

ABSTRAK

Tujuan Peneliti ini adalah; 1) mengeksplorasi dan menganalisis pengaturan akses informasi keuangan untuk kepentingan perpajakan dalam meningkatkan kepatuhan wajib pajak, 2) membahas pelaksanaan akses informasi keuangan untuk pertukaran otomatis informasi keuangan (*Automatic Exchange of Information -AEOI*) antar negara (*outbound information*) dan untuk pelaksanaan UU Pajak berdasar informasi dari luar negeri (*inbound information*) dan informasi domestik serta menginventarisasi hambatannya, dan 3) merekonstruksi konsep pengaturan akses informasi keuangan untuk perpajakan dalam meningkatkan kepatuhan wajib pajak yang efektif. Beberapa teori sebagai dasar analisis termasuk teori kedaulatan negara dan kedaulatan hukum, teori hukum Thomas Aquinas, teori tujuan hukum Radbruch, dan teori sistem hukum. Sementara itu, pendekatan penelitian dalam studi ini bersifat normative kualitatif berdasar studi pustaka dan lapangan berupa pengumpulan data akses dan tindak lanjut informasi keuangan inbound (dari AEOI luar negeri) dan domestik berdasar akses informasi para petugas pajak di lapangan. Beberapa temuan dalam studi ini, seperti: (1) untuk kemudahan akses informasi keuangan untuk keperluan perpajakan baik dalam rangka AEOI maupun pelaksanaan UU Perpajakan UU 9/2017 memberi kewenangan akses informasi keuangan pada Direktur Jenderal Pajak (DJP) dengan menyampingkan kerahasiaan informasi keuangan dalam UU KUP dan UU Perbankan, (2) dalam rangka AEOI, DJP menerima informasi keuangan dari luar negeri (*inbound*) senilai Rp 2.742 triliun dan untuk keperluan pelaksanaan UU Perpajakan dalam negeri Rp 3.574 triliun yang hampir semuanya telah dikonfirmasi pada para pemegang rekening, (3) dari sampel pemeriksaan pajak ternyata akses informasi keuangan perbankan secara positif efektif meningkatkan kepatuhan, namun pelaporan sesuai rekening Rp 1 milyar berpotensi memicu pelarian dana bank (*rush*), dan (4) melalui jalur akses informasinya sendiri para penegak hukum bisa memanfaatkan ancaman sanksi pajak guna menguatkan pembuktian dalam sidang majelis hakim perdata sehingga dapat diberikan putusan yang seadil-adilnya. Sebagai perbaikan pengaturan akses informasi keuangan yang efektif antara lain dapat disarankan; (1) penyesuaian rumusan ketentuan Pasal 2 ayat (3) UU No. 9 Tahun 2017 merujuk Common Reporting Standard (CRS) dengan harus memuat informasi keuangan, termasuk NPWP dengan NIK (Nomor Induk Kependudukan) sehingga menghilangkan keraguan, (2) pembentukan dan pemupukan basis data perpajakan dari akses informasi keuangan dan berbagai sumber lainnya sebagai dasar pengawasan melalui Surat Permintaan Penjelasan Data dan Keterangan (SP2DK) dan penegakan hukum sebagaimana mestinya, dan (3) digitalisasi administrasi perpajakan dengan pengumpulan dan/atau pengelolaan data secara *real-time* atau hampir *real-time*.

Kata kunci: Akses informasi keuangan, AEOI, *Common Reporting Standard*, SP2DK, NPWP, dan NIK.

ABSTRACT

The purposes of this Research are; 1) explore and analyze regulations for access to financial information for tax purposes to increase taxpayer compliance, 2) analyse the implementation of access to financial information for the automatic exchange of financial information (AEOI) between countries (outbound information) and for the implementation of tax laws based on information from abroad (inbound information) and domestic information as well as taking notes on challenges, and 3) reconstructing the concept of regulating access to financial information for taxation to effectively increase taxpayer compliance. Several theories as a basis for analysis include the theory of state sovereignty and the rule of law, Thomas Aquinas' legal theory, Radbruch's theory on legal objectives, and legal system theory. Meanwhile, the research approach in this study is qualitative normative based on literature and field studies in the form of collecting access data and following up on inbound (from overseas AEOI) and domestic financial information based on access to information by tax officers in the field. Some of the findings in this study, such as: (1) for easy access to financial information for tax purposes both in the context of AEOI and the implementation of the Tax Law No. 9/2017 authorizes access to financial information to the Director General of Taxes (DGT) by setting aside the confidentiality of financial information in the Law of Tax Procedures and the Banking Law, (2) in the framework of AEOI, DGT received financial information from abroad (inbound) worth IDR 2,742 trillion and for the purposes of implementing the domestic Tax Law IDR 3,574 trillion, almost all of which have been confirmed to account holders, (3) from the tax audit sample it turns out that access to banking financial information is positively effective in increasing compliance, but reporting according to an account of Rp. 1 billion has the potential to trigger rush of bank funds, and (4) through their own information access channels, law enforcers can take advantage of the threat of tax sanctions to strengthen evidence in the trial of the civil panel of judges so that it can be given a fair decision. As an improvement to effective access to financial information law, it can be suggested; (1) adjustments to the formulation of the provisions of Article 2 paragraph (3) of Law 9/2017 refers to the Common Reporting Standard (CRS) which must contain financial information, including NPWP with NIK (Resident Identification Number) so as to eliminate doubts, (2) formation and fertilization of a tax database from access to financial information and various other sources as a basis for supervision through Letter of Request for Explanation of Data and Information (SP2DK) and law enforcement as appropriate, and (3) digitalization of tax administration by collecting and/or managing data in real-time or near real-time.

Keywords: Access to financial information, AEOI, Common Reporting Standard, SP2DK, Tax Identification Number, and NIK.