Perlakuan pajak atas selisih kurs pada perusahaan yang menyelenggarakan pembukuan dalam mata uang Dollar Amerika Serikat: kasus pada PT X Jakarta = the Treatment of tax on foreign exchange difference to the company is permitted to maintain bookkeeping in US Dollar currency: case in PT. X Jakarta

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Abstrak

<i>The role of taxpayers permitted to maintain their book keeping in US $ currency to government's revenue are increasing therefore such discriminatory policy needs a serious study to ensure the fairness and certainty in implementation. Minister of Finance Decree Number 533 Year 2000 specifying five types of business which are allowed to maintain the book keeping in US $ without a criterion as standardized in financial accounting standard (FAS), as a result arising issue in the effort of taxing foreign exchange difference. Accounting standard sees the non functional currency as a foreign currency. All monetary items and all transactions are denominated in foreign currency generate the foreign exchange difference. Prevailing implementation rules designed to rule the Rupiah book keeping which will become inequitable judicially if applied to the US $ books taxpayer. This thesis is addressed to analyze the foreign exchange difference treatment to the company permitted to maintain their bookkeeping in US $, base on license's granting criteria, exchange rate and foreign exchange rate difference, foreign exchange treatment in prevailing regulations, exchange rates and financial report items translation, and the improvement proposal to make the foreign exchange taxing will be in line with the basic law principles.

US $ bookkeeping is designed to respond the globalization demand and to provide the conducive climate of investments. Accountancy is an element of tax administration in providing information about tax object. Accounting information is expressed in monetary unit is so-called as an accounting currency. Accounting currency is functional currency, currency considered as non-functional be foreign currency. Exchange rates fluctuation is generating foreign exchange difference. Restatement of foreign currencies balance and transactions denominated in foreign currency within two different points of time will generate foreign exchange losses/gains which ultimately affecting the tax liability. S-H-S income concept assumes the foreign exchange rate difference as a part of capital gains or capital losses, which should be taxed or deducted at the realization date.

Type of research for this thesis has the character of analytical-descriptive. Data collecting conducted with research of documents and research of field. Research of documents conducted with research of bibliography and research of field. Research of bibliography cover research of literatures, expert's opinions, relevant taxation rules and financial data of PT X. Field research conducted by holding an interview with interested parties to the foreign exchange difference taxation case which studied-in is PT X case as according to Code of Foreign Capital.

The principle of book keeping rule in the law of General Provision and Taxation Procedure (referred as

"KUP Law") mention that unless otherwise stipulated by tax laws, the book keeping must be executed by means or systems normally uses in Indonesia, like on the basis of Financial Accountancy Standards (FAS). The KUP Law gives authority to Minister of Finance to define the taxpayer which may allow to maintain book keeping in US $ without accompanied by criterion, therefore MOF has his own discretion to issue further book keeping rules which might possibly oppose the basic principles of basic rules. Every transaction carries out in the non US S currency will yield the foreign exchange difference. A foreign exchange gain is subject to tax and a foreign exchange loss will be deductible from the gross income. Prevailing implementation rules related to the foreign exchange difference do not itemize particular financial report post able to be translated by historical exchange rate and balance, which translated with current exchange rate. The tax authority's treatment and tax court's decision on the PT X case was derived from Gunadi's opinion in his book that there is no foreign exchange loss from the tax payables or receivables accounts since the taxes receivables/ payables account should be translated by historical exchange rate. From accounting point of view, the Gunadi's method of translation is a temporal method with dual transactions perspective which nor FAS neither prevailing tax laws does not adopted. FAS adopts the monetary and non monetary translation method as an accepted standard to report all foreign currency transactions.

It is recommended that the licensed taxpayer to apply the US $ book keeping has to rely on certain criteria in line with the other article within the same provision. The implementation provisions of forcij exchange difference need to update by inserting the detail of foreign exchange loss derived from which items allow as deduction and the detail of foreign exchange gain derived from which items treats as the income tax object.</i>