported. The differences are among others involved subjects, objects that must be reported, enforcement procedures, roles and state involvement, sanctions and conditions of application in Indonesia. AEOI and FATCA have an impact on activities in the

Indonesian banking industry. The existence of an obligation to report the financial information of the customer makes changes to the provisions concerning the secret access of the bank for tax purposes. This change makes the Directorate General of Taxes have direct access to bank secrets. Changes to the bank's confidentiality provisions may also interfere with the intermediation function in the banking sector. Customers who are not comfortable with this provision are likely to make a capital flight or a banking panic that may disrupt banking health. The application of AEOI and FATCA should be of concern to stakeholders in banking. Banks should also prepare solutions to maintain public trust in line with changes in bank secrecy provisions for tax purposes.