

Analysis of Hotel Tax Policy as an Instrument for Tax Collection on Homestays in Tourism Villages

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ABSTRACT

Determination of hotel tax policy as an instrument of tax collection on tourist village homestays is important in developing the tourism sector in Indonesia, but in its implementation the determination of hotel tax as an instrument of tax collection on tourist village homestays does not fulfill the principle of equality in the context of equality. This study aims to analyze the principle of justice (equality) for the regulation of hotel tax as an instrument for collecting tourism village homestay taxes by using the concept of equity (equality). This research was conducted using a qualitative approach and data was collected by reviewing the literature from various related sources. The results of the study show that based on 2 (two) measurements drawn from the concept of justice (equality), the first is based on the similarity of circumstances, does not yet reflect justice where the criteria for a tourist village homestay are different from other types of lodging, so there is a need for adjustments to the definition of a tourist village homestay. Furthermore, based on non-discrimination, the government still thinks that a tourism village homestay provider is someone who is qualified in their field, so a rate adjustment is needed so that fairness in hotel tax collection for tourism village homestays can be achieved.

Keywords: Homestay, local tax, hotel tax, principle of justice.

INTRODUCTION

The tourism sector has an important role in developing the national economic sector, the tourism industry is able to increase the economy quickly by opening new jobs for the community, increasing living standards and stimulating other productivity sectors (Barrow, 2004; Çakmak & Çenesiz, 2020; Jiang et al., 2018; Monterrubio, 2022; Witt et al., 2004). Programs related to tourism development, such as the utilization of natural resources by exploring all tourism potentials can also improve the economy in an area. This becomes important if each region is able to explore its tourism potential properly and precisely.

The Ministry of Tourism has been trying to continue to develop the post-pandemic tourism sector, the revival of this tourism sector is very important in order to increase regional coffers which may have been reduced due to the pandemic storm. One of the efforts made is to promote and improve the People's Economy through the development of tourist villages in various regions. Populist economy is an economic system based on community empowerment. According to (Marzuki, 1999) By carrying out the people's economy, economic activities are also carried out by the community in a self-help way to manage various types of businesses that can produce or are commonly known as UKM (Small and Medium Enterprises).

Populist Economic Development aims to build and create an economic system based on people's economic power. With the hope of realizing the national ideals of creating a sovereign, just and prosperous society as stated in the opening of the 1945 Constitution. When viewed from this context, the existence of a tourist village is relevant because the essence of a People's Economy is local participation and handover of control to the community so as to increase the standard of living of the community itself (Divayanti & Latif, 2021; Sopanah et al, 2020). Tourism village is a concept of developing village areas as tourist destinations by exploring village potential and presenting it in a unique and interesting way so that it becomes a special attraction for tourists. A tourist village is a form of integration between attractions, accommodation and supporting facilities which are presented in the form of a structure of community life that integrates with the prevailing regional customs and traditions.(Adiputra et al., 2021; Gao & Wu, 2017; Guo & Sun, 2016). A village that can be used as a tourist village should meet the following requirements: (1) have good accessibility; (2) there are interesting tourist objects; (3) there is support from the community and local officials; (4) maintained security; (5) available accommodation, telecommunication and manpower facilities; (6) has a cool climate; (7) related to other tourist objects that are known by the community (Hadiwijoyo, 2012).

For tourists who travel to tourist villages, homestay type accommodation will be provided. This type of accommodation is accommodation built by the villagers who are willing to make some of their rooms used as tourist accommodations. If quoted from the ASEAN Homestay standard in 2016, homestay means accommodation provided by local people who are willing to make some of their rooms used as lodging, by staying at homestay tourists can also interact directly with the owner and learn the local culture of the village. Staying in tourist village homestays is also relatively affordable (low cost tourism), this can be a special attraction for young tourists and backpackers. From 2017 to 2018, the Ministry of Tourism has developed 2,960 units of special tourist village homestay rooms from a target of 5,000 room units. In 2019, the Ministry of Tourism will develop 7,070 units of tourist village homestay rooms. According to data from (Central Bureau of Statistics, 2022) regarding Hotel and Other Accommodation Statistics in Indonesia in 2022 other accommodation services including homestays recorded 136,148 rooms or around 31.65%. This shows that the development of the tourism village homestay business is experiencing rapid development.

With homestays scattered in various tourist villages, it is hoped that the villagers can benefit because they get a new source of income, by renting out several rooms for tourists who want to travel in the village. As the host, the homestay owner will welcome tourists and provide some information regarding tourist sites, village culture, local craft centers, village specialties, and places to sell souvenirs, even the homestay owner can also provide a menu of typical rural foods for tourists. Staying services at homestays are also very different from other accommodations such as: hotels, villas, bungalows, cottages, inns and so on. Many homestays are unable to compete and develop because knowledge regarding management and tax procedures in homestay development is still very limited.

Income received by homestay providers is subject to tax. So far, the rules for imposing taxes on homestays are still the same as star hotels, indirectly this can weaken the competitiveness of local players. In almost all regions in Indonesia, the rules regarding

tax imposition for homestays are still treated the same, namely referring to (Law Number 28 of 2009 concerning Regional Tax and Regional Retribution concerning Hotel Tax., 2009). So in this case, it is necessary to distinguish between hotel tax collection and tourism village homestays because both have different characteristics and management.

The hotel business focuses on commercial accommodation that offers complete services and is managed professionally. This tax levied on hotels aims to collect revenue for the local government and ensure that the hotel makes an appropriate contribution to development and public services. On the other hand, tourist village homestays are managed by local residents who provide accommodation in their homes. These homestay activities are more focused on cultural and environmental experiences, and less focused on luxury services. For this reason, tax collection at tourist village homestays needs to be differentiated. Tax collection in the tourism sector needs to be adjusted to the characteristics and needs of each tourism sub-sector,

Proper tax collection can help ensure fair competition and ensure that every stakeholder in the tourism sector is required to make an equal contribution to the state in the form of taxes. The purpose of this study is to analyze in order to understand the principle of justice (equality) in the sense of equality in the provisions of hotel taxes as an instrument for collecting taxes on homestays in tourist villages.

METHODS

This study uses a qualitative approach, which means the researcher conducts exploration to understand the meaning of a problem that occurs (Creswell & Poth, 2016). The data in this study were collected through a literature review. The literature in this study was obtained from books, scientific journals, published articles, previous research, news, and related regulations relevant to this research.

RESULTS AND DISCUSSION

This paper will analyze the justice sparked by Adam Smith, namely that tax collection must be fair and balanced, where the state is not allowed to discriminate between fellow taxpayers, meaning that the taxes collected can be said to be fair if they have similar circumstances and are non-discriminatory.

Have the Same Circumstances

The similarity of circumstances in setting hotel tax as an instrument for calculating tourism village homestays can be identified through an analysis of the state of the hotel tax subject to tourism village homestays. The analysis is carried out by looking at the rights and obligations of each subject and taxpayer. Furthermore, the author will compare the situation between the tax subject and the hotel taxpayer for tourist village homestays and non-tourism homestays or other accommodation according to (Law Number 28 of 2009 concerning Regional Tax and Regional Retribution concerning Hotel Tax., 2009). Previously, for the notion of a tourist village homestay, the author referred to the meaning of the 2016 ASEAN Homestay Standard, which is still relevant today.

In taxation, the terms tax subject and taxpayer are known, each of which has a different meaning with different rights and obligations. By ignoring the principle of self-assessment tax collection, it can be interpreted that the so-called tax subjects are individuals and entities which, according to tax law, can be charged to pay their tax

obligations. Meanwhile, taxpayers are individuals or entities that, according to statutory provisions, have tax obligations such as collecting taxes or withholding certain taxes.

In (Law Number 28 of 2009 concerning Regional Tax and Regional Retribution concerning Hotel Tax., 2009) What is meant by local tax subjects are individuals or entities that can be taxed. While taxpayers are individuals or entities which include taxpayers and tax collectors, who have tax rights and obligations in accordance with local tax legislation. This definition distinguishes between tax subjects and taxpayers on regional tax obligations. The tax subject can be anyone, either an individual or an entity that meets the objective requirements specified in a local regulation. While the taxpayer is a person or entity that has been determined by regional regulations to make tax payments. Thus the taxpayer can be said to be a tax subject or not a tax subject (Siahaan, 2010). In (Law Number 28 of 2009 concerning Regional Tax and Regional Retribution concerning Hotel Tax., 2009) It also regulates that hotel taxpayers are individuals or entities that operate hotels.

Thus, it can be seen that the hotel tax subject and the hotel taxpayer are not the same. If the subject of hotel tax is an individual or entity that makes payments for the hotel facilities they enjoy, then that person or entity has met the objective requirements specified in regional regulations. Meanwhile, hotel taxpayers are individuals or entities that provide hotel accommodation and the facilities that can be enjoyed. So in this paper it can be said that the subject of hotel tax is an individual or entity that rents a tourist village homestay while the hotel taxpayer is an individual or entity that provides lodging in the form of homestays in a tourist village.

In collecting taxes, it is divided into 2 (two) characteristics, namely subjective taxes and objective taxes (Pudyatmoko, 2009). Subjective tax is a tax that emphasizes income obtained from a person or entity, in determining subjective taxes seen from the income received or earned whether it meets the objective requirements to be taxed. For an objective tax, it is a tax whose imposition emphasizes an object that can be taxed, such as an object or service, after an object that can be imposed is found, then it determines who the subject (individual/entity) is directly concerned with, regardless of who this subject is. According to (Brotodiharjo, 2013) Subjects who have a certain legal relationship with the object can then be tax payable. Based on the explanation above, it can be understood that the hotel tax collection instrument for tourism village homestays includes objective taxes.

Tourist village homestay tenants have met the objective requirements to be subject to hotel tax on tourism village homestays, where the tax is imposed regardless of who rents the tourist village homestay, whoever rents is obliged to pay hotel tax on tourism village homestays. As a tax subject to tourism village homestays, homestay tenants are entitled to receive homestay facilities such as: mattresses, fans, cupboards, private bathrooms, etc. This homestay business is also divided into 2 (two), the first is an existing homestay in a tourist village so that tenants stay in a house that sucks (ASEAN Homestay standards, 2016), and the second is a homestay provided by a person or entity that manages the hotel as stated in (Law Number 28 of 2009 concerning Regional Tax and Regional Retribution concerning Hotel Tax., 2009). With this difference, the facilities that each tenant gets will be different. Of course this is what will differentiate the rental price from a tourist village homestay. And homestay tenants are also obliged to pay a predetermined rental price.

Each of these homestays will be subject to an obligation to pay a hotel tax of 10% which is used by the local government as an instrument for imposing taxes on tourist village homestays. In (Law Number 28 of 2009 concerning Regional Tax and Regional Retribution concerning Hotel Tax., 2009) It is explained that a hotel is a facility for providing lodging/resting services including other related services for a fee, which also includes motels, inns, tourism huts, tourism guesthouses, guest houses, lodging houses and the like, as well as boarding houses with more than 10 (ten) rooms.

With regard to the imposition of hotel taxes on tourist village homestays, that homestay is included in the services of lodging houses, but tourism village homestays are different from other types of lodging which can be seen in table 1 below:

Table 1
Differences between Tourism Village Homestay and Non-Tourism Village Homestay

differentiator	Tourism Village Homestay in accordance with the ASEAN Homestay Standard, 2016	Non-Tourism Village Homestay / other lodging in accordance with the PDRD Law
Ownership status	Owned by Private Persons in certain tourist villages.	Owned by private individuals/business entities in an area.
Accommodation Status	Lodging becomes one with the service provider's house.	Only arrange about lodging house only (can be one with owner/not).
Number of rooms	At a minimum, in one tourist village there are five homestay providers registered by the related agency with a maximum of three rooms from each provider.	Referring to the imposition of hotel tax on boarding houses, a maximum of > 10 rooms is subject to regional tax.
Facility	Facilities tend to be simple.	Facilities tend to be adequate, there is even a swimming pool and gym activities.
Management	Management is managed by individuals and village organizations.	Management is managed by professionals.
Results	The results are used for the development of tourist village homestays.	Proceeds are used for personal development of the inn.

Source: Homestay standards 2016; Law Number 28 of 2009 and data processed by the author, 2023

Based on table 1 above, it can be understood that homestay tourism villages are different from homestays or other accommodations that are not within the scope of a tourist village. The PDRD Law also does not provide an explanation regarding what types of lodging houses can be taxed, this causes the instrument for imposing hotel taxes on tourist village homestays to be inappropriate, as written in table 1 above that tourist village homestays may only have 3 rooms from one provider.

Tourism village homestays have the potential to be subject to local taxes, but the imposition of rates can also be adjusted (Rosdiana et al., 2019) argues that the average region in Indonesia still charges a rate following that of a five-star hotel, which is 10%, therefore it is necessary to level the rates in order to achieve fairness. So it is necessary to distinguish between homestay tourism villages and non-tourism villages. Furthermore

(Rosdiana et al., 2019) explained that "price is an essential part of competitiveness." If the tax rate is lower, the homestay rental price will also be able to compete with other types of lodging.

With relatively affordable prices, it will encourage tourists to stay in tourist village homestays (Rosdiana et al., 2019) added "with the increasing tourist visit time, the local government and the central government will get the potential for higher tax revenue." In this case (Rosdiana et al., 2019) argues that if tourists stay longer at homestays it will open opportunities for local governments to develop their regional potential, for example: restaurant tax objects, because homestays provide food and drinks for tourists; entertainment tax object: because it provides various types of entertainment such as: regional art and cultural performances etc.

Non-Discrimination

In the PDRD Law what is meant by hotels are "lodging/resting services including other related services for a fee, which also includes motels, inns, tourism huts, tourism guesthouses, guest houses, lodging houses and the like, as well as boarding houses with more than 10 (ten)". Article 32 (1) also states that the object of hotel tax is "services provided by hotels with payment, including supporting services as hotel accessories which are to provide convenience and comfort, including sports and entertainment facilities". Furthermore, in Article 32 (3) it is also stated that those that are not included as hotel tax objects include: 1) Dormitory accommodation services provided by the government or regional government; 2) Rental services for apartments, condominiums, and the like; 3) Housing services at education or religious activity centers; 4) Housing services in hospitals, nurse dormitories, nursing homes, and other similar social institutions; and 5) Travel agency services or tour trips organized by hotels that can be used by the public.

If this is related to the imposition of hotel taxes on tourist village homestays it still contains discrimination. Discrimination by (Astrina, 2021) is an unequal treatment in treating a person or a group that is categorical in nature, for example: differences in ethnicity, race, religion, social class. Discrimination can also occur in taxation, discrimination can be in the form of any behavior that can naturally lead to differences with the categorization of people who have no relationship with a person's ability or the services that have been performed (Averti, 2018). The existence of unfavorable prejudice against a person or group and stereotypes can lead to discrimination. Furthermore, prejudice can be interpreted as opinions or assumptions, estimates about something that is actually not clearly known, has not witnessed and investigated itself so that in fact do not know the truth. Then stereotypes can mean a concept about a group based on its own inappropriate prejudices (Primary, 2020).

In determining the hotel taxpayer for tourism village homestays, there is a prejudice that homestay business actors in tourist villages are those who have qualified capabilities to run a homestay business, even though these business actors are village people who are willing to rent some of their rooms for accommodation for tourists. and in one house can only provide a maximum of three rooms.

The government has full authority from planning to implementing a policy, so it is necessary to pay attention to the fairness aspect of a policy made. With regard to the imposition of taxes on tourist village homestays, it turns out that there are quite a lot and

complex levy postures. The tariff rate is still the same as that of a five-star hotel which already has a clear classification, even though when referring to the notion of a tourist village homestay, a tourism village homestay has a different management from a hotel. If a five-star hotel is managed by a businessman, and really understands this field. However, if the tourism village homestay is only managed by the village community and the communities that are members of it.

The price offered by the homestay is relatively affordable. Prices are very influential with homestay productivity. For example, the ABC tourism village homestay offers a stay price of IDR 300,000 per night to tourists with facilities provided by the home owner, and other accommodations XYZ (hotels/motels/inns) also offer the same price of IDR 300,000 but with various facilities. Of course tourists will prefer accommodation with various facilities. Even though homestay tourism villages offer a variety of different experiences, there is an element of preserving culture and customs in it that other types of lodging do not have.

CONCLUSION

After conducting a literature review regarding hotel tax policies as instruments for tourism village homestays, it is concluded that they are still contrary to the principle of justice (equality) in the context of equality. Based on 2 (two) measurements drawn from the concept of justice (equality), the first is based on the similarity of circumstances, not yet reflecting justice where the criteria for a tourist village homestay are different from other types of lodging, so there is a need for adjustments to the definition of a tourist village homestay. Furthermore, based on non-discrimination, the government still thinks that a tourism village homestay provider is someone who is qualified in their field, so a rate adjustment is needed so that fairness in hotel tax collection for tourism village homestays can be achieved.

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