



IMPLEMENTATION OF E-COMMERCE TAX

By

PROF. MOHAIMIN

UNISSA Brunei Darussalam

ABSTRACT

E-commerce poses a challenge to establishing a viable tax system. The Brunei Darussalam Directorate General of Taxes have yet to establish a viable data collection system on the number of active ecommerce business persons and how much they earn annually. The main question to be discussed here is how tax income regulation in Indonesia responds to e-commerce activities, taking into consideration the existing self-assessment system? The author shall attempt to answer this question by using a juridical normative approach. This research leads to one recommendation, i.e. to improve government revenue from e-commerce tax in Brunei Darussalam a rule should be established obligating ecommerce actors to obtain certificate of reliability (trust mark). This will improve government and public monitoring capability

Keywords: Tax, E-Commerce

A. Introduction

The use of information, media and communication technology is wrong one impact of globalization, 1 has changed both people's behavior and human civilization in various aspects, one of which is use electronic media or the internet. Increasingly internet users continue to grow and more and more activities are carried out through internet media because the internet is easily accessed and used. 2 One of the activities in question is related to the existence of buying and selling goods and/or services. Accordingly conventional (before the internet), buying and selling goods and/or services can only done when consumers come directly to the place that provides these goods and services. Whereas in the current internet era, access becomes easier and faster because transactions are only done on the device which can be connected to the internet.

E-commerce business in Indonesia has entered a new stage. Advances in technology in the field of e-commerce trade are not only growing very rapidly in Indonesia, but also the accompanying ecosystems will increase rapidly. Running a business on the internet is believed to be easier and costs less than doing conventional business. Because This development has made e-commerce business crowded in Indonesia, starting from selling goods to selling services. Convergent technological advancements provide changes to the way people consume and use multimedia technology devices made possible by the convergence of media technology today. All these developments bring us to the threshold of a fourth deep revolution

The activity of buying and selling goods and/or services through internet media is known with electronic commerce (hereinafter referred to as e-commerce) which is part of electronic business, namely business conducted using electronic transmission. E-commerce is used as a business transaction between one company and another company, between companies with customers, and/or between companies and institutions engaged in public services. A business activity that brings profits, such as buying and selling transactions via the internet will not be separated from the imposition of taxes, especially the seller's income tax. In contrast to conventional trade transactions, e-commerce transactions have some special characteristics, resulting in rather complicated tax implications of these activities, for example in terms of supervision. The number of e-commerce actors and what is the nominal number of e-commerce transactions is not easy to know and monitor, so it also has an impact on taxes. These constraints are caused by the ability of information technology in the field of supervision is still minimal and obstacles in the ability of human resources.

B. Method

1. E-Commerce Definitions

Electronic Commerce (ecommerce) is the process of purchasing, selling or exchanging products, services and information through a computer network. Ecommerce is part of e-business, where e-business coverage is wider, not just a business but also involves the collaboration of business partners, customer service, job openings etc. In addition to the WWW network technology, ecommerce also require database or database technology, e-mail or electronic mail (e-mail), and other non-computer technology forms such as freight systems, and payment tools For this e-commerce.

E-commerce stands for Electronic Commerce which means marketing system by or by electronic media. This E-Commerce includes the distribution, sales, purchase, marketing and service of a product done in an electronic system such as the Internet or other computer network form. E-commerce is not a service or an item, but it is a mixture of services and goods. E-commerce and related activities via the Internet can be the mobilizer to improve the domestic economy through domestic liberalization of services and accelerate integration with global production activities. Because ecommerce will integrate domestic trade with world trade, various forms of talks or negotiations will not only be limited in the world trade aspect, but how the domestic policy on surveillance in a Countries, particularly in telecommunication, financial services, and shipping and distribution.

Electronic Commerce is defined as the process of buying and selling of products, services, and information done electronically by utilizing the computer network. One of the networks used is the Internet. Electronic Commerce (Electronic Business), as part of Electronic Business (business done using electronic transmission. In implementing e-commerce is an integration of the value chain from its infrastructure, consisting of three layers. First, the infrastructure of the distribution system (flow of good); Second, payment infrastructure (flow of money); and third, information system infrastructure (flow of information). In order to integrate the supply chain system from suppliers, to factories, to warehouses, distribution, transportation services, to the customer, the enterprise system integration is required to create a supply chain visibility.

2. E-Commerce Perspective

E-commerce (electronic commerce) is a term used by companies to sell and buy a product online. Ecommerce is defined from several perspectives (Kalakota and Whinston (1997), based on communication, business processes, services, and online.

The e-commerce definitions are based on some of the aforementioned perspective:

- a. Communication Perspectives (Communications), according to this perspective, ecommerce is the delivery of information, products/services, and payments through telephone lines, computer networks or other electronic means.
- b. Business process Perspective (business), according to this perspective, e-commerce is a technology application to the transaction automation and work flow.

3. Taxation in Brunai Darussalam

Taxes are a contribution of the people to the country that is required by law whose returns are not acceptable to the public directly. Tax is the transition of wealth from the people to the State Treasury to finance the regular expenditure and the surplus used for public saving which is the main source for financing public investment. There are two tax functions, among others (1) Financial function (Budgeter), that is to put as much money into the state treasury, with the intention to finance the state expenditures; and (2) Regulerend means that the tax is used as a tool to govern society in both economic, social, and political areas with a specific purpose. According to its winding mechanism, taxes are divided into two, i.e. direct taxes and indirect taxes. Direct taxes are taxes that tax charges cannot be transferred to other parties, such as income tax, land and building taxes, etc., while indirect taxes are taxes which tax charges may be transferred to other parties.



C. Conclusion

E-commerce has become a trading term nowadays. apart from the costs incurred less than conventional trade and easy access plus extended to all unlimited population area. Making a separate reason for people to open a business through ecommerce. on the other side of e-commerce there are no explicit rules set about taxation for this e-commerce. which can raises the potential for legal vacuum. In the effort to enforce this taxation ecomemrce certainly has a number of problems which this makes it difficult for ecommerce to be taxed so that this e-commerce is increasingly out of control. When reviewed from the taxation legislation. Online trading or e-commerce should be subject to the same tax as conventional trading. Although it is undeniable that e-commerce is not the same as conventional trading, but looking at the essence of these two things is not different where in both these transactions there are sellers and buyers. On this basis is why the application of e-commerce tax must be the same as other conventional transactions. Due to the lack of regulations regarding taxation on e-commerce or online trading, there is a lack of norms where the potential use of taxation is ineffective.

Brunai Darussalam is one of the countries where e-commerce transactions are developing. Most Internet users in Brunai Darussalam usually offer their products through social media. This e-commerce transaction is quite large and always increasing, and will be unfortunate if it is not taxed, especially if you see Internet users who are always increasing each year. In fact, when Brunai Darussalam returns to the other countries, other countries have a proper regulation to levy taxes on this transaction, in which other countries are harmonised to international regulations. Therefore, the Directorate General of Taxation needs to start considering this transaction as one of the tax receipts in Brunai Darussalam, because the value is very large and always increases annually. With the utilization and use of Internet technology is expected to provide great benefits to the competitive business world. The company that is able to compete in the competition is a company capable of implementing the technology into the company. One of the types of technology implementation in terms of increasing business competition and selling products is to use electronic commerce (e-commerce) to market a wide range of products or services, both in physical and digital form. With this electronic commerce service (e-commerce), customers can access and place orders from various places. With the era of sophisticated technology today, customers who want to access e-commerce do not have to be in a place, that is because in the big city city in Brunai Darussalam has many places that provide an Internet access facilities only by using a laptop/notebook or with a Personal Digital Assistant (PDA) using wif technology.

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