Journal of Applied Sciences in Accounting, Finance, and Tax
Vol. 5, No. 2, October 2022

Tax Planning Analysis Based on SAVANT Approach at PT ASP

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Abstract: *This study aims to determine and analyse the application of tax planning with the SAVANT approach. The issuance of SP2DK shows that the company has not been optimal in fulfilling its tax obligations. This can lead to potential taxes and tax sanctions. So that companies need good and correct tax planning in order to maintain the efficiency of their tax expenses. This study uses qualitative methods with descriptive analysis. The analysis is carried out by examining the fulfilment of corporate tax compliance and arrange tax planning policies based on the SAVANT approach. This study results showed that the application of the SAVANT method was carried out by analysing tax planning including the implementation of the Tax Article 21 and Tax Article 23 planning strategies by applying the gross up method. The company can anticipate, negotiate, and transform their expenses. Based on the analysis of the company's added value with EVA, it shows that the tax planning that has been designed can provide added value of IDR 446.713.775,00. Tax planning analysis using the SAVANT method is expected to be used as the basis for tax decisions by PT ASP, so that the company can maintain the efficiency of their tax expenses and avoid potential tax sanctions.*

***Keywords**: Tax Planning, SAVANT, PPN, VAT, PPh, Income Tax*

1. Introduction

Tax planning is an initial step in tax management. Tax planning is the process of gathering and researching applicable tax laws and choosing what tax-saving measures to taken. In terms of tax planning, there are three main things that must be considered, namely not violating tax regulations, making business sense because tax planning is an integral part of corporate planning, and must be supported by adequate evidence to avoid the risk of tax audits [1]. In terms of tax planning, companies sometimes carry out plans that violate tax regulations (break the law) in addition to tax planning that is still within the framework of tax regulations (in legal way). In companies, one of the actions taken in an effort to reduce the tax burden is to manipulate financial statements or create multiple financial statements. In this case, the company manipulates the financial statements for tax reports, while the actual financial statements will be kept by the owner for personal use, or vice versa.

PT ASP is a company engaged in the sale and purchase and service of motor vehicles which in its company activities cannot be separated from the taxation aspect. In 2021, the company received a Letter of Request for Explanation of Data and/or Information (SP2DK) for the 2018 fiscal year which also mentioned thirteen findings for which explanation and/or clarification was requested. This indicates the company's non-compliance as a taxpayer in terms of withholding, collecting, and reporting taxes. The issuance of the SP2DK will require further explanation of the aspects mentioned in the SP2DK, so a tax review is needed on PT ASP's tax obligations to re-examine the causes of the issuance of the SP2DK. To avoid the same thing happening again and as a reference to minimize the tax burden in the next tax year, PT ASP can carry out tax planning for all types of taxes. Research related to tax planning was conducted by [2], [3], [4], [5], [6], [7], [8] show that good tax planning can provide benefits for companies. However, the analysis carried out only focuses on one tax obligation. One approach that can be used in this planning effort is the SAVANT approach. The SAVANT approach which places taxes as an inseparable part of the company's strategic plan through systematic analysis as the basis for anticipating, negotiating and transforming actions aimed at maximizing company value.

SAVANT itself is an acronym for strategy, anticipation, value adding, negotiating, and transforming. Based on the description of the background above, the researcher is interested in conducting further research on PT ASP as outlined in the thesis entitled "Analysis of Tax Planning with the SAVANT Approach at PT ASP".

2. Method

This research was conducted at PT ASP. The objects in this study are Value Added Tax and Income Tax for the 2018 reporting year. In this type of research, the triangulation technique is used which is a combination of observation, interviews, and documentation as a data collection technique. Methods of data collection in this study using the method of interviews, documentation, literature study. In this research, descriptive analysis technique is used to describe tax planning using the SAVANT approach. The stages include collecting the required data, in the form of 2018 financial statements, 2018 Annual and Periodic SPT, and company policies related to accounting and taxation, evaluating the company's tax obligations through tax reviews, making tax planning policies based on SVANT approach. In the end, this type of research produces results, namely understanding meaning, understanding uniqueness, constructing phenomena [9].

3. Results and Discussion

3.1 Description of Research Results

This study used primary data obtained from the results of interview answers with company management and secondary data from the documentation of the company's financial statements and taxation. The data that has been collected is then used to explain the findings in SP2DK as follows.

3.1.1 Description of Research Results related to the Review of Income Tax and Value Added Tax

In the findings of SP2DK, PT ASP was asked for an explanation and/or explanation of several findings related to costs and revenues reported in the 2018 fiscal year. The difference in loan interest costs that mentioned in the findings is the cost of loan interest on bank loans that are not objects of PPh 23, so it is not carried out on Article 23 Income Tax. Then, the difference between the total fees in connection with the services reported in the Annual Tax Returns and the value of the tax objects that reported in the Article 23 Income Tax Returns is the provision fee included in the fees for consultant and notary services for the bank loans managements, the payment of which is by auto-debit from the bank so that there is no withholding of Article 23 Income Tax for services. Regarding the difference in rental costs, there are findings that Article 23 income tax has not been deducted. Moreover, it was found that the company's commercial net profit did not match the profit registered in the OJK SLIK data. Based on interviews, PT ASP's financial statements for 2018 have been audited by an independent auditor. The findings in the SP2DK show that PT ASP has not collected VAT on some of the withholding evidence. It was due to PT ASP earns income from vehicle unit sales, marketing awards, spare parts sales and service revenue. Of all the income, not all tax invoices are issued, because there are several transactions such as service income reported in sales which are covered in the VAT Periodic Tax Return. In relation to the withholding data, PT ASP did not in its entirety receive the document from the counterparty, so there were several pieces of withholding evidence that were not credited in the reporting of the company's Annual Tax Return.

Regarding the findings of the difference in depreciation expense, in the reporting of the company's Annual Tax Return there was an administrative error in the selection of straight-line depreciation methods, while PT ASP used the declining balance depreciation method in the financial statements. The findings in SP2DK also show that there is a difference between the salary expense reported in Annex II of the Annual Tax Return and Income Tax Article 21 Returns, and there is also difference between the rental expense reported in the Annual Tax Return and Income Tax Article 4 paragraph (2) and 23 Returns. As for the findings that indicate a decrease in the company's retained earnings, based on retesting, there is no decrease in profit due to dividend payments. In the findings of SP2DK, it shows that there is an indication of PPh that has not been or has not been deducted because the transaction is not an object of income tax article 23. Therefore, all invoices with code 02 attached to the findings are sales transactions to the Government Treasurer's VAT collector who The VAT is collected by the government treasurer.

3.1.2 Description of Research Results Related to Tax Planning with the SAVANT Approach

The details of the data that associated with the five elements of the SAVANT approach are as follows. In 2018 the company has implemented a strategy in calculating income tax Article 21 for their permanent employees using the gross up method. The company did not take specific steps in anticipating the findings of the tax office. The company has not carried out special calculations or analysis in determining the value added of the company after fulfilling its tax obligations. The company only analyzes the ratio of fiscal profit and loss to sales, the ratio of income tax to sales, the ratio of profit after tax to sales. The company also does not apply negotiations in determining the selling price and the purchase price of its merchandise because it has been determined by the manufacturer. The company applies the practice of negotiation in determining contracts at the time-of-service acquisition, but it has not been carried out effectively because it is only applied to a few transactions. The company has made efforts to convert non-deductible expenses into deductible expenses through fiscal corrections, but the fiscal corrections made by the company have not been maximized.

3.2 Discussion

3.2.1 Tax Review on Income Tax and Value Added Tax

Tax obligations that have been carried out by PT ASP for 2018 include Income Tax Articles 21, 22, 23, 25, 4 paragraph (2), Corporate Income Tax and VAT. The review of PT ASP's tax obligations is as follows.

- Tax Review of Income Tax Article 21
  PT ASP has paid Income Tax Article 21 in the amount of Rp.104,865,719.00, but there is still an underpayment of Income Tax Article 21 in the amount of Rp. 312,075.00 which still has to be paid by the company. Income Tax Article 21 uses a 20% higher rate because there is no Tax ID for the transaction. To fulfill its obligations, the company must pay a tax of Rp. 312,075.00 and make corrections to the Income Tax Return Article 21 for the deficiency. The correction resulted in a penalty of 0.99% per month for the amount of tax that was not paid. If PT ASP makes corrections in July 2022, the estimated potential administrative sanction paid by PT ASP is IDR 74,149.00.
- Tax Review of Income Tax Article 22
  Article 22 Tax Income review is carried out by examining the object of Article 22 Tax Income collection in the general ledger based on the list of proof of Article 22 Income Tax collection to determine the determination of the withholding rate and calculation of Article 22 Income

Tax. 22 Income Tax conducted by PT ASP based on Law 36 of 2008 concerning Taxes Income. For Article 22 Income Tax obligations related to the purchase of goods made by the government treasurer, all sales transactions have been deducted from Article 22 Income Tax by the government treasurer.

- Tax Review of Income Tax Article 23
Based on the results of the review, it shows that there is a potential for underpayment of Article 23 Tax Income. There are vehicle inventory services, advertising services, vehicle rental services, and advertising services that have not been deducted from Article 23 Income Tax. administration fee to be paid is 0.99% per month referring to the interest rate of the Decree of the Minister of Finance Number 540/KMK.010/2020. If PT ASP makes corrections to its Periodic SPT in July 2020, the estimated administrative sanction that must be paid by PT ASP is Rp.795,689.00.
- Tax Review of Income Tax Article 25
The review of Article 25 Income Tax is carried out by matching the accuracy of the amount, time of payment, and reporting of monthly installments which are PT ASP's tax obligations. According to Article 10 Paragraph (3) PMK No. 9/PMK.03/2018 concerning Tax Return (SPT) states that the payment of Article 25 Income Tax that has been made and has been validated with a State Revenue Transaction Number (NTPN) is considered to have submitted an article 25 Income Tax Return, in other words the time of deposit is the same with the SPT reporting time. Based on the review, during 2018 PT ASP has deposited and reported Income Tax Article 25.
- Tax Review of Income Tax 4 paragraph (2)
Based on the results of the review, there is a rental expense account which shows that PT ASP leases land and/or buildings for Rp.832,500,000.00 for a place of business as well as an office. In this case PT ASP is the lessee who has the obligation as a cutter, so PT ASP is obliged to cut, deposit and report on the rental of the land and/or building in the Tax Return of Income Tax Article 4 Paragraph (2) Lease. To fulfill its obligations, the company must make a tax deposit of Rp. 70,000 and make corrections to the income tax return period of Article 4 paragraph (2) for the underpayment. The correction resulted in a sanction of 0.99% per month for the amount of tax that was not deposited. If PT ASP makes corrections in July 2022, the estimated potential administrative sanction paid by PT ASP is Rp 16,632.
- Tax Review of Corporate Income Tax
Steps that can be taken to conduct a review of the Corporate Income Tax is to examine the elements of income which include income subject to income tax based on the general rate that has been included in the Corporate Annual Tax Return, income subject to Final Tax, as well as income that is not included in the object. Furthermore, the company can reconcile the total amount of the delivery of goods and services according to the VAT SPT with the Corporate Income Tax SPT. Based on these findings, the underpaid VAT that must be paid by PT ASP is Rp48,220,165.00. If PT ASP makes corrections to its Periodic VAT SPT in July 2022, the potential administrative sanction to be paid by PT ASP is Rp11,457,111.00 for underpaid VAT at an interest rate of 0.99% per month on the amount of tax paid. less deposited according to the Decree of the Minister of Finance number 540/KMK.010/2020 [5]. There is a potential administrative sanction of Rp9,644,033.00, which is 1% of the Tax Imposition Basis for tax invoices that have not been issued in accordance with the provisions of Article 14 paragraph (4) of Law Number 7 of 2021 concerning Harmonization of Tax Regulations which will be billed at the issuance of the Tax Collection Letter. based on the provisions of Article 14 paragraph (1) letter d of Law Number 7 of 2021. It should be noted that there is a review step

taken by the company before reporting the Corporate Annual SPT, namely by making fiscal corrections to income and expenses in accordance with applicable tax provisions.

- Tax Review of Value Added Tax (VAT)
  There is a difference between the gross turnover of PT ASP reported in the 2018 Annual Tax Return and the Periodic VAT Tax Return of Rp482,201,653,00. The difference is assumed to be the sale of goods for which a tax invoice has not been issued because there is no tax invoice for the sale. Based on the discussion, it was found that the fulfillment of PT ASP's tax obligations in 2018 was still not fully or could be said to be under comply because there were still unreported income and there were potential transactions that had not been collected or withheld taxes.

3.2.2 Tax Planning with the SAVANT Approach

- Strategy
  There are 3 methods that can be used in calculating Article 21 Income Tax and Article 23 Income Tax by companies in carrying out tax planning, namely the gross method (Tax Income article 21 borne by employees), net method (Tax Income article 21 borne by the company), and the gross-up method (tax allowances). which is grossed up). In relation to Income Tax Article 23, in 2018 PT ASP has carried out several transactions which include building rental services, vehicle rental services, advertising services, to management services.

Table 1. Calculation of Potential Income Tax Article 21 for Non-Employees Using the Gross Up Method

Tax Income Article 21 Objects	**Gross Total (IDR)**	**Gross Up Tax Basis (IDR)**	**Tax Income Article 21 (IDR)**
Continuous rewards received by individuals who are not employees	10.402.500	10.724.227	321.727
Total	**10.402.500**	**10.724.227**	**321.727**

By using the gross up method, the company can charge the salary and wages fiscally, so that the profit earned by the company becomes more leverage. In the case of PT ASP, where the income recipient does not want his income to be withheld. With the gross up method, the income received will remain in accordance with its value, but the income recipient does not feel burdened with tax deductions.

- Anticipation
  The company can anticipate this risk by conducting a tax review or tax review. The implementation of a tax review can certainly assess the extent to which the level of tax compliance (tax compliance) of taxpayers in terms of fulfilling their obligations in accordance with applicable tax regulations. The implementation of regular reviews in each company is expected to be able to reduce losses due to over-compliance or under-compliance so that later tax planning can run well. The company can anticipate its tax obligations in the future. Regarding the findings of underpaid VAT due to tax invoices that have not been collected VAT and tax invoices have not been issued, the company must check and ensure the completeness of the documents that accompany each sales transaction. The company must ensure that every sale is accompanied by the issuance of a tax invoice, both backed and unpaid, so that the company can maximize its output VAT crediting and can avoid the possibility of underpaid VAT.

- Value Adding
  At this stage, the company will measure whether the tax planning that has been carried out is able to increase net cash flow after taxes and increase shareholder value. The measuring instrument that can be used is the Economic Value Added (EVA) which is obtained by calculating the difference between net operating profit and capital expenses. Based on the tax planning that has been designed, the net profit of PT ASP is Rp. 354.461.521.00. After measuring with EVA, it shows that with this tax planning the value of PT ASP increased by Rp.446.713.775.00. The positive EVA value indicates that the company is able to generate operating profit returns that exceed the cost of capital. If the company is in this position, it shows that the tax planning designed can create economic added value for the company.
- Negotiation
  The company will try to minimize tax costs by turning a transaction into a more profitable tax transaction . The application of negotiation can be applied in the practice of withholding tax, where misunderstandings often occur in collecting and withholding taxes. As explained in part a, there are counterparties who are unwilling to withhold tax. PT ASP can negotiate with transaction partners so that both parties can carry out their tax obligations optimally. At PT ASP, negotiations are carried out in determining the price of contracts or services using the gross up method, so that the income tax borne by the company can be deducted (deductible expense).
- Transforming
  Transformation efforts in this case can be carried out when making fiscal corrections. The costs that are presented in the income statement at PT ASP have been corrected before being reported in the Corporate Annual Tax Return as described in section 2. The cost transformation that can be carried out by PT ASP is as follows. Promotion and marketing expenses can be charged if they are actually spent to earn, collect and maintain income in accordance with the provisions of Article 6 paragraph (1) letter a of Law no. 36 Year 2008. Dealer finance expenses, which are interest expense to banks, can be fully charged on a fiscal basis. Interest expense that can be taken into account in the calculation of taxable income is limited to Debt to Equity (DER). Based on Article 2 of the Regulation of the Minister of Finance Number 169/PMK.010/2015 concerning Determination of the Comparison Between Debt and Company Capital for the Purpose of Calculation of Income Tax, the ratio between debt and capital is set at a maximum of four to one (4:1).

Table 2. Calculation of Potential Tax Efficiency after Implemented Tax Planning with SAVANT Approach

	Before Tax Planning	**After Tax Planning**
Earnings Before Tax	Rp498.768.894,00	Rp494.958.771,36
Income Tax Expenses	Rp420.391.000,00	Rp140.497.250,00
Net Profit After Tax	Rp78.377.894,00	Rp354.461.521,36

According to Table 2. it is found that the implementation of tax planning with the SAVANT approach can provide benefits for PT ASP. With the implementation of the tax planning, the tax burden that must be paid by the company can be reduced. This results in the company's tax burden being more efficient when compared to the previously tax planning implemented by the company.

4. Conclusion

The tax review of Income Tax and VAT at PT ASP concluded that the position of the company's tax compliance level is still under comply. The implementation of tax planning at PT ASP includes the implementation of the planning strategy for Tax Income Article 21 and Tax Income Article 23 by applying the gross up method. Companies can also implement anticipation and negotiation efforts, as well as carry out transformations in an effort to reduce their tax burden.

The results of this study have practical implications that are expected to be used as input for the company under study so that in the future it can be used as material for consideration or evaluation related to the taxation aspect of the company, so that the company can minimize unexpected costs such as fines and interest. In addition, the results of this study can be used as guidelines in implementing tax planning strategies without violating applicable tax regulations. In addition, the results of this study are expected to provide information and references for further researchers who wish to conduct research related to the application of tax planning with the SAVANT approach.

Acknowledgments

The author would like to thank all those who have helped and supported during the process of compiling this journal. The author would like to thank the Bali State Polytechnic and the Accounting Department, especially the Managerial Accounting Undergraduate Study Program, which has provided many briefings and instructions in completing this journal.

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