

The Practice of Tax Evasion on Acquisition Tax of Right on Land and Building

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Abstract

Shifting the authority to collect the Acquisition Duty/Tax of Right on Land and Building (Bea Perolehan Hak atas Tanah dan Bangunan or BPHTB) from central government to local government is a fiscal decentralization policy currently put in place by the government to strengthen local taxing power. However, the local governments are facing challenges in collecting the BPHTB. The practice of tax evasion is a case in point. This, in Sumbawa Regency, is indicated by the determination of value of BPHTB, which is much lower than it should be. In fact, in many cases it is mostly zero. This study aims to analyze the practice of tax evasion in BPHTB in Sumbawa Regency and factors that influence it. This study uses a qualitative approach and case study research strategy, which is single case embedded design. The findings show that the practice of tax evasion is done by reducing the Acquisition Value of Tax Object (Nilai Perolehan Objek Pajak or NPOP) by duplicating the proof of transaction, and obscuring the conditions of tax object. There are some factors that influence the occurrence of tax evasion, including the probability of tax audit, the level of sanction imposed, and the application of Acquisition Value of Non-Tax Object (Nilai Perolehan Objek Pajak Tidak Kena Pajak or NPOPTKP) in the BPHTB. There are two expected contributions of this study. First, enriching literature on taxation in public sector particularly local taxation and BPHTB. Second, providing input to the local government of Sumbawa Regency to improve the implementation of the BPHTB collection by local government. This, in turn, could minimize tax evasion practices and at the same time optimize the taxation and budgetary function.

Keywords: Tax Evasion, BPHTB, NPOP, NPOPTKP, Local Taxes

1. Introduction

Tax evasion is an active effort of the Taxpayer in terms of reducing, abolishing, illegal manipulation of tax debt or escaping not to pay taxes, as has been owed according to the rules of law (Rahayu, 2010:147). Tax evasion is a barrier in tax collection and is one form of active resistance of taxpayers. Mardiasmo (2016: 11) states that active resistance is to cover all efforts and deeds performed by the taxpayer in order to avoid taxes. Tax evasion will certainly affect the level of tax revenue itself. Various ways are done in the practice of tax evasion, as well as various causes of occurrence. Along with that, Allingham and Sandmo (1972) introduced the Risk Aversion Theory which explains that no individual is willing to pay taxes voluntarily, individuals will always oppose to pay taxes (risk aversion).

The results of several previous studies suggest that tax evasion is done due to the lack of taxpayer trust over the tax authorities (Wahyuni, 2011; Friskianti and Handayani, 2014; Neifar, 2016), unfair tax system (Neifar, 2016), high tax rates (Phoon, 2012 ; Abdixhiku, 2013; Neifar, 2016), probability levels for audit and punishment (Phoon, 2012). Ross and McGee (2012) state that education levels do not make a difference in attitudes toward tax evasion. Several other factors affecting tax evasion actions in previous studies include Corporate Governance (Darmawan and Sukartha, 2014, Maharani and Suardana, 2014), Profitability (Maharani and Suardan, 2014; Rinaldi and Cheisviyanny, 2015), and Company Size (Darmawan and Sukartha, 2014; Rinaldi and Cheisviyanny, 2015). From a moral point of view, Hutami (2010) mentions that taxpayers who pay taxes less than they should by tax evasion practice are unjustified in terms of religion, law and morals (ethics). Meanwhile Samuel (2011) and Abdixhiku (2013) stated that there is a significant amount of correlation between tax compliance and tax morale.

Indeed the practice of tax evasion is not something that is easy to do. Structuring transactions to avoid or minimize taxes is complex, thereby fraught with risks, especially for tax consultants (Simser, 2008). But they will continue to avoid taxes as long as the benefits of the crime outweigh the detection of risks and punishment (Dalu, 2012). Although they know the benefits that can be gained by setting aside some of their income to the country so it can give a positive influence on tax revenue.

Tax evasion practices are most vulnerable to taxes using self-assessment systems in the collection. The self-assessment system is a collection system that fully authorizes taxpayers to calculate, report, and pay for their own tax payable (Mardiasmo, 2016: 9). The self-assessment system in tax collection allows taxpayers to commit fraudulent actions such as minimising the value used as the basis for taxation (Friskianti and Handayani, 2014). One of the taxes that uses the self-assessment system in the collection is the tax on the acquisition tax of land and building (BPHTB). BPHTB is a tax on the acquisition of land and/or building rights. While Acquisition of Land and/or Building Rights is a legal act or event which resulted in the acquisition of rights to land and/or building by an individual or entity (Law 28/2009). Acquisition of the land and/or building rights is at once the object of BPHTB tax. While the acquisition of the land and/or building rights includes: buying and selling; exchange; grant; Grant of wills; inheritance; Income in the company or other legal entity; The separation of the rights that resulted in the transition; Appointment of buyer in auction; The execution of a judge's decision having permanent legal power; Business combination; Business smelting; Business expansion; gift; Continuation of disposal of rights; Or beyond the release of rights.

Judging from the collection agency, BPHTB is part of the local taxes because the authority to collect BPHTB is the authority of the district/city government. Previous BPHTB is a type of tax which is the authority of the Central Government, where the collection and previous management through the Pratama Tax Office throughout Indonesia. The transfer of BPHTB collection authority to the district/city government commenced on January 1, 2011, as a consequence of the enactment of Law No. 28 of 2009 on Regional Taxes and Levies. The transfer of BPHTB tax collection authority to regional governments is a policy of fiscal decentralisation in the context of strengthening local taxing power.

However, in the implementation of BPHTB collection by the Local Government cannot be separated from the tax collection obstacles. The obstacle is in the form of an active resistance of taxpayer, namely tax evasion. The issue of the occurrence of tax evasion on BPHTB by downplaying the acquisition value, sort of has become public secret. As is the case with Sumbawa Regency, which is indicated by the large number of Local Tax Payment Slip (SSPD) BPHTB whose tax assessments

are low and most of them are "nil" taxes. Data from the Local Revenue Board of Sumbawa Regency shows that since 2011-2015 an average of 1,051 reports of land and/or building transfers changed annually. However, only about 26.8% of those reports can be collected BPHTB taxes, while 73.2% cannot be taxed BPHTB (nil tax). The "nil tax" determination occurs when the reported NPOP is under or equal to the NPOPTKP. Minimising the value of transactions of land and/or building transfers so as not to achieve the NPOPKP, is an act of tax evasion BPHTB (Jumardi, 2010).

Therefore, the focus of this research is on tax evasion BPHTB in Sumbawa regency. Based on the results of a review of some of the previous studies on tax evasion, most research only revolves around Value Added Tax (PPN) and Income Tax (PPH), which is a central tax. Meanwhile, research on tax evasion in local taxes is still very limited, especially on the type of tax BPHTB. The previous research on tax evasion BPHTB, still when BPHTB itself is the authority of the central government. In addition, previous research only took part on the perception and behaviour of taxpayers. No one has photographed comprehensively and simultaneously, in terms of taxpayers, collecting agencies, Land Office, and Land Deed Official (PPAT) involved in the BPHTB process.

Starting from the overview of research issues and previous research reviews, it becomes the motivation to conduct research on tax evasion at BPHTB after becoming a local tax. Because with the transfer of BPHTB collection authority to local government, it will have an impact also on some policy, performance and service of local tax apparatus (because it is new job), also attitudes and perceptions of taxpayers, and other institutions/agencies (Land Office and PPAT) that involved in BPHTB process in Sumbawa Regency. Based on the above description, the purpose of this research is to understand deeply about BPHTB tax evasion practice in Sumbawa Regency, and to deeply understand the factors that influence the tax evasion of BPHTB in Sumbawa Regency.

2. Research Method

This research paradigm is interpretive paradigm with a qualitative approach. Interpretive emphasis on the role of language, interpretation and understanding (Mulawarman, 2010). Meanwhile, qualitative research is research that aims to understand the phenomenon of what is experienced by the

subjects of the study such as behavior, perception, motivation, action, etc., holistically, and by way of description in the form of words and language, in a special context natural and by utilizing a variety of natural methods (Moleong, 2015:6). The process of qualitative research involving important efforts, such as asking questions and procedures, collect data specific of the participants, analyse the data inductively from the themes particular to the themes are common, and interpret the meaning of data (Creswell, 2010).

This qualitative approach is used because of several considerations, among others: first, because there is still little research to discuss the phenomena/concepts to be studied (Creswell, 2010: 29; Moleong, 2015: 9), where research on tax evasion phenomenon in local taxes, especially for BPHTB after becoming a local tax is still very limited. Second, this method presents directly the nature of the relationship between researchers and informants (Moleong, 2015: 10). Third, this method is more sensitive and more adaptable too much sharpening of the shared influence on the pattern of values encountered (Moleong, 2015: 11). Therefore, qualitative research approach is considered adequate for this research.

In accordance with the purpose of research, then this research is exploratory research. Exploratory research is conducted to understand well the nature of the research problem. Lack of understanding of the nature of the research problem as a result of the limited research that has been done on the phenomena to be understood (Sekaran, 2003). Similarly, there is still limited research on the phenomenon of tax evasion. Thus exploratory research is sufficient to gain a better understanding of tax evasion in local taxes, particularly BPHTB.

The research strategy used to answer the research question is with case study strategy. The case study is an empirical inquiry that investigates phenomena in a real-life context, when the boundaries between phenomena and context do not appear firmly, and where multiple sources of evidence are used (Yin, 2014: 18). The phenomenon and context of BPHTB's tax evasion in Sumbawa Regency are not clearly visible, thus utilising various sources of evidence to analyse it. A case study is a research strategy in which researchers carefully investigate a program, event, activity, process, or group of individuals (Creswell, 2010: 20). Darmayasa and Aneswari (2015) used case studies as an interpretive paradigm in his research. Thus the use of case studies in this study may be justified.

Determination of informants will be using purposive sampling. Sampling techniques in qualitative research clearly different from the non-qualitative research (Moleong, 2015:223). According Sugiono (2008:218-219) purposive sampling informants researchers specify, are those which, according to the researcher has the information required in this study, because they (the informant) always relate to problems that are meticulous researcher. Sekaran (2003) states that purposive sampling was used for the information to be retrieved from sources that intentionally selected based on the criteria established. Thus, the purpose of sampling in this case is to capture as much information from various sources and building (Moleong, 2015:224). Some informants were selected from varied backgrounds all related to the phenomenon under study (Asmony, 2015). Determination of informants will be based on obligations, roles, duties, functions and authority of the party which, according to the researchers understanding that they are the ones who are involved in the BPHTB process.

Table 1. Informant

No.	Informant	Informant Code	Amount
1.	Head of the PBB and BPHTB as a technical field BPHTB tax management.	BKK	1
2.	PPAT/Notary in Sumbawa Regency.	PPAT_PJ; PPAT_PG; PPAT_AG; PPAT_PD; PPAT_PW2.	5
3.	Officials at the District Land Office Sumbawa.	NTN	1
4.	Staff were technically handle BPHTB the Regional Revenue Agency Sumbawa.	BSP	1
5.	BPHTB taxpayers who report and pay BPHTB to Bapenda Sumbawa.	WP1; WP2; WP3; WP4; WP5; WP6	6

Data collection techniques used include open-ended interviews, participant observation, direct observation, as well as documentation and archival footage. To maintain the validity and reliability of data, will be used three relevant tests, namely: Test Validity Construct, External Validity and Reliability (Yin, 2014). In this study, analysis of the data used is the analysis of interactive data submitted by Miles and Hubberman (2014:20), where there are three main things in the interactive analysis, namely: data reduction, data presentation, and conclusion or verification of something related to the moments before, during and after the process of collecting data in parallel, to build insight.

3. Results

3.1. The Practice of Tax Evasion on BPHTB in Sumbawa Regency

Tax evasion by tax payers BPHTB by reducing/far NPOP which is the basis for the calculation and determination of BPHTB. NPOP reported using the SSPD BPHTB. SSPD BPHTB should be filled in correctly by the taxpayer because it is the basis for recording the evidence and tax revenue BPHTB by Treasurer Receipts and simultaneously used by officials of the regional administration of the Finance Unit (PPK SKPD) Bapenda. Use of SSPD BPHTB by PPK-SKPD related to its work in: (1) conduct daily verification upon acceptance; (2) carry out of Local work unit (SKPD) accounting; and (3) prepare SKPD financial statements (Permendagri 13/2006).

Efforts to reduce, remove, and/or manipulation of an attempt by the taxpayer to report taxes that are not in accordance with the actual state tax objects. Similarly to what was done by the taxpayer BPHTB in Sumbawa. From the findings of field data, there are two main modes performed by the taxpayer BPHTB in order to reduce and/or eliminate taxes illegally, ie by doubling the transaction evidence and obscure object of taxation conditions.

3.1.1. Doubling Proof of Transaction

Doubling proof of transaction is an attempt to recreate the transaction receipt with smaller lists the acquisition value as a basis for tax calculation BPHTB. Usually receipt of sale has been made between the seller and buyer, where they provide a receipt in the actual transaction value, with two Witnesses come autographed. However, at the time of taking care of the taxpayer under the name of the certificate to PPAT, the taxpayer makes the receipt with a nominal that Allows Them to pay taxes to the smallest possible value that can be taxed and even nil. As told by WP1 following:

”....cuma ma bau na kena pajak ne, terus terang ne, pina pang kwitansi nan e 50 juta. Nan luk na. Lamin kwitansi de atas dean e kan kena pajak gina kau, no majan rango ke tu mayar lamin tambah ke pajak” (WP1)

(..... so not taxable, bluntly wrote, created in kwitansinya was Rp50 million only. If the value in the receipt on top of it taxable, then the more we pay especially coupled with tax).

WP1 continues:

“Kan syarat tu urus balik nama sertifikat ne kan harus ada kwitansi jual beli. Nya de tu pina kwitansi jual beli nan 50 juta. No si tu olo dalam kwitansi nan luk kam ada pondasi. Tanah seluas 2 are dengan lokasi ini...ini...sertifikat Hak Milik nomor seri sertifikat, seharga 50 juta, antara nama ini dengan ini...suda mo..” (WP1)

(mismanagement requirement under the name the certificate is a must have purchase receipts. That is what we make sale and purchase receipts were Rp50 million. We did not include in the receipt that the existing foundation. Land area of 2 acres with this location ... this ... Hak Milik certificate serial number, for Rp50 million, between this names with this ... it wrote)

Taxpayers know that by shrinking the value of the transaction on the receipt of their way in order to avoid paying taxes. Receipt they use to report tax receipts BPHTB is being remade by the taxpayer together with the seller. They agreed to pour nominally smaller than the actual transaction price. Whether the seller is also willing to do that? Buyer (taxpayer) said that the seller does not object to re-create the receipt it. As said by WP1 as follows:

“Ba roa si kau. Meluk no roa. Justru aku de rugi dean kau, siong nya rua. Melok jina transaksi tu harga tana ka tu beli 70 juta kareng tu tulis pang kwitansi 50 juta bae. Cuma pang untung aku kan nomongka ku kena pajak keballi. Lamin nongka sala informasi kalis notaris ko aku ne, lamin liwat 50 juta ne kena pajak dengan cara di kalikan 5% parasa ku. Jadi aku total terima bersih ne, biaya itu ini, segala macam ne, sampai sertifikat atas kaku ne, aku boe 1 juta 250 bae si” (WP1)

(Of course he wants. How he did not want. In fact I even loss, not him. Though the deal was worth Rp70 million, continue to be written on the receipt of Rp50 million alone. Just where luckily I've not taxable again. If there is any information of a Notary to me, if passed Rp50 million taxable, by way multiplied by 5%, if not wrong. So I was in total received clean it, charge it, and this, all sorts, until the certificate on my behalf, I finished only Rp1,25 million)

Actually buyer (taxpayer) aware of his actions makes the receipt by including a smaller price than the actual transaction price that would harm himself. But because they want to escape from the obligation to pay taxes, taxpayers are willing to do so. Adverse buyer (taxpayer) the point is that the buyer has to pay a certain amount to acquire rights to land and/or buildings, but the inclusion of the purchase receipt is smaller than the value of the transaction actually occurred. This has an impact on the recognition of the value of the transaction as stipulated in the Sale and Purchase Agreements. This means that the value of transactions listed in the Sale and Purchase Agreements are also equal in value to that contained in the receipt that already engineered earlier. It would be very detrimental to the buyer if the land and/or buildings that someday there is a dispute. Of course, the value of which is recognized

legally is nominally listed in the Sale and Purchase Agreements, whereas the actual transaction value is greater than that stipulated in the Deed.

Inclusion of the value of the transaction on the receipt that is smaller than the actual transaction value, which is reported for the purposes behind the name of the certificate cannot be separated from the role of PPAT as the maker Sale and Purchase Agreements. PPAT sometimes give advice to taxpayers, especially for taxpayers who are not so understand about BPHTB, to recreate receipt stating the value smaller than the actual transaction value. It aims to be a smaller taxpayers to pay taxes and/or even free of tax BPHTB. WP3 said:

“Ya....jadi dulu waktu di Notaris, saya disuruh mencantumkan harga dibawah 60 juta atau 60 juta lah....Cuman memang itu, ya untuk menghindari pajak....Kita dulu kan tidak begitu tahu bahwa ada BPHTB segala macam. Terus terang kita dulu belum begitu faham pak. Jadi kita itu waktu itu baru nikah tiga bulan kemudian beli rumah ini, gitu. Waktu transaksi gak begitu mudeng lah masalah-masalah pajak. ya...manut aja waktu disuruh sama Notarisnya, ya...ya..ya...aja kita” (WP3)

("Yes So the first time on the deed, I was asked to specify a price under 60 million or 60 million... Just did it, yes to evade taxes used to be We do not really know that there BPHTB all sorts. Frankly, we had not been so understand. So we then just marriage three months later to buy this house. Transaction time not so understand tax issues. Yes ... obedient same time prompting the notary ")

So WP3 above expression very plainly stated that a taxpayer who suggested that lists the transaction value under Rp60.000.000, - or at least equal to Rp60.000.000, - is of the PPAT. The inclusion of that at the time of calculation of the taxpayer gets a BPHTB tax nil, because it is below or equal to NPOTKP. Of WP3 recognition also states that when the taxpayer does not know and understand about BPHTB. Taxpayers actually get some understanding of BPHTB from PPAT, when the taxpayer makes the manufacture of Sale and Purchase Agreements in PPAT, including how to avoid the tax. This is reinforced by the statement of PPAT_PD as follows:

“Makanya kita sesuaikan dengan SPPTnya, kalau NJOP pada SPPTnya tidak kena (pajak), nanti kita manipulasi harganya entar. Kalau harga transaksinya besar, bisa kita manipulasi entar jadi 60 atau 55 juta biar gak kena pajak” (PD).

(So we adjust its SPPT, if NJOP on its SPPT not taxable, and then manipulate the price later. If the transaction price is great, we can manipulate later to Rp60 or Rp55 million let me not taxable)

The statement from the PPAT_PD above is an attempt to convince taxpayers on how to evade taxes by manipulating the sale and purchase receipts, in order to replace the existing receipts. Receipt

of buying and selling previously replaced because it specifies that if the transaction value is used would cause the taxpayer to pay a large tax. Doubling the purchase receipt will be adjusted to Sales Value of Tax Object (NJOP) listed on the Notice of Land and Building Tax Payable (SPPT). NJOP Land and Building Tax (PBB) an imposition of values on the basis NPOP BPHTB if not known or are under NJOP PBB. If the NJOP PBB is below or equal to the NPOPTKP then in receipt will specify the price or value of transactions amounted NPOPTKP below. That means taxpayers manipulate the purchase receipt as the basis for Sale and Purchase Agreements and BPHTB tax calculation. PPAT_PW2 and PPAT_PD stated that the initial sale and purchase receipts that have been made by the seller along with the buyer, can be regenerated in the PPAT with a value less than or equal to NPOPTKP, which could make the taxpayers avoid paying BPHTB.

Very interesting recognition delivered by the WP3, as follows:

“Saya pikir sekarang yang cukup mengherankan, karena itu kemarin, kita kan minjam di bank waktu itu. Jadi bank itu yang membayar rumah itu, jadi agunan langsung. Jadi notarisnya pun ditunjuk oleh pihak bank. Misalnya ada 3 atau 4 Notaris, kita disuruh milih. Jadi waktu itu kita milih yang dekat sama lokasi rumah, maksudnya yang rumah orang tua saya. Nah kan pak, yang namanya beli itu kita jadi berpikir, bagaimana cara dia berkomunikasi dengan pihak bank. Artinya pihak bank kan paham, berapa nilai jual yang kita bayar. Karena berdasarkan anunya di dia kan, jumlah pinjaman itu. Sementara akta jual beli di notaris itu berbeda gitu loh. Saya malah koneknya ke sana” (WP3)

(I think right now that is quite surprising, because it was yesterday, we borrow in the bank at the time. So the bank is paying the house, so the collateral immediately. So the notary was appointed by the bank. For example, there are 3 or 4 Notary, we asked to choose. So at that time we chose the same location near the house, meaning that my parents' house. See, whose name buy it we got to thinking, how he communicates with the bank. This means that the banks know, how much resale value we paid. Because based on the deed of the loan amount. While the notary deed of sale at the different snack. In fact I was the connection there)

The WP3 buy a home through the Home Ownership Loan program at a bank. In the process of making the Sale and Purchase Agreements as proof of transfer of rights, the bank has set some PPAT to be selected by the taxpayer in order to make the Sale and Purchase Agreements. PPAT together taxpayer makes receipt with transaction prices under Rp60.000.000, -, which is certainly not the actual transaction price. But on the other side of the loan agreement between the bank and its customers (taxpayers) contains the actual transaction value. Thus, one object of transfer of rights to produce two different covenants set forth in the transaction value of each contract. Purchase contract is used as a condition of the certificate contains the name behind the transaction value under Rp60.000.00, -, it is

done to avoid taxes BPHTB. One more agreement that the loan agreement between the bank with bank customers who are also taxpayers BPHTB, where in the contract must contain the actual transaction value, ie a nominal amount of funds spent by the bank to pay for the house.

After giving an understanding of the BPHTB and how to circumvent the BPHTB to the taxpayer, the PPAT eventually handing the decision to the taxpayer. Recognition of two different PPAT office, disclose it.

"....tergantung para pihaknya mau dimasukkan berapa harganya. Itu yang untuk perhitungan pajaknya. Mau dituliskan 100 ya kena pajak, 5% ya...dikurangi dulu 60 juta. Tapi kalau mau memasukkan 50, ya bisa. Kita serahkan ke pembeli dan penjual. Jadi, kita tidak mau menyarankan untuk mengurangi pajak ya. Karena kita orang hukum juga. tergantung para pihaknya kalau memang mau dimasukkan 50, ya 50" (PA2).

(".... depending on the parties, want to put how much the price. That's for the tax calculation. Want to write Rp100, yes taxable, 5% ... minus first Rp60 million. But if you want to enter Rp50 million, can also. We leave it to buyers and sellers. So, we do not want to suggest to reduce taxes. Because we're legal people, too. Depending on the parties if you want to put Rp50 million, it's ok ")

"Nanti lihat SPPTnya, kalau memang SPPTnya di bawah 60 juta, bisa kita kasi harga 70 juta lah. Tapi tergantung ini, ini tanggung jawab yang bersangkutan si. Kalau memang sanggup bayar pajak 4 juta setengah penjual pembeli totalnya. Kalau memang SPPTnya, bisa diturinin sampai 60 juta. Kalau 60 juta kan, pajak penjualnya 2,5% dari 60 juta. Berapa itu, pajak penjual itu 2,5%. Pajak pembelinya kan Nihil dia. Kalau memang SPPTnya rendah itu. 60 juta x 2,5%, 1 juta 500 pajak penjual. Tanah itu 4 are sehingga tetap logikanya orang anu ne kalau kita gak kasi kena pajak ne, misalnya NJOP di SPPT 32 juta" (PW2).

(Later see his SPPT, if the SPPT is under Rp60 million, we can cation price Rp70 million lah. But it depends on the respective responsibilities as well. If it is able to pay the total tax Rp4, 5 million. If it is possible SPPT, can be reduced to Rp60 million. If Rp60 million, the seller's taxes 2.5% of 60 million. Nil buyer tax. If it is low SPPT. Rp60 million x 2.5%, Rp1, 5 million sales tax. Soil size 4 acre, so it will cause suspicion if not taxable, for example, NJOP in SPPT Rp32 million ")

Both of PPAT, on one side provides insights on how to evade taxes BPHTB to the taxpayer, but the other side surrenders completely to the taxpayer in determining the actual decision to report or make a manipulation to deflect the BPHTB tax. This means that PPAT also not entirely want taxpayers to adhere to the obligations BPHTB tax. PPAT supposed to help the government to increase BPHTB tax revenues not otherwise assist taxpayers to evade tax. PPAT adequately convey to their clients (taxpayers) that the process of transferring the name of the certificate contained BPHTB tax and how to calculate it. PPAT is no need to explain how to dodge the BPHTB tax. Even if the decision is returned to the taxpayer, the taxpayer will certainly choose how to dodge the tax.

The conditions appropriate explanation of Risk Aversion Theory (Allingham and Sandmo, 1972), which states that there is no one individual was willing to voluntarily pay the tax, the taxpayer is always opposed to paying taxes, including in this case the BPHTB tax. Even no explanation is given on how to evade BPHTB tax by any PPAT, the taxpayer would have tried to find ways to avoid the tax. That is called the effort against the taxpayer in paying taxes. Moreover, in this case, the taxpayer already understand how to dodge the BPHTB tax, after receiving an explanation from PPAT. This is in accordance with what was presented by the WP2 and WP3 that when they do behind the name of the certificate on the purchase of other lands at different times, the taxpayer lived repeat again how that had been practiced before, without having to ask a lot of from PPAT, as required taxes already understand how and gap. This is in accordance with what was presented by WP2 and WP3 when they make a purchase both land and do behind the name of the certificate.

Based on data analysis and comparison with the regulations as well as the theory used, that the act of tax evasion on BPHTB in Sumbawa by way of fabricating evidence of transactions, carried out by the taxpayer with the help of PPAT, directly or indirectly. This practice will be implemented if NJOP contained in the SPPT PBB smaller than NPOP actually happened.

3.1.2. Obscuring the Conditions of Tax Object

Obscuring the conditions of the tax object is an attempt by the taxpayer to report partially tax object conditions while others have not been reported. This practice is an illegal practice in tax reporting, for taxpayers to report tax object does not correspond to the actual conditions. On the implementation of tax collection by the government BPHTB Sumbawa, such practice is also carried out by the taxpayer BPHTB. The following narrative of PPAT_PG:

“Luk kam ada bangunan untuk saat to ta? No si ya lapor, engka..engka. Biasa me luk pang SPPT nan si. Misal pang SPPT 2016 ada bumi padahal sebenar kam ada bangunan, berdasarkan SPPT nan si de tu kenang kita. Nan luk model na” (PG).

(“If there is a building now? Not reported. Usually in accordance with the circumstances in the SPPT as well. Suppose in SPPT 2016 there is earth when in fact there is already a building, so based on SPPT it was reported. That's the pattern”)

The PPAT_PG statement is also reinforced by the PPAT_PJ statement, namely:

“No ya lapor. Tapi kita tetap sarankan untuk ya lapor setelah balik nama” (PJ)

(“Not reported (object of building tax). But we still recommend to report, after the process of transfer the name is complete”)

PPAT_PG statement reinforced by PPAT_PJ cited above, the practice of tax evasion in a way to obscure BPHTB tax object condition. From these statements indicate that taxpayers do not fully report the tax object. Tax object in question is land and buildings. A taxpayer taxable reported in the form of acquisition of land, while the tax objects for the acquisition of the building is not included in the report BPHTB tax. This is done so that the acquisition price listed in the receipt becomes smaller so that the tax paid was to be small even to be freed from tax liability BPHTB. If the tax object for acquisition of the buildings included in the BPHTB tax report, this course will add to the value of the acquisition, which will have an impact on the tax rate of BPHTB to be paid by the taxpayer. PPAT_PG statement which reinforced by the statement WP3, which states:

“...kan syarat tu urus balik nama sertifikat ne kan harus ada kwitansi jual beli. Nya de tu pina kwitansi jual beli nan 50 juta. No si tu olo dalam kwitansi nan luk kam ada pondasi. Tanah seluas 2 are dengan lokasi ini...ini...sertifikat Hak Milik nomor seri sertifikat, seharga 50 juta, antara nama ini dengan ini...suda mo..” (WP1)

(“The requirement to reverse the name of the certificate must have a receipt of sale and purchase. That's what we make the purchase receipt of Rp50 million. We do not include in the receipt that there is was the foundation. The land is 2 acres with this location ... this ... Owned, serial number certificate, worth Rp50 million, between this name and this ... it wrote ”)

The WP3 said that the price listed on the receipt is Rp50,000,000, - as reported to tax only the rights to use it. WP3 did not report the presence of buildings on the land. Thus the reported values become smaller and do not pass through NPOPTKP. It means that the WP3 was getting nil tax, when assessment BPHTB tax calculation, so free from the obligation to pay taxes. If the tax object for the acquisition of buildings reported by WP3, you can ascertain the value of the acquisition will be greater tax object. Thus WP3 will be exposed to liability to pay tax at the time of tax calculation for BPHTB NPOP above NPOPTKP.

Blurring the condition of the object of tax by the taxpayer, it must first have noticed on SPPT, whether in the SPPT tax object is already listed building or not. If the SPPT listed the only object of taxation ground (land) alone is not taxable listed building, the loophole that was exploited by the taxpayer. This is consistent with the statement above PPAT_PG. So taxpayers to report tax object in accordance with the conditions contained in the SPPT. According to regulations, should have been

reported by the taxpayer is what is actually happening and not based on what is contained in the SPPT.

As a reference to calculate the value of the acquisition of the building, it will use the NJOP SPPT neighboring building as Paired (SPPT Paired). It was also submitted by BKK as follows:

“Sesuai dengan riil.....Walaupun hanya ada Bumi saja tetapi riilnya sudah ada bangunannya, maka kita juga memperhitungkan nilai bangunannya. Untuk kita tentukan NJOP bangunannya, kita lihat SPPT sandingan disebelahnya” (BKK).

("In accordance with the real Although there is only Land but the buildings are real existing, then we also take into account the value of the building. For we specify the NJOP of the building, we see the SPPT match next to it")

In accordance with the provisions of the regulation, tax reporting BPHTB use SSPD BPHTB. Article 13 paragraph (2) on Local Regulation of Sumbawa Regency about Acquisition Tax of Land and/or Buildings, stating that SSPD BPHTB mandatory filled with clear, correct and complete and signed by the taxpayer. BPHTB tax report with only disclosed the existence of the tax object of acquiring land rights alone, while the actual conditions are also subject to tax for acquisition of the building, it's meaning taxpayers have filled SSPD BPHTB incorrectly. Thus the taxpayer has acted tax evasion on BPHTB, for having violated the provisions contained in the Local Regulation of Sumbawa Regency. The practice of tax evasion with reporting the condition of BPHTB tax objects does not correspond to the truth, confirming that no individuals who voluntarily pay taxes. Such individuals (taxpayers) will continue to seek ways to oppose paying taxes. Thus Risk Aversion Theory submitted by Allingham and Sandmo (1972), relevant to this case.

Based on data analysis and comparison with the regulations as well as the theory used, that the act of tax evasion BPHTB in Sumbawa, practiced with the obscure way the condition of tax objects reported, carried out by the taxpayer with the help of PPAT, directly or indirectly. This practice will be implemented if it is not yet listed in SPPT building tax object, or tax objects listed only the earth (ground) only. While the transaction is actually happening is the acquisition of land and buildings.

3.2. Factors Affecting the Practice of Tax Evasion on BPHTB in Sumbawa Regency

From the results of data collection and analysis that found several factors that influence the practice of tax evasion among others, namely: the probability of audit, the level of sanctions imposed and the NJOP PBB as a single reference of NPOP.

3.2.1. The Probability of Audit

The probability of audit is the level of the possibility of checks on each transaction acquisition of land and/or buildings that are the objects BPHTB tax, both documents, and the data field. Examination of documents is an examination of the completeness of the dossiers supporting BPHTB tax as well as the suitability of the information contained on SSPD BPHTB. Examination of documents conducted by the verifier at the service of BPHTB in Bapenda office of Sumbawa Regency. Documents verification is an office job in BPHTB collection implementation. In accordance with the information provided by the BKK:

"..Kita hanya memverifikasi administrasi saja" (BKK).
(*"..We verify administration only"*)

Also clarified by BSP:

".....wajib pajak melalui PPAT melaporkan terjadinya peralihan hak berupa SSPD BPHTB atau surat setoran pajak daerah BPHTB untuk diverifikasi tentunya disertai dengan berkas-berkas pendukung terhadap pengisian SSPD tersebut" (BSP).
(*"..... taxpayers through PPAT report the occurrence of the transfer of rights through SSPD BPHTB, to be verified. Of course accompanied by supporting files from the filled SSPD"*)

Examination of documents conducted by the verifier is to ensure the completeness of documents and information between the SSPD BPHTB suitability reported with supporting documents. According to the Regent Regulation No. 10 of 2011 on the Procedures of Collecting BPHTB, supporting documents in question include: proof of acquisition, SPPT last year, a copy of the identity of the giver of rights and the assignee, as well as other documents required in accordance with the type of transfer of rights that occur.

The results of direct observation in Bapenda office of Sumbawa Regency, especially in the service unit BPHTB, verifiers so swift and thorough examination of supporting documents SSPD BPHTB reported by the taxpayer. On the verification of documents, inspectors only focus on the completeness of document, ensuring all documents are a requirement is met. Further examination of the suitability of the information contained in SSPD BPHTB with all supporting documents are also not immune from examination by the verifier, such as the appropriateness of the name, Tax Identification

Number object, the location of the object of taxation, wide tax object, NJOP PBB, and proof of acquisition of rights.

However, examination of the suitability of the information, between the acquisition values were contained in evidence on the acquisition of rights and conditions of the tax object, not so getting the attention of the officers. Supposedly all of the information contained in the SSPD-BPHTB along with necessary supporting documents verified in the field. Thus, the field inspection is an examination of the veracity of the information in the document with facts on the ground about the suitability of tax object.

In connection with the site inspection, interviews with WP3 which states:

“Tapi menurut saya si pak, itu Dispenda (Bapenda, pen.) saya rasa tidak begitu aware dengan itu semua pak. Pada kenyataannya juga berapapun yang nilai rumah itu gak dia cross-check gitu loh. Maksud saya dia lihat fisik bangunannya, kemudian dia sinkronkan dengan harga yang diajukan dari pihak Notaris. Gak ada anunya gituloh. Sama halnya seperti kita buat IMB, jadi IMB itu...emm...hanya lihat sertifikat, dia tidak mengukur ulang, luas bangunannya sesuai atau tidak dengan yang disertifikat.karena sejak kita beli sampai detik ini juga gak ada cross-check dari pihak Dispenda. Tidak ada cross-check, betul gak bapak beli rumah ini, kemudian dia melihat fisik bangunannya, kemudian dia sinkronkan dengan harga yang tertera, gak ada deh yang kayak gitu” (WP3)

"But in my opinion, Dispenda (Bapenda), I think not aware of it. In fact, regardless of the value of the house, it is not cross-checked. I mean, he saw the physical building, then synchronised with the price submitted from the Notary. Nothing. Just like we make IMB, so the IMB ... emm ... just see the certificate, he does not re-measure, the building area is appropriate or not with the certified ones. because since we bought until this moment also there is no cross-check from the Dispenda. No cross-check, is it true you bought this house, then he saw the physical building, then he sync with the price listed, nothing"

WP3 statement is also corroborated by statements WP1, which states:

“Enda apa. Kan syarat tu urus balik nama sertifikat ne kan harus ada kwitansi jual beli. Nya de tu pina kwitansi jual beli nan 50 juta. No si tu olo dalam kwitansi nan luk kam ada pondasi. Tanah seluas 2 are dengan lokasi ini...ini...sertifikat Hak Milik nomor seri sertifikat, seharga 50 juta, antara nama ini dengan ini...suda mo.” (WP1)

(There is no (check). The requirement to reverse the name of the certificate must have a receipt of sale and purchase. That's what we make the purchase receipt of Rp50 million. We do not include in the receipt that there is was the foundation. The land is 2 acres with this location ... this ... Owned, serial number certificate, worth Rp50 million, between this name and this ... it wrote ")

Statement from two WP3 and WP1 above indicates that the field inspection activities of the tax object of BPHTB never done by tax officials of BPHTB of Bapenda Sumbawa. It is also reinforced by the statement PPAT_PJ and PPAT_PG, that as long as they become PPAT staff at the office, never knowing or engaged by Bapenda to carry out field inspections. The involvement of the PPAT is also

important in the context of field inspection of BPHTB document. As reviewed previously, about how tax evasion practiced on BPHTB that PPAT role is crucial in BPHTB affairs. Related to field inspection, BKK states:

“Pernah kita sekali melakukan cek lapangan setelah kita verifikasi administrasi. Menurut kami, kenapa itu kami lakukan karena menurut kami itu terlalu jauh dari perkiraan harga pasar yang ada disekitar itu. Ternyata ada memang, tetapi antara penjual dan pembeli tidak mengakui itu, sehingga kita tidak bisa menerbitkan SSPD Kurang Bayar. Penjual dan pembeli tetap mempertahankan angka yang ada di kwitansi. Sementara ada saksi, bukan saksi ya, ada yang mengetahui tentang itu tetapi dia tidak punya kekuatan hukum, umpamanya kita harapkan dia sebagai saksi, sehingga tidak ada keberanian kita untuk mengangkat kasus itu. Dia bilang harga tanah itu sekitar 70an juta, tetapi antara penjual dan pembeli sepakat 58 juta. Jadi itu, sesungguhnya kami sudah coba berupaya untuk melakukan itu tetapi saksi tidak ada, bukti-bukti tertulis tidak ada, hanya bukti lisan saja atau keterangan lisan saja” (BKK).

(“Once we did a field check after we verify the administration. In our opinion, why we do it because we think it is too far from the estimated market price that is around it. Apparently, there is, but between the seller and the buyer does not recognize it, so we cannot issue Notice of Local Tax Underpayment Assessment. Sellers and buyers keep the numbers on the receipts. While someone knows about it, but he has no legal force, if we expect him as a witness, so there is no courage to take up the case. He said the land price is around Rp70 million, but between the seller and the buyer agreed Rp58 million. So that, actually we have tried to do it, but the witness is not there, written evidence does not exist, just oral information only”)

From the statement above, that the field inspection carried out by Bapenda not a routine activity against tax objects of BPHTB. Field inspection activities performed, if the tax authorities find that the acquisition value reported by taxpayers are lower than the market price in the region of the tax object is located. Against a field inspection, it was, the tax authorities cannot capture BPHTB tax on tax object being examined, because of the difficulty finding information with acquisition actual value. Sellers also recognize that the value contained in the proof of transfer of rights is the actual value, which is an agreement between them. This means that the tax authorities will stop there carrying out field inspections. Thus, the taxpayer through PPAT, to be understood that any acquired rights that are reported to not be checked information truth in the field, during the reported acquisition price are not too noticeable difference to the market price in the region of tax objects of BPHTB are located. It is this factor that led to the taxpayer through PPAT will continue and repeated practice on the far right acquisition BPHTB value, because the probability is very small field inspection.

Inspection activity is a very important activity in the tax collection system that uses self-assessment. The research results by Friskianti and Handayani (2014), stating that the self-assessment system in collecting taxes, allow taxpayers to commit fraud, with to minimize value were used as the

taxation base. BPHTB is to use self-assessment system. When the taxpayer is given credence in terms of counting, report, and pay taxes needed a good mechanism for the tax authorities to carry out research and check the truth of the information reported by the taxpayer. It was in anticipation of an error or untruth taxpayers in tax reporting.

In accordance with risk aversion Theory (Allingham and Sandmo, 1972), that no one individual ever voluntarily pay taxes, where there is always an attempt to oppose the payment of taxes. One of the factors that affect the taxpayer to report the value of the tax base is the probability to audit. If the income tax, the value of the bases/tax calculation is the nominal value of their incomes. But in BPHTB, which became the basis of the tax imposition is the value of the acquisition of land and/or buildings. The rights acquisition value will be reported closer to the actual acquisition value if the higher probability of the examination of the tax object, and vice versa.

3.2.2. The Level of Sanctions Imposed

The level of sanctions imposed is a sanction imposed on taxpayers who commit tax reporting are not inconsistent with the truth, good value acquisition, the identity of the subject of taxes, state tax objects, as well as other supporting documents. Under Law 28/2009 on Local Taxes and Levies that the local tax also contains an element of coercion. This means that if the tax obligation is not implemented, then there are legal consequences that could occur. The imposition of tax penalties are the legal consequences. The imposition of tax penalties taken to avoid the occurrence of acts committed tax evasion taxpayer. Therefore, it is important for local governments to impose tax penalties and provide insight to the taxpayer will be penalized taxation, so that taxpayers know the legal consequences of what he does.

In BPHTB collection implementation, tax penalties can be applied if the office examination and field inspection carried out entirely by the collector agencies. Granting tax penalties cannot be separated from the tax inspection activities. Based on the analysis and the previous description, which the field inspection activities of the information reported through SSPD BPHTB not implemented properly and fully by Bapenda Sumbawa. It is impossible to apply a tax penalty in collecting BPHTB in Sumbawa, where the activities of inspection are not conducted properly and fully.

Results of interviews with BSP, that there is never applied a sanction as long as he to handle BPHTB, since the start of transition in January 2011. BSP acknowledges that sanctions are difficult to apply, in which he explained the factual experience. It is emphasized that the implementation of inspection activities in the field, which resulted in the implementation of taxation sanctions, never done. This is also supported by BKK statement, as follows:

“...diaturan kita memang tidak tercantum sanksi, kita hanya menerbitkan Surat Setoran Pajak Daerah Kurang Bayar, maksudnya Surat Ketetapan Pajak Kurang Bayar. Sehingga ada kewajiban untuk melakukan kekurangan pembayaran itu” (BKK).
 (“... in our arrangement is not listed sanctions, we only publish the Notice of Local Tax Underpayment Assessment. So there is an obligation to make payments for the deficiency”)

The statement of BKK above confirms that the imposition of sanctions in addition to the tax on the ballot BPHTB, that's difficult, it also implies that local tax laws, especially BPHTB, not assessed properly. At the time of the SKPD published, should also take into account the administrative sanctions, a number of penalties depending on the cause of the underpayment. In Law 28/2009, tax penalties divided into two, administrative sanctions and criminal sanctions. Administrative sanctions consisting of three, namely: fine sanctions, interest sanctions, and hike sanctions. Meanwhile, the Local Regulation No. 33 The year 2010 on BPHTB, described in detail on BPHTB administrative sanctions, while criminal sanctions are not mentioned.

Table 2. Administrative Sanctions of BPHTB

No.	Problem	Sanctions	Specification
1.	Shortage of tax payable in SKPDKB, if based on examination results or other information, the tax due is not paid or underpaid;	Interest of 2% per month	Calculated from the less tax paid or overdue for a maximum period of 24 months calculated from the time the tax.
2.	Shortage of tax payable in SKPDKB, if SSPD is not submitted to the competent authority within a period and after being reprimanded in writing not submitted on time as specified in the warning letter;	Interest of 2% per month	Calculated from the less tax paid or overdue for a maximum period of 24 months calculated from the time the tax.
3.	Deficiency amount of tax payable in SKPDKBT due to the issuance of SKPD Nil;	The increase of 100%	Of the amount of the tax shortfall.
4.	If found new data and/or data that previously has not been revealed which increased the amount of tax payable;	Increase of 25% and interest rate of 2% per month	Of the principal tax Underpayment or overdue for a maximum period of 24 months calculated from the time the tax.
5.	PPAT sign the deed of transfer of land and/or buildings before the taxpayer submit proof of payment of taxes;	fine Rp7.500.000	For each violation.

6.	PPAT deed did not report the acquisition of land and/or buildings to the Regent through the competent authorities no later than the 10th of the following month.	fine Rp250,0000	For each report
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Source: Local Regulation no. 33/2010 (processed)

In BPHTB regulation, tax penalties have been determined according to the type of violation. But in Local Regulation 33/2010 only regulates administrative sanctions, not criminal sanctions. The level of administrative sanctions set out in Regulation 33/2010 also still too low. In accordance with Table 2 above shows the low level of sanctions that may be imposed for violations of BPHTB, particularly with regard to tax evasion practices. Taxpayers prefer to risk to paying administrative sanctions if they do tax violations can be detected. The selection is done by the taxpayer, because of the low level of administrative sanctions were they will receive, either penalties, interest, or hikes. As stated by the WP2, as follows:

“Ya takut si...mending bayar aja yang tadi dari pada kena periksa terus ketahuan dan harus bayar 10 kali lipat lagi. Tapi sanksi BPHTB kan kecil pak, paling berapa persen. Kalau pun ada pemeriksaan, trus ketahuan, ya..nilainya si gak seberapa” (WP2)
("Yes afraid ... better pay it, from the taxable check kept caught and have to pay 10 times more. But BPHTB sanctions are small, at what percent. If any examination, kept caught,...the value is only a little")

Bapenda can impose criminal sanctions when referring to Law 28/2009. Under Law 28/2009 Taxpayers are due to negligence did not convey SSPD BPHTB or filling with incorrect or incomplete or incorrect information to attach to the detriment of local finance can be punishable by imprisonment for up to 1 year or a fine of two times the amount of any outstanding taxes not paid or underpaid. Similarly, the taxpayer who intentionally fails to submit SSPD BPHTB or filling with incorrect or incomplete or attaches incorrect information to the detriment of the regional budget may be liable to imprisonment of two years or a maximum fine of four times the amount of tax payable not paid or underpaid.

The many types of sanctions prescribed by regulation, in order to oversee the implementation of tax collection BPHTB, in fact, is not implemented by Bapenda Sumbawa. In addition, if the administrative sanctions set out in Regulation 33/2010, consistently applied to any tax violations BPHTB, nor will effectively make the taxpayers be afraid to do tax violations because the sanction level

it is still too low. It is recognized, and become taxpayers and PPAT experience, so it does not make taxpayer be worrying about making tax evasion practices BPHTB in Sumbawa.

According to Risk Aversion Theory (Allingham and Sandmo, 1972), tax sanctions that may be imposed will affect the level of tax compliance. The greater the sanctions that may be imposed, the higher the level of truth values reported by the taxpayer. That is, there are concerns that taxpayers to report NPOP not correspond to the actual circumstances. So with his sanction that may be imposed, even on collecting of BPHTB in Sumbawa never impose sanctions, it will cause the taxpayer to not worry to report NPOP improper, below its real value, so that the provisions the tax becomes smaller and even get a nil tax.

3.2.3. NJOP PBB As Single Reference of NPOP

As the provisions of Act No. 28 of 2009 on Local Taxes and Levies, and Local Regulation No. 33 of 2010 on BPHTB, that's NPOP not known or are under NJOP, then used as the basis for calculation of BPHTB is NJOP. Determination of NPOP is at the critical point of calculation and determination BPHTB. NPOP should be an actual transaction value occurring in an activity acquisition of land and/or buildings. The critical point in the form of a mismatch NPOP reported problems, with the real potential of the real value of land and/or buildings that are on the market. Meanwhile, NJOP in Sumbawa regency remained well below the market price (fair value) of land and/or buildings. Therefore, the taxpayer will be using NJOP as a reference in determining NPOP that reported for the purposes of BPHTB.

The use of NJOP as a single reference in determining NPOP BPHTB be a big gap that exploited by the taxpayer. So easy for taxpayers to find a way to reported NPOP as big as NJOP applicable. There are various ways practiced by the taxpayer to be able to use NJOP as a reference of acquisition value that reported, as discussed earlier. The low NJOP or are far below market prices, due Bapenda of Sumbawa Regency as institutions of local tax authorities has never been to update the NJOP since management is delegated by the central government. It was stated by the BSP, PPAT_PJ, PPAT_PG, which is also reinforced by BKK following statement:

“Untuk update NJOP PBB, memang didalam aturan kita itu 3 tahun sekali melakukan update NJOP, tetapi kita rencananya 2017 ini kita akan melakukan hal yang dimaksud (mulai update NJOP)” (BKK).

("For NJOP PBB update, it is in our rules that once every 3 years update, but we plan 2017 we will do the thing - NJOP update-")

Pursuant to Law 28/2009, that the determination of the magnitude of the NJOP is every 3 years. However, for certain areas considers the development of the region, the NJOP determination can be done annually. Therefore, in its seventh year BPHTB taxes collection implementation, should the Sumbawa Regency Government has been carrying out the updating of the NJOP twice. Even if sees growth areas, should Sumbawa Regency already doing updates NJOP seven times, or every year, because it is permissible by law. Thus the NJOP update can be done by following the local inflation rate. Updating NJOP follow the inflation rate will be able to follow the development of the increase in the market price of land and/or buildings, so that the market value of land and/or buildings not too much gap with NJOP.

NJOP is a true basis for the calculation and determination of Land and Building Tax (PBB), the provisions contained in Regional Regulation No. 13 of 2014 on Land and Building Tax Rural and Urban. Update NJOP is a dilemma for local governments. If NJOP raised and adjusted to the market price of land and/or buildings, it will narrow the space for the taxpayer to take action far NPOP, thereby increasing the potential tax revenue of BPHTB. But on the other hand, the high NJOP will also impact on the sharp improvement of the provisions of the Land and Building Tax. This course will be turmoil in the community because they are the taxpayers of the Land and Building Tax. Thus Government of Sumbawa Regency must be wise in addressing this issue.

Use of NJOP PBB that remained well below the market value, as a reference of NPOP BPHTB, resulting in a tax assessment value becomes smaller than it should be. Even the majority of taxpayers will get nil tax, because NPOP is below or equal to the value NPOPTKP. This happens, because the NJOP low and far below the market price of land and/or buildings in Sumbawa. In addition, the use of NJOP as the only reference in the determination of NPOP BPHTB, if NPOP unknown, were also one of the factors that influence taxpayer to minimize NPOP freely. Should be consideration given a reference other than the NJOP in determining NPOP if the actual acquisition value is unknown.

4. Conclusion, Implication and Limitation

Referring back to the purpose of this study, it can be concluded that the practice of tax evasion of BPHTB in Sumbawa is done by reducing the (minimize) NPOP which is the tax base BPHTB. NPOP reported using SSPD BPHTB as well as a proof and basis for recording the tax revenue of BPHTB by Treasurer Reception and are also used by the PPK-SKPD in carrying out the functions of financial administration at Bapenda of Sumbawa Regency.

As for the action of tax evasion practiced with reduce/minimize NPOP are the ways: first, Doubling proof of the transaction, an attempt to re-create the transaction receipt, stating the value of the acquisition of the smaller, for base of BPHTB tax calculation. Above explanations and suggestions of PPAT, the taxpayer makes the proof of the transaction with a smaller value, in order to get a small tax or even nil tax. Second, Obscure of Tax Object Conditions, an attempt by the taxpayer to report partially of tax object conditions while others have not been reported. In this case, the taxpayer just reported tax object of land only, the existence of tax objects of building are not reported. The aim is so that NPOP BPHTB were reported to be smaller as they exclude the buildings in the calculation of NPOP.

Some of the factors that influence the practice of tax evasion on BPHTB among others, that: (1) the probability of inspection. Constitute the level of the possibility of inspection any transaction of acquisition of land and/or buildings, which is the object of taxation BPHTB, both documents and data field. Inspection activities, in particular the examination of field data is almost never done by the local tax authorities of Sumbawa Regency. The odds against examination of field data, used as a loophole by a taxpayer of BPHTB to commit acts of tax evasion; (2) the level of the sanctions imposed. the level of sanctions imposed on taxpayers who reporting BPHTB tax not in accordance with the truth, either the value of acquisition of rights, the identity of the subject of taxes, state of tax objects, as well as other supporting documents. The imposition of tax sanctions BPHTB, never enforced by the local tax authorities of Sumbawa Regency. At the same time, the level of sanctions provided for in the regulation was deemed to be low by the taxpayer, so they dare to commit acts of tax evasion; (3) The NJOP PBB as a single reference NPOP. The use of NJOP PBB as a single reference in the determination of NPOP

BPHTB, if NPOP unknown, constitute a large crack which is used by the taxpayer. It is caused by low NJOP when in comparison with the prevailing market value.

The results of this study have implications for the improvement of the BPHTB collection in Sumbawa, especially the Bapenda of Sumbawa Regency, as institutions of local tax authorities. In accordance with the results of the study, that critical point that needs to improve is in the process of examination of tax reports of BPHTB, especially a field inspection on the information reported by the taxpayer, so that tax evasion can be reduced to a minimum. Thus, the tax *budgedter* function can be implemented optimally. In addition, the results of this study have implications for some of the policies: first, the improvement of Local Regulation of Sumbawa Regency No. 14 of 2013 on Land and Building Tax in Rural and Urban Areas, in order to update the NJOP PBB as a reference for determining NPOP BPHTB. Second, the improvement of Local Regulation of Sumbawa Regency No. 33 Year 2010 on BPHTB, to set the level of severe sanctions against BPHTB tax violations, both administrative sanctions such as penalties, interest, and rise, and when necessary, criminal sanctions taxation loaded. Third, improvements of Sumbawa Regent Regulation No. 10 Year 2011 on the Procedures Collecting BPHTB, which includes the procedures of field examination BPHTB. Improved regulation relating to BPHTB, as part of the tax *regulerend* function, in the implementation of tax collection BPHTB better, in order to reduce the occurrence of tax evasion. Ultimately will increase tax revenues of BPHTB, which will have implications for the increasing acceptance of Local Taxes in Sumbawa Regency.

Some of the limitations of this study are: Firstly, there are still few taxpayers willing to become informants of research, most of whom are unwilling to be informants because they are reluctant to share information on what they do in the process of handling BPHTB. They worry after giving information will have an impact on its tax obligations. This is a logical consequence of a study of human deviant behaviour, especially in relation to taxation. Secondly, the informants of this study include officials of the Land Office, Local Revenue Board, Land Deed Official, and Taxpayers of BPHTB, excluded officials from the State Auction Office, as officials signing the auction minutes as a proof of the transfer of rights which is also a tax object of BPHTB. In addition, in the process of research known to have involvement of banks in the process of buying and selling land and/or buildings, which are not analysed in this study. Third, the use of Risk Aversion Theory introduced by Allingham and Sandmo (1972) is a

theory of individual extrinsic motivation to act, in this case, willing or not to pay BPHTB taxes. Have not used individual intrinsic motivation theory to be willing or not to pay taxes.

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