

Review of the Implementation of Government Regulation No. 46 Year 2013: Contributions, the Counting Method, Deposit and Reporting and constraints for SMEs

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Abstract: *The aim of this study was to review the contributions and constraints faced by SMEs in paying taxes in Government Regulation No. 46 Year 2013. SMEs currently not able to understand and are willing to count, deposit and report tax obligations under the rules applicable to national income has not increased from the sector. The purpose of this study is; determine the level of understanding of the taxpayer against the income tax on income from businesses that received or earned by the taxpayer SMEs in Surabaya; find out what are the constraints faced by SMEs in the taxpayer paying taxes and comparing the contribution of taxpayers who apply and do not apply PP 46 in 2013. Methods using qualitative research methods were combined with quantitative especially when viewed from the type of data and how to analyze it. Research result show thant a decline in the growth of the taxpayer by 0.23%, this shows that the Directorate General of Taxation effort to increase potential tax revenues, in particular tax SMEs, not achieved well and since the implementation of PPNo. 46 Year 2013 experienced a volatile and is still in the category of very less. There are some SMEs that seeks to understand the tax laws but the majority of SMEs are still deposited pickup. In calculating the tax, some of the respondents to pay tax in accordance with the bill when income is received and no respondents who calculate the taxable income multiplied by the applicable tariff. It shows that SMEs as the taxpayer has not fully understand which one is a final tax and which are not final.*

Keywords: *PP No. 46 Year 2013, Income Tax, SME's*

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I. INTRODUCTION

According Sengenberger (in Babatope, 2010), activities of small and medium business is "small enterprises or small and medium enterprises are elusive concept. They do in fact hide a large heterogeneity in the types of the firms ". In the context of the European Union, SMEs or Small and Medium Enterprises is defined as a business unit in which the people involved in its activities are not more than 250 people and a large turnover per year does not exceed EUR 50 M and / or a large balance sheet per year are not exceed 43 M.

The definition of SMEs in the context of legislation in Indonesia, the Act (Act) No. 20 of 2008 on Micro, Small and Medium Enterprises, namely: a). Micro-businesses are productive enterprise belonging to individuals and / or entities which meet the criteria of individual micro-enterprises, which have a net worth of up to Rp50 million, excluding land and buildings or have annual sales up to Rp. 300 million; b). Small businesses are productive economic activities that stand alone, carried out by the individual or business entity that is not a subsidiary or not a branch of the company owned, controlled, or be a part either directly or indirectly from medium or large businesses that meet the criteria small businesses, which have a net worth of more than Rp. 50 million to IDR. 500 million, excluding land and buildings; or have annual sales of more than Rp. 300 million to Rp. 2.5 billion; and c). Medium-sized businesses are productive economic effort that stands alone, conducted by individuality or entities which are not subsidiaries or branches of companies owned, controlled, or be a part either directly or indirectly with a small business or large enterprise with total net assets of more than Rp. 500 million and Rp. 10 billion, not including land and buildings or annual sales of more than Rp. 2.5 billion to Rp. 50 billion.

Meanwhile, according, Minister of Finance Regulation No. 68 / PMK.03 / 2010 on the Limitation of Small Employers Value Added Tax, as amended by Regulation of the Minister of Finance of the Republic of Indonesia Number 197 / PMK.03 / 2013, the small businessman is a businessman for 1 (one) the book delivers taxable goods and / or services by the amount of taxable gross income and / or gross income of no more than Rp. 4,800,000,000.00 (four billion, eight hundred million rupiah).

Income Tax (VAT) is a tax levied on tax subjects on income received or accrued in a particular tax year (Act No. 36 of 2008). According to the Official (2009) Income Tax (VAT) is a tax levied on the Subject Taxes on income received or accrued in the tax year. Indonesia adopts self-assessment tax collection system, which means the Income Tax should be calculated, paid-up and reported by the taxpayer independently.

Income tax has certain Gross Distribution is a tax applied to income from business derived by a taxpayer who has a certain gross income, subject to final income tax. Taxpayers who have a certain gross income is the taxpayer who meets the following criteria; Taxes shall be individual or corporate taxpayer does not include the permanent establishment; and receives income from business, not including income from services in connection with the work-free, with a gross income does not exceed Rp. 4,800,000,000.00 (four billion, eight hundred million rupiah) within 1 (one) tax year.

Excluding the taxpayer is an individual taxpayer who undertake business activities and / or services in their efforts: 1) using means or infrastructure that can be assembled, whether settled or not settled; and 2) use some or all over the place for the public interest that are not destined for a place of business or selling. Excluding the corporate taxpayer in Government Regulation 46 Year 2013, this is a corporate taxpayer who has not been in commercial operation; or corporate taxpayer who in a period of one (1) year after the commercial operation obtain gross income exceeding USD. 4,800,000,000.00 (four billion, eight hundred million rupiah).

The amount of income tax rate that is final is 1% (one percent); the basis for calculating the final Income Tax used in PP 46 In 2013, namely; (1) The basis of taxation which is used to calculate the final income tax is the amount of gross income each month and Income tax is calculated based on the rates multiplied by the tax base. The provision does not apply to income from the business that is subject to final income tax under the provisions of legislation in the field of taxation.

Previous research conducted by Diatmika, 2013, the results showed that PP 46 in 2013 to favor entrepreneurs who have business circulation under 4.8 billion per year to apply a rate of 1% is the final of the applying general tariff by 25%. In terms of accounting treatment are classified as entrepreneurs should have special characteristics such as SMEs applying accounting treatment of final tax which amounted to 1% of the circulation of their business every month.

Subsequent research by Rahmawati, 2014, lead to the conclusion that SMEs have not been able to make financial statements / accounting and many only keep records of transactions made therefore they have not been able to accurately calculate tax. SMEs have to have a computer as a tool in their business and production but they do not take advantage of such computers in bookkeeping that will help them in order to meet the tax obligations to the government. SMEs need software to assist them in calculating their income taxes correctly and accurately. Software calculation of income tax for SMEs is built in four phases, including planning, design, programming (coding) and testing and software calculation of income tax is built in an easy and simple for users (SMEs).

This study aims to determine the level of understanding of the taxpayer against the income tax on income from business derived by a taxpayer who has a certain gross turnover in SMEs in Surabaya; find out what are the constraints faced by SMEs in the taxpayer paying taxes in accordance with Regulation No. 46 in 2013; Comparing the contribution of taxpayers to apply PP 46 in 2013 with the contribution of taxpayers who do not apply PP 46 in 2013 and know the loopholes to do engineering or manipulation of financial statements of tax; provides an overview of the method of calculating the tax, deposit, and the reporting of income tax on income from business derived by a taxpayer who has a certain gross income that make it easier for taxpayers SMEs.

II. LITERATURE REVIEW

Definition of SMEs

The definition of SMEs in the context of legislation in Indonesia, the Act (Act) No. 20 of 2008 on Micro, Small and Medium Enterprises, namely:

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- b. Small businesses are productive economic activities that stand alone, carried out by the individual or business entity that is not a subsidiary or not a branch of the company owned, controlled, or be a part either directly or indirectly from medium or large businesses that meet the criteria small businesses, which have a net worth of more than Rp. 50 million to IDR. 500 million, excluding land and buildings; or have annual sales of more than Rp. 300 million to Rp. 2.5 billion.
- c. Medium-sized businesses are productive economic effort that stands alone, conducted by individuality or entities which are not subsidiaries or branches of companies owned, controlled, or be a part either directly or indirectly with a small business or large enterprise with total net assets of more than Rp. 500 million and Rp. 10 billion, not including land and buildings or annual sales of more than Rp. 2.5 billion to Rp. 50 billion.

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Income tax

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Income Tax Gross Have Certain Circulation (PP No. 46 Year 2013)

Income tax has certain Gross Distribution is a tax applied to income from business derived by a taxpayer who has a certain gross income, subject to final income tax. Taxpayers who have a certain gross income is the taxpayer who meets the following criteria:

- a. Taxpayers individual or corporate taxpayer does not include the permanent establishment; and
- b. Receive income from business, not including income from services in connection with the work-free, with a gross income does not exceed Rp. 4,800,000,000.00 (four billion, eight hundred million rupiah) within 1 (one) tax year.

Excluding the taxpayer is an individual taxpayer who undertake business activities and / or services in their efforts: 1) using means or infrastructure that can be assembled, whether settled or not settled; and 2) use some or all over the place for the public interest that are not destined for a place of business or selling. Excluding the corporate taxpayer in PP 46 Year 2013, this is a corporate taxpayer who has not been in commercial operation; or corporate taxpayer who in a period of one (1) year after the commercial operation obtain gross income exceeding USD. 4,800,000,000.00 (four billion, eight hundred million rupiah).

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Research Accomplished

Research conducted by Diatmika, 2013, the results showed that PP 46 in 2013 to favor entrepreneurs who have business circulation under 4.8 billion per year to apply a rate of 1% is the final of the applying general tariff by 25%. In terms of accounting treatment are classified as entrepreneurs should have special characteristics such as SMEs applying accounting treatment of final tax which amounted to 1% of the circulation of their business every month.

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III. RESEARCH METODE

Research approach

This study uses qualitative research methods were combined with quantitative especially when viewed from the type of data and how to analyze it. Mainly quantitative data to determine the taxpayer understanding of the Income Tax and the constraints faced by the survey method in order to obtain representative data. A qualitative approach was used to deepen the understanding and study of the constraints faced by SMEs taxpayer.

Population and Sample

The population in this study are all SMEs in the city of Surabaya. The samples were taken randomly on SMEs which pay taxes in some STO SMEs in Surabaya and in some tax consultants in Surabaya.

Phasing Research

Phasing of this research will be described respectively per year associated with the implementation of research, data collection techniques, data analysis techniques, outputs and indicators of achievement. The indicator of the achievements of this research, among others;

1. Availability of data about the understanding of taxpayers against the PP 46 Year 2013, for the next stage of analysis
2. The availability of data on the constraints faced by SMEs in calculating, deposit and tax reporting of SMEs in accordance with Regulation No. 46 Year 2013
3. Given the contribution ratio of the taxpayer and the availability of the data gaps to perform engineering or manipulation of financial statements tax
4. Analyze the most appropriate method and in calculating, deposit and tax reporting of SMEs for SMEs

IV. RESULT

The object of this research is the SMEs in Surabaya collected by researchers randomly. Information obtained through questionnaires and in-depth interviews (depth interview).

Interviews conducted to reduce the lack of understanding of participants on questions prepared in addition to knowing the deeper understanding of respondents to the study subjects. The authors noted a response in the form of a statement given participants and read the supporting documents were found during the study.

Individual taxpayer Surabaya who are willing to give a statement through in-depth interviews there are seven respondents. Participant's taxpayer who gave a statement through in-depth interview as many as 12 respondents. Statement of the participants were recorded by investigators when the interview took place, this is because the participants feel more comfortable answering interview questions in a condition not recorded during the giving of the statement.

Constraints SME taxpayer paying taxes in accordance with Government Regulation No. 46 Year 2013

In general SMEs as informants realize that they have to submit tax returns on time even though they see themselves do not understand the procedures for calculation of tax imposed on them. They are even willing to pay a tax consultant to calculate their taxes despite the more expensive compared shall pay the amount of the tax itself.

There are some SMEs that seeks to understand the tax laws by attending socialization-socialization or training workshops conducted by the Directorate General of Taxes or other provider. But the majority of SMEs are still deposited pickup. Tax payment roughing supported by the results of research conducted by Setyaningsih and Ridwan (2014) which states that the survey respondents stated although they suffered losses, still have to pay taxes.

In calculating the tax, some of the respondents to pay tax in accordance with the bill when income is received and no respondents who calculate the taxable income multiplied by the applicable tariff. It shows that SMEs as the taxpayer has not fully understand which one is a final tax and which are not final.

In Government Regulation No. 46 In 2013, the group set Taxpayers who have a turnover under Rp.4,8 billion mainly SMEs that set the final tax rate of 1% of the gross distribution. The majority of respondents do not agree with this rule. After an in-depth interview, it was found that they objected to the application of a tax based on turnover they are certainly not the same as their income but even if they lose money it must still pay taxes.

Although many respondents did not understand the tax and almost all the perpetrators of SMEs which constitute the study respondents agreed that they disagree with the taxable base, but they will still be paying taxes with a variety of consequences. That is because they have no other choice but to pay their taxes because the basis of the imposition of which is based on turnover. One of the things that can be done by them to negotiate with the LTO officer.

In Government Regulation No. 46 Year 2013, the imposition of income tax on certain gross turnover is 1% of the gross turnover and a final that is flat, straight single rate multiplied by the gross income. The government chose to use this method because of its simplicity in calculating tax payable, despite taxation should be undertaken in such a way so as not to interfere with the economic conditions, good production, trade, and services. One disadvantage of this method is not paying attention to the subject and object of the tax losses or not. Tax should be proportionate, attention to small and great ability of citizens to pay taxes, from central to local level. Tax collection should meet the requirements, among others: justice, based on Law, efficient, unobtrusive and simple economy. Taxation should not be detrimental to the interests of society and the business community stall the march of tax suppliers, especially small and medium-sized communities. With no attention to income not taxable (taxable income) for the WP OP (Personal) and not cared about the nominal loss suffered WP Agency in particular for SMEs, the Government Regulation No. 46 of 2013 requires the absence of SSP Nil for the calculation of 1% of gross turnover by itself produce a number of tax payable.

According to W.J. Langen in Setyaningsih and Ridwan (2014), said the tax based on the principle means power to bear on the size of the tax collected should be based on the amount of income tax payers. The higher the income, the higher the tax is charged. Recalling also that the income taxes that each additional economic capability received or accrued by the taxpayer, whether originating from Indonesia and outside Indonesia, which can be used for consumption or to increase the wealth of the taxpayer, with the name and in any form. Income Tax Act Indonesia adheres to the principle of taxation on income in the broad sense, which is that the tax charged on any additional economic capability received or accrued by the taxpayer where it comes from that can be used for consumption or to increase the wealth of the taxpayer. Judging from its use, the income can be used for consumption and can also be saved to increase the wealth of the taxpayer. Because the Income Tax Act embraces the notion comprehensive income then all types of income received or acquired in a tax year are combined to get the tax base. Thus, if in a tax year of a business or suffers a loss, the loss is compensated for by other income (compensation Horizontal), except for the losses incurred abroad. However, if a type of income is taxed at a rate which is final or Exempted from taxable income, the income may not be combined with other income subject to the general rate. Therefore Regulation No. 46 of 2013 should be revised specifically linked to earnings, not gross income and should be treated so that there is no final compensation for losses if the SME is in a state of loss.

Contributions taxpayers who apply Government Regulation No. 46 In 2013 with the contribution of taxpayers who do not apply Government Regulation No. 46 In 2013

The composition of business gross income from January until August 2013 has not been reached 4,8M this means companies can implement circulars Directorate General of Taxes 46 in 2013. In terms of actual calculations show that this policy benefit taxpayers classified as micro and medium enterprises, Nominally almost national income reduced by 50% if all entrepreneurs who have business circulation below 1% 4,8M apply tariff's final.

Answers about doubt various groups will be the implementation of this appeal which later can trap the accounting treatment of taxpayers is not proven by the analysis table above. In a suggested profit margin of 7% was the taxpayers could save 50% of their cash flow and can be used to increase sales volume. In the long term if the company's financial management is a well-established there was a tendency circulation of business will continue to grow so that by the end of the fiscal year is already beyond the circulation of business on 4,8M. Here we need further analysis from the viscus to more closely study the financial statements of the taxpayer to detect manipulation of financial statements of the taxpayer.

Obligation to audit the financial statements and tax incentives for taxpayers to report figures in the audited financial statements of tax should be considered by policy makers at the Directorate General of Taxation. Incentives have occurred in the 1980s, but the results were not significant impact on state revenue. The benefits the government less than a leak is lost into the hands of rogue accountants who participated manipulate financial statements taxes. What to watch now is how taxpayers report presents the composition of costs that do not show fair value is not in the eyes of the tax authorities. If this discrepancy occurs then there will be a reproof from the tax authorities to the taxpayer concerned.

Method of calculating the tax, deposit, and the reporting of income tax on income from business derived by a taxpayer who has a certain gross income that make it easier for taxpayers SMEs.

The Minister of Finance has issued rules regarding procedures for counting, depositing, and reporting of income tax on income from business derived by a taxpayer who has a certain gross turnover, namely the Minister of Finance of the Republic of Indonesia Number 107 / PMK.011 / 2013 and also provide examples facilitate taxpayers to calculate the final tax, among these examples are presented as follows:

1. Agus Hidayat run a motorcycle repair business at the same time sell spare parts. Agus Hidayat who has been registered as a taxpayer since 2009 has two (2) pieces workshop located in a different area, namely A workshop registered in the Tax Office (KPP) X and workshop B registered in the LTO Y. Based on the recording during 2013 each of these workshops have a gross income as follows:
 - a. A workshop on gross income = 100,000,000.00
 - b. Gross income workshop B = Rp150.000.000,00

Gross income used as the basis to determine the final income tax rates is the amount of gross income workshop A and B which amounted Rp250,000,000.00 workshop (two hundred and fifty million rupiah).

Because the total gross income for the year 2013 is less than Rp4.800.000.000,00 (four billion, eight hundred million) it on income from businesses that received by Agus Hidayat in 2014 subject to final income tax of 1% (one percent) of gross turnover.

Suppose that in January 2014, Agus Hidayat derive gross income from A workshop for Rp10,000,000.00 (ten million) and from workshop B by Rp15,000,000.00 (fifteen million rupiah), then at the latest on February 17, 2014 (as of February 15 falls on a Saturday), Agus Hidayat must deposit the final income tax

amounting to:

1. Workshop A
Income Tax = 1% x Rp10,000,000.00 = 100,000.00 (reported to KPP X)

2. Workshop B
Income Tax = 1% x Rp15,000,000.00 = Rp150,000.00 (reported to KPP Y)

In March 2013 a private company called PT Amira Expedition perform maintenance and repairs on five (5) motorcycle owned by the company in a garage belonging to Agus Hidayat. Claims made to PT Amira expedition on maintenance and repair services amounted Rp1.500.000,00 (one million five hundred thousand rupiah). The bill on PT Amira expedition to withhold article 23 2% x Rp1.500.000,00 = Rp30.000,00.

However, if Agus Hidayat has earned a Certificate of Freedom from cuts and / or Withholding Income Tax issued by KPP X, upon payment of the charge did not do the cutting article 23 by PT. Amira Expedition.

2. Irine run business clothing boutique, has a clothing boutique in the city of Batam and Singapore. Irine has been registered as a taxpayer since 2009 at the Tax Office (KPP) X. Based on the recording during 2013 each of the boutique has a gross income as follows:

- a. Gross income boutiques in Batam = Rp3.000.000.000,00
- b. Gross turnover boutique in Singapore = Rp5,000,000,000.00

Of the gross turnover boutique in Batam Rp 3,000,000,000.00 one of which is the result of sales of Rp 50,000,000.00 to Mr. X a businessman from Singapore.

Aside from the boutique business income, Irine also earn income from the rental of apartments in Singapore amounted to 100,000,000.00.

Gross income as the basis of the imposition of income tax that is final is the amount of gross income boutiques in Batam, namely by Rp3.000.000.000,00. Irine income received from the rental of apartments and boutiques in Singapore, is not taken into account in calculating the gross income limits to be subject to final income tax.

V. CONCLUSION

There are some SMEs that seeks to understand the tax laws but the majority of SMEs are still deposited pickup. In calculating the tax, some of the re-spondents to pay tax in accordance with the bill when income is received and no respondents who calculate the taxable income multiplied by the applica-ble tariff. It shows that SMEs as the taxpayer has not fully understand which one is a final tax and which are not final. A decline in the growth of the tax-payer by 0.23%, this shows that the Directorate General of Taxation effort to increase potential tax revenues, in particular tax SMEs, not achieved well. Tax Receipts Article 4 Paragraph (2) of the Income Tax SMEs over a period of seventeen months since the implementation of PP. No. 46 Year 2013 experienced a volatile and is still in the category of very less. The Minister of Finance has issued rules regarding procedures for counting, depositing, and reporting of income tax on income from business derived by a taxpayer who has a certain gross turnover, namely the Minister of Finance of the Republic of Indonesia Number 107 / PMK.011 / 2013 and also provide examples facili-tate taxpayers to calculate the final tax, among these examples are presented as follows

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