



THE IMPLEMENTATION OF TAX IMPOSITION MICRO SMALL MEDIUM ENTERPRISE (MSME) IN THE FORM OF LIMITED COMPANIES AFTER THE EXPIRY PERIOD OF FINAL INCOME TAX

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Abstract

The MSME tax policy has undergone several changes and changed regulations. In 2022, the government again re-regulated MSME taxes, namely PP Number 55 year 2022 regarding Adjustments to Regulations on Income Tax. This research uses a descriptive qualitative approach. With the issuance of PP Number 55 of 2022, this provides an opportunity to increase the taxes owed by MSMEs and researchers also want to illustrate to the government that after this regulation is issued what impact will be felt by MSME Taxpayers, so that this will later be used as an evaluation by the Government. The result of this research is the calculation for the 2023 tax year using the rate of Article 17 of the Income Tax Law with the rate of 22%, and an additional 50% tax reduction as the Income Tax Law Art 31 E, resulting in the tax payable of IDR 4,240,946.16. PT ABC must carry out the bookkeeping obligations in reporting the tax liabilities and create proof of transactions for every business transaction to avoid a high tax burden.

Keywords: Final income tax, MSME, Tax payable,

INTRODUCTION

The MSMEs in Indonesia have a major role in the country's economy. This is reflected in the number of MSMEs in 2018 reaching 64.2 million or 99.99% of the number of business actors in Indonesia. This figure absorbs a workforce of 117 million workers, and contributes to GDP by 61.1% (Sasongko, 2020). However, it turns out that of the 62.4 million figures, only 2.31 million are taxpayers (Akbar, 2024). The low number of MSME that become a taxpayers illustrates that MSME tax compliance in Indonesia is very low. This is influenced by internal and external factors. The internal factors include low MSME knowledge related to understanding the implementation of the self-assessment system that requires independence in fulfilling the tax obligations and the implementation of an online tax system, low self-awareness characterized by a passive attitude and a tendency to wait for instructions or assistance from tax officers. While external factors include the MSME environment that tends to be non-compliant, economic conditions characterized by low income, and suboptimal AR supervision. Meanwhile, MSME tax compliance is influenced by tax compliance costs, where the greater the cost of tax compliance, the lower the tax compliance (Fuadi & Mangoting, 2013). Tommy (2022) conveyed that the government is encouraging and increasing MSME taxpayer compliance by simplifying calculations, reporting, and imposing one type of tax for MSMEs.

Implementation according to Grindle as quoted by Akbar & Gunadi (2021) is a general process with administrative actions that can be studied at a specific program level. Implementation is the execution of basic policy decisions, usually included in legislation, but also in the form of important executive requests or court decisions, which ideally identify problems to be recognized based on the purpose to be convinced and in various ways. This study focuses on the implementation of Government Regulation Number 55 year 2022. MSME tax policy has changed several times. Starting from the policy of GR Number 46 year 2013 regarding Income Tax on Income from Business Received or Obtained by Taxpayers Who Have Certain Gross Turnover, the regulation explains that the MSME tax rate is 1% of gross income. Furthermore, GR Number 23 year 2018 regarding Income Tax on Income from Businesses Received or Obtained by Taxpayers Who Have a Certain Gross Turnover, from this regulation it states that the MSME Taxpayer rate is 0.5% of gross income. Most recently, in 2022 the



government re-regulated MSME taxes, namely GR Number 55 year 2022 regarding Adjustments to Income Tax Regulations. In this regulation, the government does not increase or decrease the rates, but there are rules that are re-emphasized, namely the period of use of the final rate. Where if the MSME Taxpayer is already in the period of using the rate, then the MSME Taxpayer is no longer allowed to use the final rate.

The period rules include 7 years for individual taxpayers, 4 years for cooperative, CV, firm, individual taxpayers, and 3 years for corporate taxpayers. The consequence of the expiration of the usage final rate period is that MSME taxpayers must use the tax rate based on Article 17, with the rate of 22%, and if they have a turnover of less than 50 billion a year, they will receive an incentive in the form of a 50% tax rate reduction. Furthermore, apart from the time period, if MSME taxpayers already using the normal tax rates, they are required to have a bookkeeping, not recording anymore because the calculation of the tax payable is using net profit or fiscal income.

As an encouragement to fulfill the principle of ease of administration which states that there must be a certainty, both for tax officers and all taxpayers and the entire community (Rosdiana & Irianto, 2014). The tax laws should not change too often, and if there are changes, they should be in the context of systematic and comprehensive tax reform. Regulations that do not change too often have a higher degree of certainty than regulations that change too often. Because if the regulations change frequently, it will confuse Taxpayers and make it difficult for Corporate Taxpayers to make business strategy plans. The MSME in Indonesia want the government to be more pro-small businesses, and the principle of ease of administration is expected to be included in the latest tax implementation regulations for MSME.

If the period using the final rate has expired, the tax treatment of MSME will be the same as Corporate Taxpayers. In fact, the size of the company is very different, the ownership of resources such as the human resources, technological resources, resources or company assets, and the capabilities of small and large companies are very different. The obligation to have a bookkeeping is also mandatory for the MSME Taxpayers who have used tax rates based on Article 17 of the Income Tax Law.

This research was conducted at PT ABC, a trading company that sells computers to schools in Bekasi. PT ABC has a gross income of under 4.8 billion per year, so it is categorized as MSME Taxpayer. This research also focuses on calculating corporate taxes in 2023 since the issuance of this Regulation.

The research conducted by Dini Kurnia Antika & Harris (2024) on the Implementation of GR Number 55 year 2022 on Individual MSME E-commerce in Malang resulting there were an increase in Final Income Tax in Malang. Meanwhile, the research by Munandar et al., (2023) regarding the analysis of the use of the final rate of 0.5% according to GR Number 55 year 2022 with the normal rate with Article 31 E facilities resulting in the use of the normal tax rate have a lower tax payable rather than the final tax rate. Research by Hygi Prihastuti et al., (2023) found that GR Number 55 year 2022 has an impact on MSME Tax Compliance. Meanwhile, this research is to analyse the implementation of GR Number 55 year 2022 on taxes payable of PT ABC, the difference from the three studies above is that this study is not on Individual MSME, but Corporate MSME, and does not make comparisons, only focusing on the impact of this regulation on PT ABC. The purpose of this research is to analyze how the tax implication MSME in the form of PT (Private Company) which is PT ABC, after the expiration period for using Final Income Tax. This research will also describe the impact of using normal tax rates, whether any tax facilities will be obtained, and the influence of PT ABC tax payable.



LITERATURE REVIEW

Tax Policy

Bird, Richard quoted by Akbar (2022) mentioned that the basic and important characteristic of a good tax system is generating sufficient revenue to fund government operations and programs. The rate at which revenue increases over time depends on the tax structure, the quality of tax administration, and the rate and nature of economic growth. Rosdiana & Irianto (2014), mentioned that tax policy is influenced by supply side tax policies, tax cut policies, tax expenditure issues in supply side tax policy, reconstruction of the concept of supply-side tax policy. Policy by changing tax policy to change government revenues sourced from taxpayers, which will later be used to change the government's ability to fund its programs in increasing economic growth or public welfare (Sudirman & SE, 2017). Meanwhile, according to Isnaini (2017) fiscal policies to achieve the desired economic stability are generally set out in development plans.

Principle of Ease of Administration

Rosdiana & Irianto (2014) stated that tax laws should not change too often, and if there are changes, the changes should be in the context of systematic tax reform. Regulations that do not change often have a higher degree of certainty than regulations that change too often. Regulations that continue to change will confuse taxpayers and also make it difficult for corporate taxpayers to make strategic business plans. Indicators of the principle of ease of administration:

Certainty

There must be certainty for both tax officers and all Taxpayers and the entire community. Certainty about who should be taxed, what is used as a tax object, and the amount of tax that must be paid and how the amount of tax payable must be paid. Rosdiana & Irianto (2014) also stated that the principle of certainty is the most fundamental thing in a taxation system, because uncertainty will increase the potential for disputes (differences of opinion) between Taxpayers and Tax Officers.

Efficiency

Efficiency can be seen from two sides, namely efficient from a fiscal perspective which includes relatively low administrative and law enforcement costs, meaning it is said to be efficient if the cost of tax collection carried out by the Tax Service Office is smaller than the amount of tax collected. Meanwhile, from the Taxpayer's perspective, it is efficient if the costs that must be incurred by Taxpayers to fulfill their tax obligations can be as low as possible. In other words, tax collection is efficient if the tax costs are low.

Convenience of Payment

The principle that states that tax payment should be possible at a time that is pleasant or convenient for Taxpayers, for example when receiving a salary or other income such as deposit interest. Taxes are collected at the right time (pay as you earn), clear determination of tax payment due dates, and clear payment procedures. Taxpayer compliance costs are not only in the form of taxes that have been paid but also all costs that occur over and above any distortion costs inherent in the nature of the tax.

Simplicity

Regulations that are easy to implement and not complicated will be more certain, clear, and easy to understand for Taxpayers. For example, in income tax there is a tax calculation method called presumptive tax or deemed taxable income, where in calculating the tax payable, Taxpayers are given the convenience of using the net income calculation norm.

Compliance Costs

Compliance costs according to Rosdiana & Irianto (2014) fiscal cost, time cost, Psychological Costs. Fiscal Cost is a cost or burden that can be measured by the value of money



that must be spent or borne by Taxpayers related to the process of implementing tax obligations and rights. Fiscal costs include: honorarium/tax employee, consultant services hired by Taxpayers, transportation costs for tax administration (costs for submitting tax return, transportation costs for paying taxes), printing and duplicating tax forms, presentation costs. ii) Time Cost, in the form of costs in the form of time needed to carry out tax obligations and rights, in the form of: time needed to fill out tax forms, time needed to fill out tax return and submit tax return, time needed to discuss tax exposure with tax consultants, time needed to discuss Audit Result Reports with the tax authorities, time needed to file objections or appeals. Iii) Psychological Costs are psychological costs including stress/unease, uncertainty, restlessness, and uncertainty that occur in the process of implementing tax obligations and rights.

Presumptive Tax

Presumptive tax according to Victor Thuronyi quoted by Akbar (2022) is an assumption that the amount of income is determined indirectly. Hamzah & Widiastuti (2023) mentioned that presumptive tax is one of the taxation solutions for Taxpayers who still have limitations in bookkeeping. This model is a solution for MSME to the problem of high tax administration costs. This model is also used to tax MSME in countries with low levels of MSME tax compliance. Bulutoglu (1995) said that The use of punitive presumptive tax rates to push small tax payers into self assessment may backfire by causing taxpayers to go underground.

Micro, Small and Medium Enterprises (MSME)

According to Law Number 20 of 2008 regarding Micro, Small and Medium Enterprises, it is a productive business owned by individuals and/or individual business entities that meet the criteria for micro businesses. Small businesses are independent productive economic businesses, carried out by individuals or business entities that are not subsidiaries or branches of companies owned, controlled, or are part of either directly or indirectly a medium or large business that meets the criteria for small businesses. Medium businesses are independent productive economic businesses carried out by individuals or business entities that are not subsidiaries or branches of companies owned, controlled, or are part of either directly or indirectly a small or large business with a net worth or annual sales results. This MSME business aims to grow and develop its business in order to build a national economy based on a economic democracy.

The criteria for micro businesses are having a maximum net worth of Rp 50,000,000 (fifty million rupiah) excluding land and business buildings and having annual sales results of up to Rp 300,000,000 (three hundred million rupiah). The criteria for small businesses are having a net worth of more than Rp 50,000,000 (fifty million rupiah) up to a maximum of Rp 500,000,000 (five hundred million rupiah) excluding land and business buildings and having annual sales results of more than Rp 300,000,000 (three hundred million rupiah) up to a maximum of Rp 2,500,000,000 (two billion five hundred million rupiah). The last one is the criteria for medium-sized businesses, namely having net assets of more than IDR 500,000,000 (five hundred million rupiah) up to a maximum of IDR 10,000,000,000 (ten billion rupiah) excluding land and business buildings and having sales results for one year of more than IDR 2,500,000,000 (two billion five hundred million rupiah) up to a maximum of IDR 50,000,000,000 (fifty billion rupiah).

Government Regulation Number 55 year 2022

Government Regulation Number 55 year 2022 regarding Adjustment of Income Tax Regulations Article 57 of GR Number 55 year 2022 explains that domestic taxpayers who have a certain gross turnover subject to final income tax consist of individual taxpayers and corporate taxpayers in the form of cooperatives, limited partnerships, firms, limited liability companies,



or village-owned enterprises/joint village-owned enterprises, which receive or obtain income with a gross turnover of not more than IDR 4,800,000,000 (four billion eight hundred million rupiah) in 1 (one) tax year. Article 57 explains that the final income tax rate of 0.5% still applies to the taxpayers mentioned.

The period in Article 59 explains that there is a certain time period for the imposition of final income tax, namely 7 years for individual taxpayers, 4 (four) years for corporate taxpayers in the form of cooperatives, limited partnerships, firms, village-owned enterprises/joint village-owned enterprises, or individual companies, and 3 (three) tax years for corporate taxpayers in the form of limited liability companies. The period is calculated from the tax year the taxpayer concerned is registered. The incentive in Article 60 explains that businesses whose annual income is less than IDR 500,000,000 are not subject to tax. Article 61 also explains that taxpayers who can use this final rate option are taxpayers whose gross turnover does not exceed IDR 4,800,000,000 (four billion rupiah).

The Function of Tax as an Instrument of Justice and Equity

Quoting Rosdiana & Irianto (2014) stated that low tax compliance indicates a weak state because the community does not have confidence that the taxes paid will provide welfare for the wider community. This justice and equality are a requirement to increase tax compliance. Justice can be highlighted in terms of government support for policies and regulations made for the community. One example is the latest regulation, namely GR Number 55 year 2022 concerning the final income tax period that can be applied to MSME in Indonesia. MSMEs are one of the taxpayers that must be of concern to the government, because they contribute 60.5% to GDP with a total of 65.4 million businesses, but only 2.31 million are taxpayers. In fact, GR Number 46 year 2013 stipulates that all taxpayers who have businesses below 4.8 billion rupiah are required to pay taxes at the final rate. There is a gap of around 63 million who do not report their taxes. Why does this happen? Do people not believe in the function of taxes as an instrument of justice and equality, or do people really feel reluctant to pay taxes?

METHODS

This research was conducted at PT ABC, a computer trading company that sells computers to schools in Bekasi. PT ABC has a turnover of under 4.8 billion, where this amount is included in the final tax category according to GR Number 55 year 2022. The subject of the research, namely the owner of PT ABC, asked to keep the initials of the PT name confidential for the sake of company privacy because in this research financial reports will be presented, that is the company's profit and loss report, in-depth interviews about company transactions. And this type of PT is not a public PT so that financial reports are something that must be kept confidential. This study uses a qualitative research method using primary data. The data collection method uses the interview method. Sugiyono (2022) states that the interview method is the exchange of information and ideas through questions and answers so that meaning can be constructed in a particular topic.

The researcher will use in-depth interviews with the Owner of PT ABC to collect data, and complemented with document data in the form of PT ABC financial reports to complete the research needs. The interview was conducted by the Researcher using Google Meet media due to the busyness of the informant who often goes out of town. Virtual interviews provide the advantage that interviews can continue to run with a focus on informants to conduct research, but can save time and costs, and can reach distant and busy sources.



RESEARCH RESULTS AND DISCUSSION

The Implementation of Government Regulation Number 55 year 2022

The research from Hygi Prihastuti et al. (2023) shows that the policy of GR Number 55 year 2022 and the trust to the government affecting the compliance of MSME Taxpayers in Pekanbaru City. Research from Kusufiyah & Anggraini (2024) found that the policy of GR Number 55 year 2022 had no effect on tax compliance in Padang City, this was due to the lack of knowledge and socialization obtained by MSME Taxpayers in Padang City. Munandar et al. (2023) resulting that using the Income Tax Law, the amount of tax payable was lower, namely IDR 4,142,484 compared to using GR Number 55 year 2022 which was IDR 14,681,262, these results illustrate that using the Income Tax Law will save taxes compared to the final rate. Meanwhile, research from Lamberty & Widjaja (2022) resulting in companies experiencing an increase in tax burdens and a decrease in profits if they use the rate of Article 17 paragraph 2 (a) of the Income Tax Law. Hartini & Suwandewi (2022) stated that there is an indication of a reduction in the amount of tax when compared to the calculation of the final rate, and it is advised that MSME will pay attention to the amount of profit margin because gross circulation is no longer a reference for calculating or the basis for imposing tax.

Tax policy is a fiscal policy in the narrow sense, which means a policy related to determining what will be used as a tax base, who is taxed, who is exempted, what will be taxed, what is exempted, how to determine the amount of tax owed and how to determine the procedure for implementing tax obligations owed (Rosdiana & Irianto, 2014).

Before calculating the corporate income tax of PT ABC, we must understand which regulation we will apply, what type of tax subject, what type of tax object, and what are the provisions. To find out, the researcher obtained information about one of the financial reports, namely the profit and loss report of PT ABC as follows

Tahun 2023

(Dalam Rupiah)

PENDAPATAN

Pendapatan	805.916.443
Biaya Pokok Penjualan	(614.390.720)

LABA (RUGI) USAHA

191.525.723

BEBAN USAHA

61101 Biaya Gaji	(117.000.000)
61102 Biaya Perjalanan Dinas	(20.000.000)
61106 Biaya Jasa Profesi	(11.000.000)
61110 Biaya Internet & Telepon	(4.832.100)
62500 Biaya Penyusutan IT Hardware/ Electronics	(139.587)

Jumlah Beban Usaha (152.971.887)

LABA (RUGI) BERSIH USAHA

38.554.056

LABA (RUGI) SEBELUM PAJAK

38.554.056

Source: Research Data from Owner of PT ABC (2024)



Based on the financial position report above, it can be seen that the gross income of PT ABC's business is IDR 805,916,443.00. The income is still below 4.8 billion so that it is categorized as an MSME taxpayer who is allowed to use the final rate. Regardless of the time period or before GR Number 55 year 2022, MSME taxpayers have the option to calculate taxes as follows:

Table 5 Tax Calculation Options for PT ABC

Description	Final Tax	Normal CIT based on Article 17
Tax Base	Turnover	Fiscal/Net Income
Rate	0,5%	22%

Source: Processed by Researchers (2024)

Tax calculations options based on the table above that PT ABC has 2 (two) tax calculation options if it meets the requirements, it is allowed to use the final rate, and if PT ABC chooses to be subject to the normal rate based on Article 17 of the Income Tax Law, then PT ABC will be subject to the normal rate of 22%. The requirements that must be met by PT ABC to be allowed to use the normal rate are as follows:

Tabel 6 Final Income Tax Period

Company Type	Turnover	Period
Private Company	Less than 4.8 Billion	3 Tahun
Cooperative, CV, Firm Taxpayer	Less than 4.8 Billion	4 Tahun
Individual Taxpayer	Less than 4.8 Billion	7 Tahun

Source: Processed by Researchers (2024)

The table of tax calculation periods above has the consequence that if the taxpayer has passed the specified period, the tax treatment will be the same as that of a general corporate taxpayer, namely in accordance with Article 17 of the Income Tax Law, which is subject to a tax rate of 22% on fiscal income/net income.

Based on the interview with the owner, that PT ABC was established and operating since 2020, and uses the final rate. So PT ABC has used the final rate for 3 years from 2020 to 2022 Fiscal year. So based on the table of tax rate calculation periods, PT ABC is a private company so that in the 2023 tax year, PT ABC is no longer allowed to use the final rate.

Tax Calculation of PT ABC After Implementation of GR Number 55 year 2022

The tax calculation of PT ABC after the issuance of GR Number 55 year 2022 is that PT ABC is no longer allowed to use the final rate of 0.5% because it has exceeded the 3-year period according to the regulations. So the tax calculation of PT ABC uses the rate according to Article 17 (1), which is 22%, but because PT ABC turnover of less than 50 billion, PT ABC gets tax facilities according to Article 31 E, which is a tax reduction of 50%. The tax calculation is:

$$\text{Tax Payable} = \text{Fiscal Net Income} \times 22\% \times 50\%$$

Based on PT ABC's profit and loss report, the company earned a net profit before tax of 38,554,056.00, so PT ABC's tax payable in 2023 is

$$\text{Rp } 38.554.056,00 \times 22\% \times 50\% = \text{Rp } 4.240.946$$

The tax calculation before and after the implementation of this PP can be seen in the table below:

Comparison Table of Tax Payable Calculation

Description	Final Tax Calculation	Normal CIT Calculation
Turnover	805.916.433,00	805.916.433,00
Fiscal Income	38.554.056,00	38.554.056,00
Tax Base	805.916.433,00	38.554.056,00



Rate	0.5%	50% x 22%
Tax Payable	4.029.582,22	4.240.946,16

Source: Processed by Researchers (2024)

Based on the comparative option of calculating tax payable, it was found that after the implementation of GR Number 55 year 2022, PT ABC received a higher tax payable of 4,240,946.16 because using the normal tax rate and with additional tax facilities according to Article 31 E. Interviews conducted by researchers regarding the tax increase were considered by the Owner and very noticeable because it is still classified as a small business. PT ABC also has to find a tax consultant to assist in making bookkeeping, which is an obligation for Taxpayers in calculating tax payable. This also increases the company's costs because it has to pay for financial and tax consultant services. PT ABC is also worried that the income received will appear large because the costs incurred so far have not been recorded and do not have good documentation.

Hartini & Suwandewi (2022) mentioned that there is an indication of a reduction in the amount of tax when compared to the calculation of the final rate. Meanwhile, the results of this study differ from the calculation using the normal rate according to Article 17, resulting in a higher tax payable compared to the final MSME rate. This study supports research from Lamberty & Widjaja (2022) which shows that companies will experience an increase in tax burdens and a decrease in profits if they use the rate of Article 17 paragraph 2 (a) of the Income Tax Law. The calculation of tax after the expiration of the final rate, is not in line with the guidelines or presumptive tax model where Hamzah & Widiastuti (2023) mentioned that presumptive tax is one of the tax imposition solutions for Taxpayers who still have limitations in bookkeeping. With the change in the normal rate, requiring MSME to have a bookkeeping, this encourages MSME to increase the compliance costs, namely fiscal costs which can be in the form of paying an accountant or consultant fees in making MSME bookkeeping.

CONCLUSIONS

The implementation of taxation of MSMEs in the form of limited liability companies after the expiration of the final income tax period is if the Company in the form of a limited liability company has used the final rate for 3 years, then after that it must use the normal corporate income tax rate. The company will use the normal rate of 22% by obtaining a reduction facility according to Article 31 E, which is 50%, this study results in a higher tax payable than using the final calculation. The company objects to having to pay higher taxes and bookkeeping rules. The rules according to Article 17, the Company is required to keep books, this encourages MSMEs to increase compliance costs, namely fiscal costs in the form of payment for tax consultant or accountant services in making bookkeeping and tax reporting. Small companies or MSMEs according to this rule will be equated with corporate income tax, both rates and bookkeeping obligations. So the government needs to review the tax regulations for MSMEs, in order to provide justice and support for small businesses in order to encourage company growth.

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