TAX COLLECTION ON LAND FROM AN ISLAMIC ECONOMIC PERSPECTIVE

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ABSTRACT

Tax is one of the sources for the State which is collected from the people who are coercive to finance the needs of a country. In the view of Islamic economics, taxes are collected as additional income in the event of a vacancy or shortage of the Baitul Mal (State Treasury). In this study, the object of tax is land ownership or those who can use it, referring to Article 4 of Law Number 12 of 1985 and Law Number 12 of 1994 concerning PBB. Subjects who have to pay Land and Building Tax are people or entities/organizations that have rights or benefit from land or buildings. Income from land, namely leasing which is included in the final PPh object as stated in Law no. 36 of 2008 in article 4 paragraph (2) letter d namely Leasing of Land and/or Buildings. From this study shows that the collection of taxes on land in Islamic economics is called kharaj. Kharaj is a land tax collected from non-Muslims.

Keyword: Tax on Land, Islamic Economics, Tax System

INTRODUCTION

Taxes are a social phenomenon and only occur in society; without society, the tax collection mechanism is impossible. Here, the society in question is a legal society, which is a group of people who have rights and obligations. Tax is a mandatory contribution to the state owed by an individual or body that is coercive based on law, without receiving direct compensation, and is used for State needs for the greatest prosperity of the people,” based on Law Number 16 of 2009 concerning the fourth amendment to Law Number 6 of 1983 concerning General Provisions and Tax Procedures. The types of taxes in Indonesia are very diverse. Taxes can be categorized into three categories: based on group, characteristics and collecting institution.
Taxes and zakat are not the same in Islamic law. However, re-study of these two coexisting terms is necessary as time goes by. One form of economic transaction is tax, or haribah, which functions as a tool to meet the needs of the state and society, such as health security and education. To achieve this, it is clear that the presence of police, soldiers, staff, equipment, medical personnel, hospitals, teachers and school buildings is needed. Ulil Amri can determine taxes if sources such as zakat and ghanimah are insufficient. Haribah is considered additional income and can only be withdrawn if the Baitul Mal (State treasury) is empty or short.¹

**LITERATURE REVIEW**

**THE MEANING OF TAXES**

Tax is a type of levy carried out by a country under the orders of the law to maintain its existence. This is very clear because without adequate funds a State cannot run a government and achieve development in all aspects, moreover a State cannot maintain its existence as a State. Various expert opinions provide definitions of tax, the Deutsche Reichs Abgaben Ordonung defines tax as follows: Tax is incidental or periodic monetary aid "without any contravention", which is levied by a public body "the State" to obtain income, where it occurs a taxation target which by law has given rise to a tax.² Meanwhile, according to Rochmat Soemitro, taxes are people's contributions to the state treasury based on law (which can be enforced) without receiving reciprocal services (counterperformance) which can be directly demonstrated and which are used to pay for general expenses.³

From the definition that the author put forward recently, it seems that it has been widely quoted in formulating the meaning of tax according to Law Number 6 of 1983 as most recently amended by Law Number 28 of 2007 concerning General Provisions and Procedures for Taxation, which will hereinafter be called the General Provisions Law. and Tax Procedures (UU KUP), namely in article 1 point 1 it is stated that "tax is a mandatory contribution to the state that is owed by an individual or entity that is coercive based on law, without receiving direct compensation and is used for state needs for the greatest prosperity of the people."⁴ Various types of taxes can be classified according to the type of classification. Based on the authority to collect, taxes can be classified into 2 (two) types, namely:⁵

1. State Tax

State Tax is a tax whose authority to collect lies with the central government. Included in central taxes are: Income Tax (PPh), Value Added Tax on Goods and Services and Tax on Sales of Luxury Goods (VAT and VAT BM), Stamp Duty, Excise.

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² Santoso Brotodihardjo, *Pengantar Ilmu Hukum Pajak*, Edisi ke 4 (PT. Refika Aditama, Bandung: 2003), h. 3
⁴ Undang-Undang Nomor 28 Tahun 2007 tentang Undang-Undang Ketentuan Umum dan Tata Cara Perpajakan, Pasal 1 ayat (1)
2. Regional Tax

Regional tax is a taxpayer's contribution to a region that is owed by individuals or entities, which has legal force, does not receive direct compensation, and is used for regional needs for the greatest prosperity of the people. Regional taxes include provincial taxes and district/city taxes.

The Meaning of Property Tax

Tax is a type of levy carried out by a country under the orders of the law to maintain its existence. This is very clear because without adequate funds, it is impossible for a country to run a government and carry out development in all fields, and it is even very impossible for a country to maintain its existence as a country. However, in Land and Building Tax, building objects include residential houses, business buildings, multi-storey buildings, shopping centers, luxury fences, swimming pools and roads.

Based on Article 4 of Law Number 12 of 1985 and Law Number 12 of 1994 concerning PBB. Subjects who are required to pay land and building tax are people or bodies/organizations who have rights or benefits over land and houses. According to the PBB Law, taxpayers are obliged to pay taxes on time after receiving a Tax Notification Letter (SPPT), Tax Assessment Letter (SKP), and Tax Collection Letter (STP) from the PBB Service Office or submitted through the Regional Government. The location of tax payments has been identified in the SPPT, namely Bank Perception, Post or Giro.

Income Tax on Land and/or Building Rentals

Income tax is one of the most common types of tax that applies in Indonesia. There are various types of income tax, one of which is PPh Article 4 paragraph (2) or better known as final PPh. This type of PPh is a tax on the type of income earned by taxpayers, both individuals and bodies, where the deduction is final and cannot be credited with the income tax payable. Examples of income that are included in final income tax objects as stated in Law no. 36 of 2008 in article 4 paragraph (2) letter d, namely Rental of Land and/or Buildings. What is included in renting land and/or buildings? Final income tax payable on rent of land and/or buildings can be in the form of land, houses, apartments, flats, office buildings, office buildings, shops, commercial buildings, buildings and industry. The interest charged on land and/or building rental income is 10% of the rental value (gross amount), the tax rate applies the same for individual and corporate income taxpayers.

Please note that what is meant by the gross amount of the rental is the amount of everything paid by the tenant in any form related to the land and/or building which includes costs for maintenance, upkeep, security, other facilities as well as service charges that have been agreed to in full. separate or combined. What is the mechanism for imposing final Income Tax on Land and/or Building Rentals? For final income tax on income obtained from renting out land or buildings, the imposition is carried out through deductions by the lessee. However, it is excluded if the tenant is not an individual tax subject who is not appointed by the Director General of Taxes as regulated in KEP-50/PJ./1996.
Taxes in Islam

In Islam, taxes are not an obligation like zakat. However, as time goes by, it is necessary to re-examine these two terms which are side by side. Etymologically, tax in Arabic is called Dharibah, which comes from the word ضرب ضرباً ضرباً which means: to oblige, stipulate, determine, hit, explain or impose, etc. It is called a burden, because it is an additional obligation for assets after zakat, so that in its implementation it will be felt as a burden (a heavy burden).6


1. Yusuf Qardhawi is of the opinion that tax is an obligation imposed on taxpayers, which must be paid to the state in accordance with the provisions, without receiving any return from the state, and the proceeds are to finance general expenses on the one hand and to realize some economic and social goals, politics, and other goals that the state wants to achieve.

2. Gazi Inayah is of the opinion that tax is an obligation to pay cash determined by the government or an authorized official which is binding without any specific compensation. These government provisions are in accordance with the capabilities of the property owner and are allocated to meet general food needs and to meet political and financial demands for the government.

3. Abdul Qadim Zallum believes that taxes are assets that are required by Allah SWT. For Muslims to finance various needs and expenditure items that are required of them, in Baitul Mal conditions there is no money or possessions.

Didin Hafiduddin said that taxes set by the government through law must be paid by Muslims, as long as they are for the benefit of development in society more broadly, such as educational facilities and infrastructure, health, transportation facilities and infrastructure, defense and security, or other fields. Other fields that have been determined together, but if tax funds are used for things that are diametrically opposed to Islamic values, and also conflict with the common good, then there is no reason for Muslims to pay taxes.7

Types of Taxes in Islam

In Islam, the known tax systems are zakat, kharaj, jizyah, fai, ghanimah, namely:

1. Zakat is one of the basic Islamic provisions which was the main basis of income in a government in the classical period. Before it was mandatory, zakat was voluntary and there were no special rules or legal provisions, and regulations regarding zakat expenditure emerged in the ninth year of the Hijriah when the foundation of Islam was already solid.

2. Ushr is an import duty imposed on all traders where it is paid only once a year and only applies to goods whose value is more than 200 dirhams. The duty rate on protected persons is 5% and on Muslim swords 2.5%. This also happened in Arabia before the Islamic era, especially in Mecca, the largest trading center. What is interesting about

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6 Gusfahmi, *Pajak Menurut Syari’ah*, h. 27
7 Didin Hafidudin, *Zakat dalam Perekonomian Modern*, (Gema Insani Press, Jakarta: 2002), h. 61
Rasulullah’s policy is that by eliminating all import duties with the aim of making trade smooth and economic flows in trade flow quickly so that the economy in the country he leads runs smoothly, he said that goods belonging to envoys are exempt from import duties from Muslim areas, if before there was an exchange of goods.

3. Waqf is property dedicated to Muslims for the sake of Allah SWT and the income will be deposited in Baitul Maal.

4. Amwal fadhlah comes from the assets of Muslims who died without heirs, or comes from the belongings of a Muslim who left his country.

5. Nawaib is a fairly large tax charged by the rich in order to cover state expenses during times of emergency and this happened during the Tabuk war.

6. Zakat fitrah is obligatory for Muslims once a year as a means of cleansing the wealth they own. Precisely in the month of Ramadan and zakat fitrah is increasingly showing its development because it is mandatory.

7. Khums is a treasure or find. Khums existed in the pre-Islamic period.

8. Kafarat is a fine for mistakes made by a Muslim during religious events such as hunting during the Hajj season.

9. Jizyah is what is paid by non-Muslims, especially people of the book, especially as a guarantee of protection of life, property, worship, freedom from values and no military service.

10. Kharaj is a land tax collected from non-Muslims when khaibar is carried out. The land was taken over by Muslims and the old owner offered to manage the land in lieu of renting the land and was willing to give part of the production to the state. The amount of kharaj from this land is still half of the production that is handed over to the state.

RESEARCH METHODOLOGY

The type of research used in data collection is library research, where in this case the author collects data from books, articles, scientific works that are relevant to the problem being discussed. M. Nazir stated that what is meant by 'Library study is a data collection technique by conducting a review study of books, literature, notes and reports that are related to the problem being solved.' Library research is a type of qualitative research that generally does not go into the field to search for data sources. Library research is a method used to search for data, or a way of observing (a form of observation) in depth on the theme being researched to find 'temporary answers' to problems discovered at the beginning before the research is followed up. In other words, library research is a method of searching, collecting and analyzing data sources to be processed and presented in the form of a library research report.

To search for scientific truth and achieve optimal results by completing the documents needed to write this review article according to the type of research, the author

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8. Gusfahmi. Pajak Menurut Syariah, h. 112
10. Gusfahmi, Pajak Menurut Syariah, h. 109
12. M. Nazir, Metode Penelitian, (Ghalia Indonesia, Jakarta: 2003), h. 27.
places the data source as secondary data. Secondary data is primary data that is directly related to the problem. The author systematically collects, reads, researches and analyzes reading sources which include books, magazines, newspapers, scientific essays, statutory regulations and other literary sources related to the document.

RESULTS AND DISCUSSION

Land is an important economic factor and has strategic value in all aspects, both social, political and cultural. Economic and demographic growth has created diverse access to land assets (rights) and obligations, both socially and individually. In this case, the government is trying to overcome various problems that arise by organizing these strategic problems by strengthening legal certainty regarding rights and obligations through Law Number 5 of 1960 concerning Basic Agricultural Regulations. Land and building tax is collected from the owner for the economic benefits or economic status provided by ownership of land and buildings.

Tax Collection System for Land Ownership

Tax collection on land ownership, known as Land and Building Tax (PBB), is regulated in Law Number 12 of 1985 as amended by Law Number 12 of 1994. Earth is the surface of the earth and the body of the earth beneath it. The earth’s surface includes land and inland waters (including swamps, ponds, waters) as well as seas in the territory of the Republic of Indonesia. Meanwhile, buildings are technical constructions that are permanently planted or placed on land and/or waters, such as: toll roads, swimming pools, luxury fences, sports venues, shipyards, docks, oil, water and gas reservoirs/refineries, oil pipes, and other facilities. The legal basis for land and building tax is Law no. 28 of 2009 concerning Regional Taxes and Regional Levies.

Tax Object

In determining the classification of earth/soil, several factors are taken into account as follows: location, designation, utilization, environmental conditions and others. Meanwhile, in determining building classification, the following factors are taken into account: materials used, design, location, environmental conditions and so on. The tax object exceptions are:

a. Used solely to serve the public interest and not for profit, such as places of worship, hospitals, education, orphanages and museums or temples.

b. Used for graves, ancient relics, or the like.

c. Protected forests, nature reserve forests, tourist forests, national parks and state land that are not yet encumbered with rights.

d. Used by diplomatic representatives, consulates, based on the principle of reciprocal treatment.

e. Used by bodies or representatives of international organizations determined by the Minister of Finance.
**Tax Subject**

A Taxable Entrepreneur is an individual or legal entity who actually has rights to land and/or who obtains benefits from that land and/or who owns, controls and/or obtains benefits from a building. Therefore, proof of tax payment/repayment is not proof of ownership of rights. Taxpayers are taxpayers who have the obligation to pay taxes.

**Tax Rate**

The tax rate imposed based on article 41 of the HKPD Law (Financial Relations between Central and Regional Governments) No. 1 of 2022, the PBB rate is currently a maximum of 0.5%. The basis for tax imposition is the sales value of the tax object (NJOP), the amount of NJOP is determined by the average price obtained from buying and selling transactions that occur naturally, and if there is no sale and purchase transaction, NJOP is determined by comparing prices with other objects of the same type, or value. new acquisition, or replacement NJOP. NJOP is determined by the Ministry of Finance, where the NJOP value in each region varies because it depends on influencing factors, such as the value of land and buildings in general.

**How to Calculate Land and Building Tax**

To calculate the amount of Land and Building Tax (PBB) that must be paid, you must first know the class of the land (earth) and/or building that is the PBB object so that the PBB NJOP can be calculated. Determining the classification of land and buildings is based on the decision of the Minister of Finance and the latest regulation is Minister of Finance Regulation Number 150/PMK.03/2010 concerning Classification and Determination of Sales Value of Tax Objects as the Basis for Imposing Land and Building Tax, which replaces Minister of Finance Decree Number 523/KMK.04/1998.

Example: Taxpayer A has a plot of land and buildings whose NJOP is IDR 20,000,000.00 and the NJOPTKP for that area is IDR 12,000,000.00, then the amount of tax payable is:

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= 0.5\% \times 20\% \times (Rp\ 20.000.000,00 - Rp\ 12.000.000,00)
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= 0,001 \times Rp\ 8.000.000,00
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\[
= Rp8.000,00
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**Income Tax Collection System for Land and/or Building Rentals**

Income tax on rental of land and/or buildings is regulated in Government Regulation Number 5 of 2002, Decree of the Minister of Finance No. 120/KMK.03/2002, Decree of the Director General of Taxes No. KEP-227/PJ/2002. The rental of land and buildings in question is the rental of land and/or buildings in the form of land, houses, flats, apartments, condominiums, office buildings, office houses, shops, shophouses, warehouses and industries.

**Taxpayers and Tax Objects**

Taxpayer is an individual or entity who receives or obtains income from renting land and/or buildings. The object of this tax is income from renting land and/or buildings in the

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13 Trisni Suryani dan Tarsis Tarmudji, *Pajak Di Indonesia*, (Graha Ilmu, Semarang: 2012), h. 65
form of land, houses, flats, apartments, condominiums, office buildings, home offices, shops, shophouses, warehouses and industry.\textsuperscript{15}

\textbf{Rates and Basis for Tax Imposition}

The tax rate on land and/or building rental income is 10\% and the tax base is the entire rental value of the land and/or building. Final income tax is calculated as the rate multiplied by the tax base.

\textbf{Procedures for Withholding, Depositing and Reporting}

On income in the form of land and/building rentals received or obtained from tenants who act or are appointed as tax withholding, tax must be withheld by the tenant. If the tenant is not a tax withholding agent, the income tax owed must be paid by the individual or entity that receives or earns the income. The withholding agent or collector is obliged to deposit the tax that has been withheld to the perception bank or post office no later than the 10th of the following month and is obliged to report it to the tax service office no later than the 20th of the following month after it is paid/submitted.

Example: Mr Usman has several shophouses which he rents out. The Sehat Farma Pharmacy and the Enak Souvenir Center rent the shophouse for Rp. 50,000,000 and Rp. 25,000,000 for 2023. Apotek Sehat Farma is a tax while the Enak Souvenir Center is not a tax. Income tax on rent deducted by Apotek Sehat Farma is:

\[10\% \times \text{Rp. 50,000,000} = \text{Rp. 5,000,000}\]

The Enak Souvenirs Center is not a tax withholder so income tax on rent withheld is paid, and reported by Mr. Usman in the amount of:

\[10\% \times \text{Rp. 25,000,000} = \text{Rp. 2,500,000}\]

\textbf{Land Tax Collection System in Islamic Economics Perspective}

Among Rasulallah Saw’s actions towards controlled land that can be used as an example is his treatment of Khaibar land. The land of Khaibar is a source of kharaj for the Muslim economy. When Khaibar was conquered, the land was handed over to the Jews. Khaibar was not to be used as their property, but to be cultivated as agricultural land according to the conditions they proposed, namely that they got half of the crops and fruit. Meanwhile, to count the produce of the land and take half of it as kharaj, the Prophet SAW sent Abdullah bin Rawahah.\textsuperscript{16} In simple terms, kharaj means land tax. The linguistic meaning of kharja is taken from the word "kharaja", which means to remove from its place. Kharaj is what is expelled, the opposite of the effort to expel. Kharaj can be interpreted as property issued by the land owner to be given to the state. There are those who give another meaning, kharaj is what is paid for agricultural land tax or tax on agricultural products. Some other analyzes assume that kahraj is 3 types of taxation; namely land tax, jizyah, and ‘usyr.\textsuperscript{17}

\textsuperscript{15} Siti Resmi, Perpajakan Teori dan Kasus (Salembla Empat, Jakarta: 2017) h. 153
\textsuperscript{16} Quth Ibrahim Muhammad, \textit{Kebijakan Ekonomi Umar bin Khaththab}, terj. Ahmad Syarifuddin Sheh, (Pustaka Azzam, Jakarta: 2002), h. 79
\textsuperscript{17} Quth Ibrahim Muhammad, \textit{Kebijakan Ekonomi Umar bin Khaththab}, h. 77-78.
During the time of Rasulullah SAW, the amount of kharaj paid was still very limited so there was no need for a detailed administrative system. During the reign of Caliph Umar, Islamic territory expanded as many areas were conquered, either through war or peacefully. So a new policy is needed for the State to implement regarding the ownership of the lands that have been conquered. As the territory of Islamic countries increases, a detailed administrative system is needed for estimating, collecting and distributing the income obtained from taxes on these lands. During the time of Umar bin Khathab, the Muslims achieved victory over Syria, Iraq and Egypt and obtained enormous booty. The Islamic troops asked that the loot be distributed. Referring to the general basis established by Rasullullah SAW regarding Khaibar land, Umar distributed property in the form of goods only while the land was not distributed and made it the general property of Muslims and kharja was taken from it.\(^{18}\)

There are two types of kharaj (assessment of kheraj) collection systems, namely the wazifah (fixed) system and the muqasamah/misaha (proportional) system. The first method of collecting kharaj is permanent kharaj (wazifah), namely the burden on land equal to natural products or money per unit of land which is paid obligatory after one year. This system was in effect from the caliph Umar bin Khattab until the time of the Abbasid daulah under the rule of Al-Mahdi. The wazifah calculation method takes into account the level of soil fertility, irrigation system and type of plant. This method began to change during the time of the Abbasids. Abu Yusuf is of the view that the wazifah system is no longer efficient to implement. He referred to when Umar bin Khattab implemented This method only allows most of the land to be cultivated while the other part is idle. Cultivated areas are classified in one category, and kharaj is also collected from uncultivated land. Based on considerations of optimizing income for the state and socio-economic justice, Abu Yusuf conveyed his idea to the caliph Harun ar-Rasyid to change the wazifah system with muqasamah. And the second is the comparative kharaj (muqasamah) which is determined based on the portion of the results such as 1/2, 1/3, or 1/5 of the total harvest collected at each harvest. Abu Ubaid was the person who discovered this new system and then Abu Yusuf supported and implemented this new system.

During the Abbasid era, land tax changed from a fixed rate to a proportional one, taking into account that the percentage set by the state was not too high. Abu Yusuf recommended adapting the muqasamah system by charging a percentage of crop production. According to him, the proportional tax method will increase revenue from land tax and on the other hand will encourage land cultivators to increase their production. Abu Yusuf’s argument shows that a proportional tax system will increase agricultural production and prevent economic decline. Because this system assesses based on existing harvest results, the determination of kharaj (land tax) must pay close attention to the capacity of the soil content, because there are three different things that are very influential, namely: the type of soil, because the soil content is good, the plants will be fertile and the results will be better. from bad soil. Types of plants, some have high prices and some have low prices. Land management, management costs are high, so land tax is not as big as land tax watered with rainwater (low costs). Kharaj, which existed during Islamic rule, is generally in accordance

\(^{18}\) Quth Ibrahim Muhammad, *Kebijakan Ekonomi Umar bin Khaththab*, h. 80
with the standards and values of modern science as a source of public income. So kharaj has fulfilled the urgent requirements in economics to achieve good foreign exchange. Kharaj is a tax that pays attention to fairness in its determination, as well as in its collection.19

CONCLUSION

The land tax collection system is also known as land and building tax which is imposed on individuals or entities who actually have rights to land, and/or obtain benefits from the land, and/or own, control, and/or obtain benefits from buildings. Taxpayers are required to pay tax when the Tax Due Notification Letter (SPPT) has been issued by the tax office. Income in the form of rental of land and/or buildings is regulated in Law no. 36 of 2008 article 4 paragraph 2 letter d, the tax is subject to a rate of 10 percent of the rental value. The lessee who acts or is appointed as a tax withholding agent, must withhold tax by the lessee. And if the tenant is not a tax withholder, the income tax owed must be paid by the individual or entity that receives or earns the income. The withholder or collector is obliged to deposit the tax that has been withheld to the perception bank. Land tax in Islam is called Kharaj, namely land tax which is collected from non-Muslims when khaibar is carried out. The land was taken over by Muslims and the old owner offered to manage the land in exchange for renting the land and was willing to give part of the production to the state. The amount of kharaj from this land is still half of the production that is handed over to the state. There are two types of kharaj (assessment of kheraj) collection systems, namely the wazifah (fixed) system and the muqasamah/misaha (proportional) system.

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19 Quth Ibrahim Muhammad, Kebijakan Ekonomi Umar bin Khaththab, h. 81-82