

## The Policy of Final Income Tax Incentives For Micro, Small Medium Enterprises (MSMEs) During the Covid-19 Pandemic



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**ABSTRACT:** The Covid-19 pandemic has had a significant impact on Indonesia. The impact of Covid-19 is not only in the health sector, but also in various aspects including economic, social, educational, and so on. Various government policies were carried out to overcome and prevent the wide spread of the Covid-19 virus, such as social distancing, and working from home. It was to reduce the occurrence of crowds by establishing Large-Scale Social Restrictions and Enforcement of Restrictions on Community Activities. However, the government's policy also harmed the economic sector, especially MSMEs. They suffered a lot of losses and some were even unable to continue their business. From such conditions, it would be very difficult for MSMEs to pay tax obligations. therefore, the government made policies in the field of taxation, by providing incentives for MSMEs. The problem was what the benefits of providing this final income tax incentive for MSMEs would be. The research method used was an empirical legal study. The results showed that most of the respondents interviewed by the author had not taken advantage of these incentives due to ignorance of the existence of these incentives, lack of understanding of the procedures, and so on.

**KEYWORDS:** Policy, Incentive, Final Income Tax, MSMEs, Covid-19 pandemic.

### I. INTRODUCTION

In early 2020, the world was shocked by the new outbreak from Wuhan, Hubei Province (China). Furthermore, it spreaded quickly to 190 countries and territories (Yuliana, 2020). Corona Virus Disease 2019 atau yang biasa disingkat Covid-19 adalah penyakit menular yang disebabkan oleh SARS-CoV-2 sebagai salah satu jenis virus korona. Manusia yang terjangkit virus tersebut akan menunjukkan tanda-tanda penyakit infeksi saluran pernapasan mulai dari flu sampai yang lebih serius, seperti Middle East Respiratory Syndrome (MERS) dan Severe Acute Respiratory Syndrome (SARS) atau sindrom pernapasan akut (Nasution & Hidayah, 2021). Based on these situations and conditions, WHO on March 11, 2020 declared Covid-19 as pandemic. Indonesia then followed WHO's steps by issuing Presidential Decree No.11 of 2020 concerning the Determination of Public Health Emergencies for Corona Virus Disease 2019 (Covid-19) and Presidential Decree Number 12 of 2020 concerning the Designation of Non-Natural Disaster for the Spread of Corona Virus Disease (Covid-19) as a National Disaster (Sipayung et al., 2020).

This pandemic condition has caused the government to issue policies to prevent or reduce the spread of the Covid-19 virus. Some of these government policies were Large-Scale Social Restrictions (PSBB), Enforcement of Limitations on Community Activities (PPKM), application of health protocols (Prokes), work from home, and so on. Various government policies related to Covid-19 to reduce the spread of the Covid-19 virus, on the other hand, have had a negative impact in various fields including education, tourism, industry, public services, and the economic sector. Many industrial and tourism sectors suffered losses. Many MSMEs also went bankrupt. Public services were hampered. Many layoffs increased the number of unemployed. (Gustav Rizal, 2021). Restrictions on community activities affected business activities which then have an impact on the economy.

The report from the Central Statistics Agency (BPS) in August 2021 stated that Indonesia's economic growth in the second quarter of 2020 was minus 5.32%. Previously, in the first quarter of 2020, BPS reported that Indonesia's economic growth only grew by 2.97%, down far from the growth of 5.02%. Economic development also slowed down. It had a direct impact on the decline in tax revenues. Until the end of September 2020, national tax revenue was recorded at only 751 trillion rupiahs (Mas Eko Affandi, 2021). The role of government is needed to overcome the various impacts as a result of the Covid-19 outbreak. The government has a role to play in reducing the impact of the pandemic to a minimum.

In dealing with the Covid-19 pandemic, the government implemented a fiscal policy on state revenue and expenditure to maintain economic growth and economic stability (Gustav Rizal, 2021). In taxation, the Government through the Directorate

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General of Taxes can use several tax functions. Taxes are not only a source of revenue in the State Revenue and Expenditure Budget (APBN). Taxes also play an important role in efforts to maintain and recover the economy, taxes must be able to play a major role in providing overall stimulus for National Economic Recovery, especially during a pandemic. With the economic stimulus policy through taxation, it is expected that the business sector, including MSMEs, will be able to develop again, the investment climate will improve again, and people's welfare will increase.

The use of the tax function by the government is not only a budgetary function (the use of tax funds to finance state expenditures, for example during the current pandemic for vaccine financing, Covid-19 patient care, and procurement of medical devices) but also no less important is the regulatory function (the function of the regulation) namely: the tax function to achieve certain goals outside the budgetary function (financial function). This regulatory function of taxation cannot be separated from the use of legal instruments (tax law) to regulate matters related to government policies in the field of taxation during the Covid-19 pandemic. Regulatory functions include: taxes are used as a tool to achieve the goal of overcoming the economic impact caused by Covid-19, including through the provision of tax incentives, tax relaxation, lowering of corporate income tax rates, and so on.

The provision of tax incentives is also given to Micro, Small, and Medium Enterprises (MSMEs). Based on Law Number 20 of 2008 concerning Micro, Small, and Medium Enterprises; MSMEs are businesses run by individuals, households, or small business entities. The provision of tax incentives for MSMEs is the government's response to the impact of the Covid-19 Pandemic which has also been felt by MSMEs. Officially, the Ministry of Finance of the Republic of Indonesia has borne the MSMEs tax which has been set at 0.5%. This is regulated in Minister of Finance Regulation (PMK) Number 44/PMK.03/2020 concerning Tax Incentives for Taxpayers Affected by the 2019 Corona Virus Disease Pandemic. The purpose of implementing the MSMEs tax exemption is to help MSMEs to continue running their business amid the Covid-19 Pandemic.

The existence of tax incentives borne by the government for MSMEs is expected to ease MSMEs. Thus, they can continue to run their business during the Covid-19 pandemic. The research problems are how to use this Final Income Tax incentive by MSMEs and whether MSMEs have understood and used the incentive.

### **II. RESEARCH METHOD**

This type of research was empirical legal research (a combination of doctrinal legal research and non-doctrinal legal research). Doctrinal law research uses a conceptual approach and a (statute) regulatory approach. Doctrinal law research is carried out by searching and analyzing legal materials, both primary legal materials, secondary legal materials, and tertiary legal materials (Wibawa & Susanto, 2020). This Non-doctrinal legal research used a qualitative approach.

The empirical legal approach uses the main data source, namely: primary data (data obtained from field research through interviews). In this study, interviews were conducted with 10 MSMEs respondents, in particular 5 batik traders in Surakarta City and 5 batik traders in Pekalongan City. Data analysis was carried out qualitatively. Qualitative research is used to investigate, describe, explain, and discover the quality or features of social influence that cannot be explained, measured, or illustrated through a quantitative approach (Wibawa & Susanto, 2020).

### **III. RESULTS AND DISCUSSION**

#### **A. The policy of Tax Incentive During the Covid-19 Pandemic**

The role of taxes in a country is very important because, without taxes, the state will have difficulty carrying out its activities. This is because taxes are a very important source of state revenue. Based on the provisions of the Taxation Law currently in force, the definition of tax is described as that tax is a mandatory contribution paid to the state owed by an individual or entity, coercive in nature, based on the law, which does not receive direct compensation and is used for the country for the greatest prosperity of the people ( *Article 1 paragraph (1) of Law Number 28 of 2007 concerning the Third Amendment to Law Number 6 of 1983 concerning General Provisions and Tax Procedures, 2007*).

In Indonesia, tax revenue is highly relied upon to finance state expenditures, both routine, and development. Currently, almost 80% of state revenue is supported by the taxation sector (Pratiwi, 2017). Due to the current pandemic which has affected various sectors, the tax function is very important in overcoming the impact of the Covid-19 pandemic. The function of the tax budgetary is, for example, during this pandemic, tax funding is used to procure vaccines, procure medical devices, and finance the treatment of Covid-19 patients. Regulatory functions include: taxes are used as a tool to achieve the goal of overcoming the economic impact caused by Covid-19, through the provision of tax incentives, tax relaxation, lowering of Corporate Final Income Tax rates, and so on. The function of tax redistribution during a pandemic, the results of tax collection from the public including taxpayers will also be used not only for taxpayers but also for low-income people in various forms, for example, People's Business Credit, Cash Direct Assistance, or other social assistance.

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The government's policies for providing tax incentives and concessions during the pandemic period include Article 21 Income Tax incentives, MSMEs tax incentives, construction services Income Tax incentives, Article 22 Import Income Tax incentives, Article 25 Income Tax incentives, Value Added Tax incentives. In addition to providing incentives, the government also provides several tax relaxations, such as the reduction of corporate income tax rates, the extension of time in tax administration, provision of customs facilities, taxes on electronic transactions (Regulation of the Minister of Finance of the Republic of Indonesia Number 114/PMK.03/2022 concerning Amendments to the Regulation of the Minister of Finance Number 3/PMK.03/2022 concerning Tax Incentives, 2022).

In more detail, the provision of tax incentives is as follows (Enggarnadi, 2021):

1. Article 21 Income Tax Incentives. this incentive is given to employees who have an NPWP (Taxpayer Identification Number/TIN) and a fixed and regular annualized gross income of no more than IDR 200 million. In this case, it is intended for employees who work for companies engaged in one of the 1,189 specific business fields, companies that obtain Ease of Import Facilities for Export Purposes, or companies in bonded zones. They can get Article 21 income tax incentives borne by the government;
2. MSMEs Tax Incentives. MSMEs entrepreneurs receive a Final Income Tax incentive of 0.5% according to Government Regulation Number 23 of 2018 which is borne by the government. Thus, MSMEs taxpayers do not need to pay taxes, but must fulfill the specified requirements;
3. Final Income Tax Incentives for Construction Services, taxpayers who receive income from the construction service business in the Irrigation Water Use Acceleration Improvement Program obtain an Income Tax incentive for construction services to be borne by the government;
4. Article 22 Import concerning Income Tax Incentives. exemption incentives from collecting Income Tax Article 22 on imports are given to taxpayers engaged in one of 730 certain business fields (previously Number SP-05/2021721 business fields), companies with Import Facility for Export Purposes, or companies in bonded zones;
5. Article 25 Income Tax Installment Incentives. receiving a reduction in Article 25 Income Tax installments of 50% of the installments should be payable to taxpayers engaged in one of 1,018 certain business fields (previously 1,013 business fields), companies with Import Facilities for Export Purposes, or companies in bonded zones;
6. Value Mining Tax Incentive. Obtaining an accelerated refund incentive up to a maximum amount of overpayment of IDR 5 billion for low-risk taxable Entrepreneurs engaged in one of 725 certain business fields (previously 716 business sectors), companies with Import Facilities for Export Purposes, or companies in bonded zones.

### B. Final Income Tax Incentive for MSMEs borne by the Indonesian Government

Micro, small, and medium business activities (MSMEs) are business sectors that can develop and be consistent in the national economy. Micro, small and medium enterprises (MSMEs) are a good platform for job creation planned by the government, the private sector, and individual business actors (*Halim, 2020*). Based on data published by the Indonesian Ministry of Cooperatives and Small and Medium Enterprises, it is known that the contribution of MSMEs reaches more than 60% of the national gross domestic product (*Isnaeni; et al., 2021*).

MSMEs are regulated based on the Law of the Republic of Indonesia Number 20 of 2008 concerning Micro, Small, and Medium Enterprises. The MSMEs criteria are based on Articles 35 and 36 of Government Regulation Number 7 of 2021 concerning Facility, Protection, and Empowerment of Cooperatives and Micro, Small, and Medium Enterprises. It is stated that the MSMEs capital criteria consist of:

- a. Micro-enterprises have a business capital of up to a maximum of IDR 1,000,000,000.00 (one billion rupiahs) excluding land and buildings for business premises;
- b. Small businesses have a business capital of more than IDR 1,000,000,000.00 (one billion rupiahs) up to a maximum of Rp. 5,000,000,000.00 (five billion rupiahs) excluding land and buildings for business premises;
- c. Medium-sized businesses have a business capital of more than IDR 5,000,000,000.00 (five billion rupiahs) up to a maximum of IDR 10,000,000,000.00 (ten billion rupiahs) excluding land and buildings for business premises.

Based on the Government Regulation of the Republic of Indonesia Number 46 of 2013 concerning Income Tax on Income from Businesses Received or Gained by Taxpayers Having a Certain Gross Turnover, it is stated that Final Income Tax for MSMEs is a tax on income (turnover) from businesses received or earned by the taxpayer. Final Income Tax is specifically imposed on taxpayers who have a gross turnover or turnover below IDR 4.8 Billion in a year. However, on July 1, 2018, the Government of Indonesia issued Government Regulation Number 23 of 2018 concerning Income Tax on Income from Business Received or Gained by Taxpayers with Certain Gross Turnovers. It is stated that the Final Income Tax rate which was initially imposed at 1% was reduced to only 0.5% with the following conditions:

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1. Individual Taxpayers can benefit from a Final Income Tax rate of 0.5% within 7 years;
2. Corporate Taxpayers such as Cooperatives, Limited Partnerships (CV), and Firms can only enjoy a Final Income Tax rate of 0.5% for 4 years;
3. Meanwhile, Limited Liability Company (PT) taxpayers can only enjoy a 0.5% Final Income Tax rate for 3 years.

Related to Covid-19, the Government of Indonesia has made an Income Tax incentive policy for MSMEs. The government bears the MSMEs tax which has been set at 0.5%. This is the government's response to the impact of Corona Virus Disease 2019 (Covid-19) which is also felt by MSMEs. This is as regulated in the Minister of Finance Regulation Number 44/PMK.03/2020 concerning Tax Incentives for Taxpayers Affected by the 2019 Corona Virus Disease Pandemic. MSMEs actors receive a final income tax facility of 0.5% (Government Regulation Number 23 of 2018) borne by the government (Minister of Finance Regulation Number 44/PMK.03/2020 concerning Tax Incentives for Taxpayers Affected by the Corona Virus Disease Pandemic 2019, 2020). Therefore, MSMEs taxpayers do not need to pay taxes, and tax withholders or collectors do not withhold or collect taxes when making payments to MSMEs. Therefore, MSMEs entrepreneurs must first obtain a Certificate of Government Regulation Number 23 of 2018 and are required to make a report on the realization of the Final Income Tax Borne by the Government every tax period.

### **C. The Utilization of the Final Income Tax Policy for Government borne MSMEs**

As described in the previous sub-chapter, MSMEs entrepreneurs receive a 0.5% Final Income Tax incentive according to Government Regulation Number 23 of 2018 which is borne by the government. Therefore, MSMEs taxpayers no longer need to make tax payments. This tax incentive can be obtained by MSMEs taxpayers by fulfilling the specified requirements.

The Minister of Finance Regulation Number 44 of 2020 stipulates that MSMEs taxpayers must obtain a Certificate of Government Regulation Number 23 of 2018 which can be obtained by applying to the Directorate General of Taxes through the channel on the official website of the tax authority. In addition, in the Regulation of the Minister of Finance Number 44 of 2020, the following matters are regulated in more detail:

- a. Incentive recipients are MSMEs whose gross turnover is < IDR 4.8 billion and is subject to a Final Income Tax of 0.5% based on Government Regulation Number 23 of 2018;
- b. The period for the Final Income Tax to be borne by the Government is 6 months;
- c. MSMEs who receive incentives must submit a report on the realization of the Government Borne Final Income Tax for each tax period no later than the 20th of the following month after the tax period ends.

The procedures that MSMEs have to do to obtain the Final Income Tax Borne by the Government are as follows:

- a. Arrange the Statement Letter of Government Regulation Number 23 of 2018 to the respective Tax Service Offices;
- b. Apply to the [www.pajak.go.id](http://www.pajak.go.id) page;
- c. Make a report on the realization of the Government Borne Final Income Tax every Tax Period;
- d. The government-borne final income tax realization report attached with a tax deposit slip or billing code printout must be submitted no later than the 20<sup>th</sup>, the following month after the tax period ends.

The MSMEs business is one of the sectors that has felt the most impact from the Covid-19 outbreak. Based on information from the Ministry of Cooperatives, Micro, Small and Medium Enterprises, there are at least 949 reports from cooperatives and micro, small and medium enterprises (MSMEs) entrepreneurs who have been affected by the Covid-19 outbreak (Gustav Rizal, 2021). During the pandemic, 37,000 MSMEs were recorded reporting very serious impacts in the form of a 56% business decline, 22% financing difficulties and the rest were problems with the distribution and availability of raw materials (Aknolt Kristian Pakpahan, 2020; Arifani & Anta Kusuma, 2021). In general, the impact of Covid-19 on MSMEs is as follows (Tim PT Mid Solusi Nusantara, 2020):

#### **1. Decline in sales**

Since the Corona outbreak, this has had an impact on the purchasing power of the people themselves. This is what makes MSMEs' sales decline. A total of 774 cooperatives and MSMEs or the equivalent of 68% admitted that their sales have decreased drastically since the Corona Virus outbreak. This decline was also felt in various cities in Indonesia, such as Jakarta, West Java, Banten, Central Java, East Java, Yogyakarta, West Sumatra, North Sumatra, Bengkulu, Riau, West Kalimantan, East Kalimantan, South Kalimantan, Bali, Central Sulawesi, South Sulawesi, to North Sulawesi.

#### **2. Difficult to Obtain Raw Materials**

Besides a decline in sales, the MSMEs entrepreneurs also admitted that they had difficulty obtaining raw materials due to restricted import activities. It was recorded that around 63 cooperatives and MSMEs (6%) complained about difficulties with raw materials. This occurred in Jakarta, Banten, Yogyakarta, West Kalimantan, East Kalimantan, Central Java, West Java, and East Java.

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## 3. Distribution Delays

A total of 111 cooperatives and MSMEs (equivalent to 10%) revealed that their distribution was hampered, especially when there was already the implementation of Large-Scale Social Restrictions in their respective areas. Of course, this makes the delivery or receipt of goods to consumers late.

## 4. Having Capital Difficulties

It was recorded that 141 cooperatives and MSMEs (12%) complained that they were experiencing capital problems. This occurred in Jakarta, Banten, Central Java, East Java, South Kalimantan, and several other cities in Indonesia.

## 5. Production Barriers

42 cooperatives and MSMEs (4%) revealed that their production was hampered by the current outbreak of the Corona Virus (Covid-19), one of which was the difficulty in obtaining raw materials. This occurred in Jakarta, Banten, West Java, Central Java, and several other cities in Indonesia.

Based on the results of the Researcher's interview with 10 MSMEs respondents, regarding the impact of Covid-19 on their sales, 100% of them stated that they were very affected by the presence of Covid-19. Respondents stated that they experienced losses due to Covid-19. They stated a decrease in sales turnover of more than 50%. This is due to the consequences of Covid-19 which caused the government to issue a policy of Large-Scale Social Restrictions, Imposition of Restrictions on Community Activities, and so on resulting in a drastic reduction in visits by the public to their businesses (their shops), resulting in a decrease in sales turnover.

The steps taken to be able to continue to run their business, 7 MSMEs conducted online selling. Meanwhile, 3 MSMEs were forced to lay off their employees and make sales themselves. Regarding the existence of tax incentives borne by the government, the majority (8 MSMEs) stated that they did not take advantage of these incentives, while 2 MSMEs stated that they used these incentives. As for the reasons given by 8 MSMEs that did not take advantage of the tax incentives borne by the government, 6 MSMEs stated that they did not know the program existed, 2 MSMEs stated that they knew about the program, but thought that the procedure was difficult to implement. Meanwhile, 2 MSMEs that took advantage of tax incentives were borne by the government, because these tax incentives can help their businesses to keep running because they don't have to be burdened with paying taxes anymore.

## IV. CONCLUSION

According to the result, it can be concluded that to help the sustainability of MSMEs during the Covid-19 pandemic, the government provides tax incentives for MSMEs. The incentive is in the form of Final Income Tax for MSMEs borne by the government based on Minister of Finance Regulation Number 44/PMK.03/2020 concerning Tax Incentives for Taxpayers Affected by the 2019 Corona Virus Disease Pandemic. However, to obtain tax incentives, MSMEs must comply with the procedures stipulated in the Ministerial Regulation Finance Number 44/PMK.03/2020. Regarding the use of tax incentives borne by the government by MSMEs, most (80%) of the respondents stated that they did not take advantage of these incentives. The reasons given by MSMEs did not take advantage of these incentives, due to their lack of knowledge and the difficulty of procedures for obtaining these incentives.

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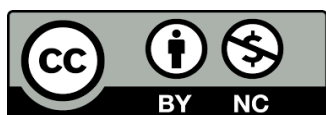
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