

Stamp Duty in Indonesia: Definition, Legal Sources, Subjects and Objects, and Application Rates

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Abstract

Stamp Duty is a tax on documents that are owed from the time the document is signed by interested parties, or the document is completed or submitted to another party if the document is only made by one party. The purpose of this research is to find out and understand stamp duty in Indonesia. This research also provides a comprehensive understanding of the meaning of tax, sources of tax law, tax subjects and objects, and tax application rates in the taxation system in Indonesia. using a normative approach based on Law Number 10 of 2020 concerning Stamp Duty, analysis was conducted on legal provisions and the application of stamp duty in both conventional and digital transactions. the results show that stamp duty has experienced tariff simplification and adjustments to digital documents, as well as with the development of information technology. A proper understanding of stamp duty is very important for taxpayers, business actors, and law enforcement officers in order to comply with administrative and efficiency in managing legal documents.

Keywords: *Stamp Duty, Taxation, Documents, Tax Law, Tariffs.*

INTRODUCTION

Indonesia is a country of law that uses law as a basis for implementing national life. The highest legal basis in Indonesia is the 1945 Constitution. The law in Indonesia is very strong and clear, but its implementation has many problems. Even though the law is strong, the implementers often make mistakes in making decisions.

The agreement or contract system in Indonesia has changed from time to time. This includes cooperation between parties on a matter related to law, so something is needed to obtain certainty of cooperation to obtain recognized legal force. So stamp duty emerged. Stamp duty has existed since the Dutch colonial era in 1817. At that time, stamp duty was called De Heffing Van Het Recht Kleinnegeel and was imposed based on the agreement in the deed (deed). Stamp duty is very important for certain documents and lasted until 1921. After that, the rules on stamp duty underwent several changes until now.

The use of stamp duty on documents is usually related to administration and legal regulations. stamp duty is a special seal that indicates the payment of taxes imposed by the government on certain transactions. the use of stamp duty on documents varies, one of which is:

- 1) Tax: Stamp duty is often used as a sign of payment of taxes or excise required by the government. This can be a transaction tax, agreement tax or other tax depending on the document.
- 2) Legal Protection: some cases require stamp duty for legal protection or to make a document more legally valid. for example, in the case of a contract, stamp duty can show that the parties involved agree to the conditions in the contract.

3) Government Revenue Collection: revenue from the sale of stamp duty can be a source of income for the government. The revenue can be used for various activities and public services.

In the legislation, stamp duty is regulated in Article 1 number 1 of Law Number 10 of 2020 concerning Stamp Duty (hereinafter referred to as Law 10/2020, which states that "Stamp duty is a tax on documents." In its use, it is further stated in Article 3 of Law 10/2020 that

1) Stamp Duty is imposed on:

a. Civil Documents:

Stamp Duty is imposed on documents used as a tool to explain a civil incident. This includes documents such as agreements, contracts, or statements relating to civil legal or financial matters.

b. Evidence Documents in Court:

Stamp Duty is also imposed on documents used as evidence in court. These documents are used to support arguments or claims in court and can be in the form of written evidence such as letters, contracts, or other legal documents relevant to the case being tried.

2) Civil documents as referred to in Article (1) letter a, include among others:

- a. Letters containing agreements or statements, both in original form and copies, including letters of agreement, letters of intent, and other similar documents;
- b. Notarial deeds and their complementary documents such as grosse (official copy with execution force), ordinary copy, and deed excerpt;
- c. Deeds made by Land Deed Officials (PPAT), including copies and excerpts;
- d. Securities, in whatever form and designation;
- e. Documents relating to securities transactions, including futures contract transactions, regardless of the form or name of the document;
- f. Documents resulting from auctions such as minutes of auction, excerpts of minutes, copies, and grosse minutes of auction;
- g. Documents that include a nominal amount of money of more than Rp5,000,000.00 (five million rupiah), which includes:
 - Statement of receipt of money; or
 - Acknowledgment that the debt has been paid in full, either in full or in part;Other types of documents that are further stipulated by Government Regulation.

RESEARCH METHODS

This research uses a qualitative method with a juridical normative approach, namely an approach that focuses on analyzing relevant laws and legal theories. The purpose of this approach is to understand how the regulation of stamp duty is applied in the taxation system in Indonesia and to examine the legal provisions that govern it. The normative approach was chosen because the focus of this research is more directed to the study of the content and substance of written law, not based on empirical data such as field surveys or statistical data. The type of data used in this research is secondary data, which is obtained from various legal sources, including: Law Number 10 of 2020 concerning Stamp Duty, related implementing regulations, legal articles, and scientific works that discuss stamp duty.

Data collection techniques are carried out by collecting data from various sources available

on the Directorate General of Taxes website, online journals, and government regulations. Data analysis in this study was carried out qualitatively, meaning that the data that has been collected will be analyzed and explained into a narrative. The analysis aims to find out about stamp duty law, who is subject to stamp duty, what documents are the objects, and how the rates and impositions are. Through this method, it is hoped that readers can clearly understand stamp duty and its application in everyday life, both in business, administration, or personal life related to documents.

RESULTS AND DISCUSSION

A. Concept and Position of Stamp Duty in the Taxation System

Stamp duty is one type of indirect tax imposed on certain documents. This tax is not directly related to wealth, income, or consumption, but arises from legal actions in the form of making, signing, or using documents. This makes stamp duty different from other types of taxes such as Income Tax (PPh) or Value Added Tax (VAT).

In the Indonesian taxation system, stamp duty is included in the category of formal juridical state levies, which means that the validity of documents in legal or administrative transactions is strongly influenced by the fulfillment of stamp duty payment obligations. Documents that are not subject to stamp duty as they should be can be declared invalid or have no legal evidentiary power.

The position of stamp duty is very important in maintaining administrative order, legal validity of documents, and as a source of state revenue. Stamp duty is not only imposed on conventional documents printed on paper, but has also reached electronic documents, along with the ongoing digital transformation in Indonesia.

B. Legal Source of Stamp Duty

The main legal basis for the imposition of stamp duty is currently Law No. 10/2020 on Stamp Duty, which came into effect on January 1, 2021. This law replaces two previous regulations, namely:

- Law Number 13 of 1985 on Stamp Duty, and
- Government Regulations and Minister of Finance Decrees detailing its implementation.

Law 10/2020 comes as a form of adjustment to the increasingly complex and dynamic conditions of society, including accommodating advances in information technology. One of the important innovations of this law is the accommodation of electronic stamp duty (e-meterai) to answer the need for digital documents.

In addition to Law 10/2020, the implementing regulations are outlined in Government Regulations, Minister of Finance Regulations, and Circular Letters from the Directorate General of Taxes. These include technical rules regarding the manufacture, distribution, and attestation of stamps, both in physical and digital form.

C. Subjects and Objects of Stamp Duty

According to Article 3 of Law Number 10 of 2020, stamp duty is imposed on two types of documents, namely:

1. Civil Documents Civil documents are documents used in civil law activities, including but not limited to:

- Letter of agreement, statement letter, statement letter, or other similar letter along with its copy.
- Notarial deeds and deeds of Land Deed Officials (PPAT) along with their grosses, copies, and excerpts
- Securities, in any form and name
- Securities transaction documents and futures contracts
- Auction documents in the form of minutes, excerpts, or grosse
- Documents stating the amount of money more than Rp5,000,000 that include the receipt of money or repayment of debt
- Other documents stipulated by Government Regulation

The imposition of stamp duty on these documents is intended to ensure the legality and legal force of the documents in the settlement of transactions, as well as to encourage orderly administration.

2. Documents Used as Evidence in Court

Documents used as evidence in court, whether in civil, criminal or state administrative cases, must be subject to stamp duty. Documents without stamp duty may be declared invalid as evidence, unless a zero stamp duty payment is made when submitted to the court.

D. Stamp Duty Tax Subjects

The subject of stamp duty tax is the party that uses the document or benefits from the document. In practice, the parties that are usually subject to stamp duty are: Prakoso, D. W. D. (2021). The legal force of e-stamps on electronic documents. *Journal of Education and Development*, 9(1), 558-562. South Tapanuli Education Institute.

- The party signing the document
- Parties that use documents as evidence in official institutions
- Parties that receive or use documents as part of business transactions

The burden of responsibility can be agreed between the parties in the contract. However, as a matter of tax law principle, the party that derives legal benefit from the document is the most likely to be subject to stamp duty obligations.

E. Rate and Imposition Mechanism

One of the significant updates in Law 10/2020 is the implementation of a single rate of IDR10,000 for all documents subject to stamp duty, provided that the transaction amount in the document exceeds IDR5,000,000. This single rate policy aims to:

- Simplify the tax system
- Increase public compliance
- Eliminate confusion in choosing a rate (previously there were two rates: Rp3,000 and Rp6,000).

In addition, the imposition of stamp duty can also be done through:

- Physical stamps
- Electronic stamps (e-stamps) which are further regulated by the Directorate General of Taxes.

The imposition of stamp duty electronically begins to apply to digital documents that are signed electronically and used in legal transactions. The implementation of e-stamps is considered an important modernization step in Indonesia's tax system.

F. Implications and Impact of Stamp Duty Implementation

The implementation of stamp duty has a number of significant legal and practical implications:

1. Legal Implications

Stamp duty provides legal certainty and protection to documents. Documents that have been affixed with a stamp have stronger evidentiary power, especially in judicial proceedings. Non-fulfillment of stamp duty obligations can lead to:

- Rejection of documents as evidence in court
- Obligation to pay administrative sanctions

2. Administrative Implications

In business activities, stamp duty is required to formalize various forms of cooperation, contracts, and agreements. Legally valid documents are an important requirement in tax audits, financial reporting, and dispute resolution.

3. Economic Implications

Revenue from stamp duty is part of non-tax state revenue (PNBP). Although not as large as income tax or VAT, its contribution is still important in supporting the state budget.

4. Technological Implications

With the introduction of e-meterai, the public and business actors are required to adapt to the digital system. This includes technical understanding of the use of e-stamps and their integration with financial information systems and electronic documents.

G. Discussion Results

From the results of the normative analysis of Law No. 10 of 2020 and its implementing regulations, it can be concluded that:

1. Stamp duty is a legal-formal state levy and has an important role in the validity of legal documents.
2. The application of a single rate of IDR 10,000 provides convenience and simplicity in the taxation system.
3. The object of stamp duty includes various types of documents, both physical and digital, relating to valuable transactions or legal relationships.
4. The imposition of electronic stamp duty (e-meterai) shows legal adaptation to advances in information technology.
5. Understanding and compliance with stamp duty needs to be improved, both by individual taxpayers, business actors, and law enforcement officials, so as not to cause legal implications in the future.

Aspect	Details
Definition	Stamp duty is a state levy imposed on certain documents with legal or financial significance.
Legal Basis	Law Number 10 of 2020 on Stamp Duty (replacing Law No. 13 of 1985).
Type of Tax	Indirect tax, non-periodic, based on document usage.
Subjects (Taxpayers)	The party who signs, uses, or benefits from the document (e.g., individuals, businesses, institutions).
Objects (Documents)	- Civil documents (contracts, agreements, certificates, notarial deeds, securities, auction documents, etc.) - Documents used as court evidence
Exemptions	Documents under IDR 5,000,000 in value or as specified by regulations (e.g., government aid, certain receipts, etc.).

Stamp Types	- Physical stamp (adhesive) - Electronic stamp (e-Stamp / e-Meterai)
Tariff	Flat rate of IDR 10,000 for applicable documents exceeding IDR 5,000,000 in value.
Enforcement	Applied at the time of signing or usage of the document; failure may result in legal and administrative consequences.
Purpose	Legal validity, judicial proof, administrative compliance, and state revenue contribution.

CONCLUSION

Based on the results of the discussion and analysis of Law Number 10 of 2020 concerning Stamp Duty, it can be concluded that:

1. Stamp duty is a state levy imposed on certain documents, both civil in nature and as evidence in court, with the aim of providing legal force and administrative order.
2. The application of a single rate of Rp10,000 provides simplification in the taxation system and makes it easier for the public to fulfill tax obligations on documents.
3. The object of stamp duty covers various forms of documents, including digital documents, reflecting the development of legal and administrative systems in the technological era.
4. A good understanding of the subject, object, and procedures for the imposition of stamp duty is very important for the general public, business actors, and law enforcement officials to avoid administrative errors and legal disputes.
5. Digitalization through e-stamps is a step forward in bureaucratic reform and adaptation of the legal system to the digital era.

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