

The Imposition of Article 22 Income Tax on E-Commerce Sellers Based on PMK 37/2025 and Legal Certainty in the Collection of Electronic Transaction Taxes in Indonesia

Nancy Patricia Tasman, Yenny Yuniawaty

Universitas Kristen Maranatha, Indonesia.

Email: nancypatricia525@gmail.com, yenny.yuniawaty@gmail.com

ABSTRACT

The development of e-commerce encourages MSMEs to expand the market, but it poses challenges in tax collection. Regulation of the Minister of Finance Number 37 of 2025 concerning MSME Digital Tax (*Peraturan Menteri Keuangan Nomor 37 Tahun 2025 tentang Pajak Digital UMKM*) stipulates marketplaces as collectors of Income Tax Article 22 to improve fiscal compliance and administrative efficiency, especially for e-commerce sellers. Although this automatic collection mechanism has the potential to facilitate tax collection, its implementation faces obstacles such as limited system integration, incomplete technical guidelines, and diverse MSME readiness. This study uses a normative juridical method with a legislative and conceptual approach. The nature of the research is descriptive-analytical with a focus on the collection of Article 22 Income Tax reviewed from the perspective of legal certainty. The results of the study show that the mechanism for collecting Article 22 Income Tax through the marketplace has not fully provided legal certainty, because there is still uncertainty regarding the total tax liability, the authority to collect it, and the deposit procedure. In the collection of Article 22 Income Tax by the marketplace, the Government needs to integrate data comprehensively, develop clear technical guidelines, and educate MSMEs so that tax collection is more fair, effective, and proportionate.

KEYWORDS Income Tax Collection Article 22, E-Commerce Sellers, Marketplaces, Legal Certainty.



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INTRODUCTION

The rapid advancement of the digital economy, particularly through e-commerce platforms, has fundamentally transformed the landscape of global trade. This transformation presents significant opportunities for Micro, Small, and Medium Enterprises (MSMEs) to access broader markets and increase their revenue streams (Simanjuntak, 2014; Wildan, 2016, 2024). In Indonesia (Indonesia, 2008), platforms such as Tokopedia, Shopee, and Lazada have become integral to this digital shift, enabling fast and efficient transactions. According to a final report by the Institute for Development of Economics and Finance (INDEF) entitled "The Role of Digital Platforms in MSME Development in Indonesia," approximately 88 percent of MSMEs operating in an offline-online hybrid model reported an increase in annual turnover, with 24 percent expanding their workforce (INDEF, 2024). This data underscores the critical role of digital platforms in driving MSME growth and the consequent expansion of the taxable base within the digital economy (Antara, 2025).

In line with this, trade transactions through electronic systems in Indonesia have experienced a significant surge in recent years. Based on Bank Indonesia's estimates, the value of e-commerce transactions reached Rp 454 trillion in 2023 and increased by 7% to Rp 487

trillion in 2024. This growth reflects the increasing adoption of digital platforms by business actors and the importance of an efficient, fair tax collection mechanism that provides legal certainty for all e-commerce actors (Pajak, 2025a, 2025b; Siahaan, 2010).

However, behind the ease of transacting through digital platforms, there are significant challenges related to fulfilling tax obligations. Many e-commerce players have not comprehensively understood their tax rights and obligations. Meanwhile, the tax collection mechanism in the digital sector is still being adjusted to reach all business actors fairly. This condition has the potential to cause tax non-compliance, both due to the limited knowledge of sellers and the administrative system that is not fully adaptive to fluctuations in digital trade turnover (Subekti, 2018). The inequality of tax compliance between conventional business actors and e-commerce creates a risk of losing state revenue (Faculty of Economics and Management, IPB University) (University, 2025).

To bridge this gap while strengthening tax governance in the digital ecosystem, the government issued Minister of Finance Regulation Number 37 of 2025 concerning the Appointment of Other Parties as Income Tax Collectors as well as Procedures for Collecting, Depositing, and Reporting Income Tax Collected by Other Parties on Income Received or Earned by Domestic Traders with a Trading Mechanism through an Electronic System (Koynja, 2025), hereinafter referred to as PMK Number 37 of 2025 concerning the collection of Income Tax (PPh) Article 22 by marketplaces. This regulation is a form of adaptation of the national tax system to the dynamics of the rapidly growing digital economy. The goal is to create a fair, efficient tax collection mechanism and provide legal certainty for all parties involved (Adriano, 2025; Marzuki, 2005). By appointing marketplaces as collectors, the government seeks to strengthen supervision of cross-platform electronic commerce transactions that are often difficult to track by tax authorities. This mechanism not only narrows the gap in non-compliance but also minimizes the potential for tax evasion, which has been a challenge in the digital sector.

Similar challenges are also reflected in MSME tax compliance data, which shows that the scope of tax collection is still limited, especially for digital-based business actors. Based on data from the Directorate General of Taxes, until 2024, there are around 4.2 million active MSME taxpayers out of a total potential of 64 million business units. Most of the taxpayers recorded are micro and small businesses with a turnover of less than Rp 500 million per year. As a result, many MSMEs with turnover exceeding the annual taxable limit have not been recorded or have not been taxed systematically, potentially causing a loss of state revenue. In addition, the previous tax collection mechanism was limited to conventional businesses and it was difficult to reach fast, massive, and cross-platform digital transactions (Pemerintah, 2022; Undang-Undang, 2008).

Although PP 55/2022 has regulated tax provisions for digital MSME actors, the limitations of implementation make the issuance of PMK 37/2025 a strategic step to strengthen the legal certainty and effectiveness of Income Tax Article 22 collection (Rahardjo, 2012). Income from businesses with a certain gross turnover was previously subject to Final Income Tax (PPh Final for MSMEs) of 0.5 percent, applicable to taxpayers with an annual turnover of up to Rp 4.8 billion, both those who run offline and online businesses. In PP 55/2022, tax payments are carried out independently (self-assessment). Despite providing a strong legal basis for e-commerce activities, PP 55/2022 faces difficulties in reaching all business actors

and ensuring tax compliance. This condition emphasizes the need for PMK 37/2025 to be more adaptive and prioritize the principles of fiscal justice, administrative efficiency, and sustainable tax base expansion, especially for fast, massive, and cross-platform e-commerce actors.

Unlike PMK 37/2025, which collects Income Tax Article 22 directly through the marketplace, PP 55/2022 uses a self-assessment approach so that tax payments are fully the responsibility of taxpayers. The provisions for individual taxpayers with an annual turnover of up to Rp 500 million remain unchanged, so that online and offline traders are not taxed on their income. The main difference arises in transactions carried out through the marketplace, namely digital platforms now act as collectors of Income Tax Article 22, replacing the previous independent reporting and deposit mechanism.

However, this change in regulation has the potential to cause legal uncertainty, especially for e-commerce sellers, most of whom are MSME actors with limited understanding of taxation. Differences in tax collection mechanisms between marketplaces can also cause differences in interpretation and application in the field. In addition, regulatory changes that take place relatively quickly mean that business actors need time to adapt so that mistakes do not occur in fulfilling tax obligations. In practice, marketplaces only collect a portion of taxes, such as PPh Final of 0.5 percent, while the rest of other tax liabilities, such as income tax on rent or other types of taxes, must still be paid independently by business actors.

In the digital era, marketplaces have become the main means of trade transactions, including for MSME actors, so the role of the marketplace as a collector of Income Tax (PPh) Article 22 is crucial. Although normatively the appointment of marketplaces is regulated in PMK 37/2025 and the collection and reporting obligations are regulated in general, technical operational rules, system integration, merchant verification mechanisms, and detailed sanctions are not yet available. This condition creates legal uncertainty for marketplaces and business actors who depend on the platform, because they do not have clear guidelines on how tax obligations must be fulfilled and the consequences for mistakes or omissions. Therefore, discussing legal certainty in the context of collecting Article 22 Income Tax through the marketplace is important to ensure transparency, predictability, and certainty in the implementation of tax obligations, while protecting the rights and obligations of all parties involved.

In line with this practical challenge, a previous study by (Panjaitan, 2025) entitled "Implications of PMK-37 of 2025 on the Fiscal Balance and Resilience of MSMEs" highlights the impact of PMK 37/2025 on state revenue and MSME resilience in the context of the rapid development of e-commerce in Indonesia. This study shows that the appointment of certain marketplaces as Article 22 income tax collectors has the potential to increase fiscal efficiency, expand the digital tax base, and minimize the risk of tax evasion, thus having a positive impact on the national fiscal balance. However, the study emphasizes more on the economic and administrative aspects of MSMEs, including administrative readiness, limited fiscal literacy, and adaptation to digital systems, without highlighting in depth the aspects of legal certainty that emerge from this collection mechanism. In contrast to that study, the author's study places legal certainty as the main focus, because the normative aspects and consistency of the implementation of PMK 37/2025 are very important to provide clarity on rights and obligations for business actors, especially MSMEs, so that legal subjects can carry out tax obligations definitively, consistently, and predictably (Halilah & Arif, 2023).

The urgency of this research is underscored by the inherent tension between the policy's normative goals and the practical realities of its implementation. Data from the Directorate General of Taxes indicates that while there are approximately 4.2 million active MSME taxpayers, this represents only a fraction of the total potential of 64 million business units. This significant gap suggests that many MSMEs, especially those operating in the digital space, remain outside the formal tax net. The previous regulatory framework, primarily Government Regulation Number 55 of 2022 (PP 55/2022), relied on a self-assessment mechanism for tax payment. While providing a legal basis, this approach faced difficulties in ensuring compliance among a large and diverse population of digital businesses, highlighting the need for a more adaptive and enforceable mechanism like the one introduced by PMK 37/2025.

Thus, even though PMK 37/2025 has a strong fiscal basis and justification, its implementation still raises doubts among business actors regarding the clarity of procedures, consistency of implementation, and protection from potential double taxation. This condition shows that the aspect of legal certainty in the regulation has not been fully realized, making it an important reason for this study to investigate further.

Thus, there are two problem formulations that deserve further research in this study: 1) How is the regulation of obligations and the mechanism for collecting Income Tax Article 22 for sellers through the marketplace according to PMK Number 37 of 2025? 2) What is the legal certainty of withholding Income Tax Article 22 for sellers through the marketplace based on PMK Number 37 of 2025?

METHODS

This research used a juridical-normative legal method, which is an approach that emphasizes the study of relevant legal rules, principles, and legal doctrines to answer the legal problems faced. This approach was intended to examine the provisions of laws and regulations and the legal principles contained therein, so that the legal objectives for interested parties could be analyzed and understood. In the context of this study, a juridical-normative approach was used to examine the provisions of Income Tax Article 22 as stipulated in PMK 37/2025, by assessing the extent to which the regulation provides legal certainty for taxpayers and consistency in its implementation by the government (Muhaimin, 2020).

In addition to using a normative juridical approach, this study also applied a statutory approach by examining all relevant regulations, including PMK 37/2025 and other supporting regulations related to the collection of Article 22 Income Tax for e-commerce sellers through marketplaces. This approach aimed to understand the legal framework, collection authority, and technical provisions that form the basis for the implementation of digital tax policies. Furthermore, this study also adopted a conceptual approach by referring to legal doctrines and tax principles to analyze the suitability of regulations with the socio-economic goals to be achieved. The combination of these two approaches allowed the research to assess not only the written legal provisions but also the conceptual rationality and legal objectives behind the collection of Income Tax Article 22, thus providing a more comprehensive understanding of the effectiveness and certainty of policies for taxpayers and the government.

RESULTS AND DISCUSSION

Regulation of Obligations and Mechanism for Collecting Income Tax Article 22 through the Marketplace in PMK Number 37 of 2025

Income Tax (PPH) Article 22 according to Law Number 36 of 2008 concerning Income Tax, is a tax collected by a third party on certain transactions, either by the government treasurer, business entities, or other appointed parties, including marketplaces, in accordance with the provisions of Article 22 of the Income Tax Law. so that e-commerce sellers include taxpayers who can be subject to Income Tax Article 22. Based on data from the Directorate General of Taxes, the collection of Income Tax Article 22 is carried out by government treasurers, state-owned enterprises, certain industries, and other parties appointed by the Minister of Finance to collect, deposit, and report taxes on electronic transactions (PMK-58/PMK.03/2022; PMK-48/PMK.03/2023). The amount of the levy varies depending on the type of transaction, such as imports, sales of production products, and transactions through the marketplace, with final or non-final rates. The collection mechanism through the marketplace is designed so that taxes can be deducted directly from the payment received by the seller, simplifying administration, and improving fiscal compliance. Thus, the implementation of Income Tax Article 22 for e-commerce sellers is the implementation of tax collection by third parties that is adjusted to the character of digital transactions, in accordance with the Income Tax Law and PMK implementing regulations.

Along with the regulation of Income Tax Article 22 for e-commerce sellers, trading activities through the marketplace are also within the legal framework of Electronic Commerce. This is regulated in Law Number 11 of 2008 jo. Law Number 1 of 2024 concerning Electronic Information and Transactions and Law Number 7 of 2014 concerning Trade, which affirms that electronic transactions in Indonesia have a legal status and are obliged to comply with tax provisions. Thus, the mechanism for collecting Article 22 Income Tax by marketplaces not only pays attention to fiscal aspects, but must also be in line with electronic commerce regulations, which regulate the rights, obligations, and responsibilities of digital business actors.

Understanding the terms seller and marketplace is important to assess the application of Income Tax Article 22 in the context of electronic commerce. In the context of taxation and electronic commerce, the term seller refers to a party that sells goods or services through digital platforms. Meanwhile, the marketplace is an electronic means that brings together sellers and buyers. The regulation of the terms seller and marketplace was introduced in PMK Number 37 of 2025, which emphasizes the role of taxpayers as parties subject to collection and marketplaces as tax collectors. On the other hand, in the Electronic Commerce Law and related laws, the terms used are still general, such as business actors and trading platforms, which cover all domestic and cross-border trade activities.

The ambiguity of terms in the e-commerce law encourages the need for more specific regulations, as stipulated in PMK 37/2025, to provide certainty regarding the roles and obligations of parties in e-commerce transactions. PMK 37/2025 was issued to simplify the mechanism for collecting Article 22 Income Tax (PPH) for e-commerce players through marketplaces. This regulation aims to improve tax compliance and ensure fiscal fairness for MSMEs. PMK 37/2025 emphasizes that Income Tax Article 22 is imposed on marketplaces as tax collectors, e-commerce actors with a turnover above a certain limit, and certain types of

transactions carried out through digital platforms. With this arrangement, all parties in the digital trade chain gain legal certainty regarding their tax obligations.

Prior to the issuance of PMK Number 37 of 2025, e-commerce taxation regulations in Indonesia referred to PMK 60/PMK.03/2022 concerning Procedures for the Appointment of Collectors, Collections, Deposits, and Reporting of Value Added Tax on the Utilization of Intangible Taxable Goods and/or Taxable Services from Outside the Customs Territory within the Customs Territory through Trade through Electronic Systems. Although this regulation has the potential to increase state tax revenue, its scope is limited to the exchange of Taxable Services (JKP) and intangible Taxable Goods (BKP) between domestic and foreign vendors, so it has not comprehensively regulated all e-commerce transactions. This condition shows that the old regulations have not provided adequate legal certainty for marketplaces and MSMEs, because their tax rights and obligations have not been clearly regulated. These limitations are an important basis for the issuance of PMK 37/2025, which is more inclusive and firm, to realize legal certainty for all digital business actors.

As for before PMK 37/2025 takes effect, MSME actors who conduct e-commerce transactions must meet their tax obligations independently in accordance with the mechanism stipulated in Government Regulation Number 55 of 2022 (PP 55/2022). In this regulation, the income received by Taxpayers is subject to final income tax of 0.5% of the business turnover, applicable to taxpayers with an annual turnover not exceeding Rp. 4.8 billion. Reporting and payments are carried out independently (self-assessment) following the cycle set by the Directorate General of Taxes. This mechanism requires business actors to calculate, deposit, and report taxes themselves, so that the risk of administrative errors and legal uncertainty can occur, especially for MSMEs that are just adapting to the digital system.

The main difference between PP 55/2022 and PMK 37/2025 lies in the tax collection mechanism. Previously, in PP 55/2022, business actors paid taxes independently (self-assessment) to the state treasury. In terms of advantages, the collection mechanism through the marketplace increases tax compliance, simplifies administration, and reduces the risk of tax evasion, because all transactions are recorded systematically. In addition, taxpayers do not need to calculate and deposit taxes manually, thereby reducing administrative burdens.

Although the collection through the marketplace applies automatically to most taxpayers, this mechanism is not applied to business actors with a certain annual turnover. For taxpayers who have an annual turnover of less than Rp. 500 million, the imposition of Income Tax Article 22 through the marketplace does not apply, so they are not subject to automatic tax collection. As an illustration, if an e-commerce player has an annual turnover of Rp. 600 million, then the part of the turnover that is not taxed is Rp. 500 million. The rest, which is Rp. 100 million, is the basis for the imposition of MSME Final Income Tax at a rate of 0.5%, so that the amount of tax payable is:

$$0.5\% \times \text{Rp. } 100,000,000 = \text{Rp. } 500,000$$

This illustration shows how the turnover limit determines the amount of tax payable, which is then officially implemented through a mechanism prepared by the Directorate General of Taxes. The mechanism excludes individual taxpayers with an annual turnover not exceeding Rp. 500 million from the collection of MSME Final Income Tax of 0.5%. For business actors whose turnover is estimated to exceed this limit, they are required to make a Statement Letter which is the basis for the marketplace in determining whether tax collection is carried out or

not. Thus, taxpayers whose turnover has not reached Rp. 500 million are not subject to collection, as long as the statement letter is submitted, so that the tax collection administration becomes clearer and more controlled. However, if they suffer losses, business actors can apply for a Free Certificate (SKB) for tax collection.

However, in terms of administrative practice, this system poses several obstacles. First, if the taxpayer forgets or is late in submitting the Statement Letter, the marketplace will conduct an automatic collection, even though the actual turnover is still below Rp. 500 million. This leads to tax payments that should not have occurred and requires more refund or correction procedures. Second, this procedure adds to the administrative burden for the marketplace, as it must verify the statement letter and adjust the collection for each taxpayer. Third, the statement letter-based mechanism poses a risk of human error and delay, especially for micro and small business actors who are not familiar with formal tax procedures.

These administrative constraints point to the need for a more automated and integrated mechanism, so that exceptions can be applied without relying entirely on the taxpayer's statement. The implementation mechanism of PMK 37/2025 should be combined with the integration of a real-time data system between the DGT and the marketplace, so that exceptions can be applied automatically based on real turnover. This approach will reduce the risk of collection errors, improve compliance, and reflect the principle of legal certainty for businesses and governments.

Although automated mechanisms improve efficiency and compliance, it is also necessary to assess the suitability of the imposition of taxes based on gross turnover with the principles of tax fairness. According to Siahaan, horizontal justice requires taxpayers with the same conditions and income to be taxed equally, while vertical justice requires taxpayers with greater income to pay greater taxes. The imposition of taxes based on gross turnover has the potential to cause injustice because it does not take into account the operational costs of business actors. In line with that, (Waluyo, 2011) emphasized the benefit principle, namely that the tax imposed should provide proportional benefits for taxpayers so that fiscal obligations are balanced with the benefits received. Thus, even though PMK 37/2025 offers ease of administration, the principle of fairness and balance of benefits for business actors remains a crucial consideration in the implementation of policies.

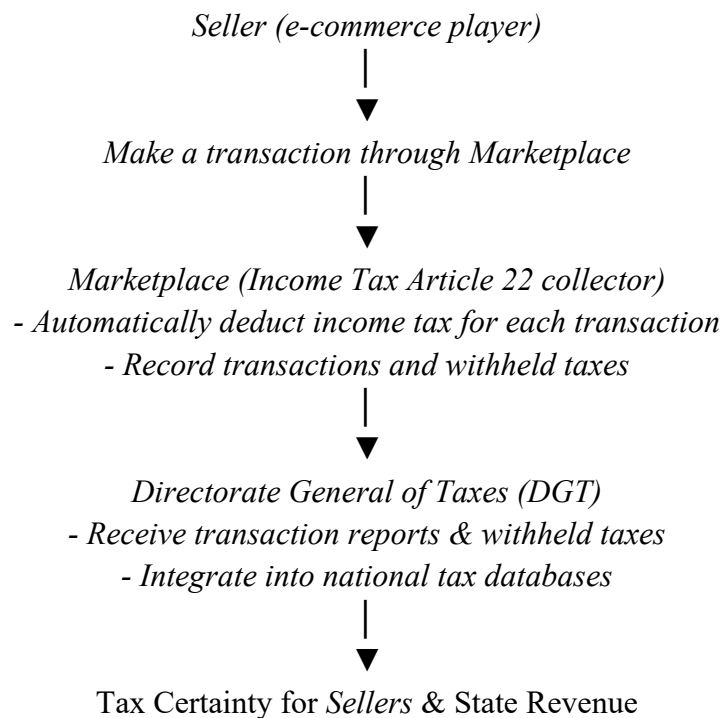
The designated marketplace must have an escrow account as a means of safe and integrated financial administration. In addition, this designation is required for marketplaces that meet certain criteria, namely: (1) the value of transactions that utilize services in Indonesia exceeds Rp. 600 million in a period of 12 months or Rp. 50 million in one month; and (2) the number of users or traffic in Indonesia reaches more than 12,000 in 12 months or 1,000 in one month. These criteria ensure that the chosen marketplace is able to carry out tax collection automatically and effectively. This is regulated in the Regulation of the Director General of Taxes Number PER-15/PJ/2025 concerning Limitations on Certain Criteria for Other Parties and the Appointment of Other Parties to Collect, Deposit, and Report Income Tax on Income Received or Obtained by Domestic Traders with a Trading Mechanism Through an Electronic System.

From the review of the provisions of PMK Number 37 of 2025, it can be analyzed that the appointment of marketplaces as collectors of Income Tax Article 22 is selective and specific. This means that only certain marketplaces are officially appointed by the Directorate

General of Taxes to carry out collection obligations. As such, this designation is not automatic or comprehensive for all e-commerce platforms in Indonesia. Consequently, marketplaces that have not obtained an official legal designation do not have the obligation to collect taxes, so normatively they cannot be forced to carry out the collection task.

In its implementation, PMK 37/2025 regulates the mechanism for automatic collection by the marketplace. This means that every time a transaction occurs through a digital platform, the marketplace directly deducts Income Tax Article 22 from the payment received by business actors. This mechanism ensures that tax collection takes place in real-time and accurately, while reducing the administrative burden for taxpayers, as there is no need to manually calculate and deposit taxes at the end of the month or the end of the year. With this system, all transactions that pass through the marketplace include the fulfillment of tax obligations, thus providing legal certainty and ease of administration for e-commerce actors.

Illustration of the Administrative Flow of Income Tax Article 22 Collection through the Marketplace:



However, until now, the implementation of PMK 37/2025 is still in the preparation stage, and only certain marketplaces have been officially appointed as Article 22 Income Tax collectors. Thus, not all digital platforms play a role in automatic tax collection, so some e-commerce transactions still pass through marketplaces that have not been designated and are not subject to direct collection. This situation creates a collection gap that can reduce fiscal compliance, because some taxpayers still make deposits independently.

This gap also shows that the effectiveness of PMK 37/2025 is highly dependent on the scope and uniformity of the appointment of marketplaces as tax collectors. The unevenness of marketplace designation not only raises potential fiscal non-compliance, but also creates legal uncertainty for business actors, as they do not have consistent guidelines regarding the parties responsible for collecting taxes on their transactions. From the perspective of fiscal justice, the

disparity in treatment between similar business actors is real, while the administrative burden for the Directorate General of Taxes increases due to having to monitor transactions in marketplaces that have not been appointed. Therefore, to ensure fiscal compliance, justice, and legal certainty for all e-commerce actors, it is necessary to expand the appointment of marketplaces as collectors of Income Tax Article 22 and comprehensive socialization so that this policy can be implemented effectively and equitably.

Legal Certainty of Withholding Income Tax Article 22 for Sellers through the Marketplace based on PMK Number 37 of 2025

In the perspective of Gustav Radbruch's legal theory, any tax regulation should ideally accommodate the three basic values of law, namely justice (*gerechtigkeit*), legal certainty (*rechtssicherheit*), and utility (*zweckmäßigkeit*). These three values have complementary relationships, but in practice they often cannot be realized simultaneously optimally. Therefore, a proportionate balance is needed so that tax regulations continue to provide certainty in their implementation, provide benefits for the community, and do not override a sense of justice.

In this study, legal certainty is the main focus, because changes in income tax collection regulations through PMK Number 37 of 2025 have a direct impact on the clarity of the rights and obligations of business actors in transactions through the marketplace. The related research emphasizes that the principle of legal certainty requires clear rules and sanctions for violations, so that legal subjects can understand their rights and obligations and adjust their behavior rationally. Therefore, before highlighting the aspects of utility and fairness, it is important to understand the position and parameters of legal certainty in tax regulations. This is in line with the legal concept that states that the purpose of law includes justice, utility, and legal certainty, where legal certainty is a crucial element that should not be ignored. With this understanding, the implementation of PMK 37/2025 can ensure clarity of rights and obligations for marketplaces and MSMEs as digital business actors.

Legal certainty in the field of taxation refers to the clarity and consistency of norms that govern the tax collection and reporting process (Purba, 2023; Risandhi, 2024). (Fenwick & Wrбка, 2016) explained that the principle of legal certainty requires that a rule be clearly understood by the subject of the law, so that they can adjust actions according to the applicable provisions and prevent potential abuse of authority by the state. In line with that, Gustav Radbruch views legal certainty as a condition in which the law serves as a fixed and predictable guideline in its application. Therefore, tax provisions must be formulated in a clear manner and do not create ambiguity, especially regarding the tax object, collection mechanism, and reporting procedure.

According to the author, legal certainty is a crucial aspect in the implementation of PMK 37/2025 because this regulation applies to business actors who have diverse tax literacy characteristics and levels, including MSMEs. Uncertainty or inconsistency of norms has the potential to cause confusion in practice, both for the marketplace as the collector and for the seller as the taxpayer. Thus, legal certainty not only functions as a normative principle, but also becomes a requirement for tax policies to be implemented effectively, fairly, and without causing unnecessary additional administrative burdens. However, to understand the urgency of this legal certainty, it is necessary to first examine the regulations that apply before PMK 37/2025 is issued, because the limitations of the old rules also trigger uncertainty.

Before PMK Number 37 of 2025 was issued, there was actually a regulation that regulates e-commerce taxes, namely PMK 60/PMK.03/2022 concerning Procedures for the Appointment of Collectors, Collections, Deposits, and Reporting of Value Added Tax on the Utilization of Intangible Taxable Goods and/or Taxable Services from Outside the Customs Territory within the Customs Territory through Trade through Electronic Systems (Mardiana, 2025). However, its scope is limited. PMK 60/2022 only regulates certain transactions, especially the exchange of Taxable Services (JKP) and intangible Taxable Goods (BKP) between domestic and foreign vendors, so it has not comprehensively regulated all e-commerce transactions. In other words, legal certainty for all marketplaces and MSMEs has not been fully achieved.

PMK Number 37 of 2025 seeks to realize legal certainty in the collection of Income Tax Article 22 through an electronic system by establishing a marketplace as the collector. Thus, Taxpayers are no longer independently responsible for calculating or remitting taxes on transactions made through the platform. In addition, this PMK provides more detailed provisions regarding the subject of collectors and the mechanism for collecting digital taxes, so that the applicable norms become clearer, structured, and can be referred to as a legitimate legal basis. Normatively, this arrangement represents a systematic step to improve legal clarity and consistency, so that in theory it has the potential to provide legal certainty for all parties involved.

Although normatively there are efforts to realize legal certainty, its implementation in the field shows significant differences between theory and practice. The designation of certain marketplaces as tax collectors creates legal uncertainty because not all platforms are treated equally. Based on PMK 37/2025, only marketplaces that meet certain criteria such as transaction volume and traffic level are required to collect Income Tax Article 22. Thus, designated Marketplace A is required to collect the collection, while non-designated Marketplace B does not have the same obligation. This condition creates inconsistency in rules for business actors, depending on which platform the transaction is carried out on, thus causing ambiguity and potential disputes related to tax obligations in the e-commerce sector.

This uncertainty is even more evident when the appointment of marketplaces affects the treatment of sellers, especially MSMEs. Sellers with a turnover of more than 500 million, operating on designated marketplaces will be automatically taxed, while sellers with the same turnover and types of goods but on other platforms do not receive similar treatment. This weakens legal certainty, because the principle of certainty requires that every tax subject knows his or her rights and obligations clearly and predictably. In the practice of marketplace designation, tax liability is determined by the platform where the transaction takes place, not the condition of the tax object such as turnover, type of goods, or the number of transactions that can be independently verified. As a result, tax subjects have difficulty planning their obligations and ensuring compliance with applicable regulations, since the status of the liability depends on the appointment of the marketplace, rather than objective facts that can be ascertained on their own.

In addition, marketplace designation parameters, such as transactions of more than IDR 600 million and traffic of more than 12,000 visits per month, cannot be publicly verified. Sellers and buyers do not have access to know which marketplaces are in the process of being designated, which have been appointed, or which ones are being revoked. This condition

weakens legal certainty, because the public has no clear reference other than waiting for an official announcement from the Directorate General of Taxes. This situation is contrary to the principles of legal certainty and transparency in taxation, which emphasizes that every tax subject is clearly aware of his rights and obligations, so that tax implementation can be carried out in a predictable and planned manner.

Legal uncertainty is further strengthened by the possibility of changing the status of the marketplace designation at any time. A marketplace appointed this year may be revoked in the following year if its traffic or transaction volume decreases, or vice versa. This raises unanswered questions, namely how to treat marketplaces that were initially appointed but then no longer meet the criteria. This kind of sudden change forces sellers who have set up accounting and tax planning systems to adjust abruptly. As a result, operational uncertainty and tax liability planning are increasing. This condition shows that the principle of legal certainty, which requires every tax subject to know his rights and obligations clearly, permanently, and predictably, is not fulfilled. Thus, flexible but non-transparent regulations actually weaken the ability of business actors to comply with tax obligations appropriately and planned.

Referring to the opinion of Gustav Radbruch, legal certainty demands that the law apply consistently and predictably, so that the subject of the law can clearly regulate his actions. Similarly, the principle of certainty according to Adam Smith requires clarity about the object, time, and procedure of tax collection. When the marketplace designation is not uniform, the three elements become blurred. In practice, the inconsistency in the appointment of marketplaces as Article 22 income tax collectors causes business actors who sell on more than one platform to apply two different mechanisms at the same time. On designated platforms, taxes are collected automatically; Meanwhile, on platforms that have not yet been appointed, calculations and deposits are carried out independently. These differences in schemes increase the burden of compliance, increase the chance of administrative errors, and create the perception of double taxation if the crediting mechanism is not fully understood.

Table 1. Illustration of the Problem of Legal Certainty in the Appointment of Marketplace as Income Tax Collector Article 22

Problem/Factor	Concrete Examples	Impact on Business Actors / Legal Certainty
A. Not all marketplaces are designated	Marketplace A is designated → taxes are automatically deducted. Marketplace B is not designated → sellers have to calculate & deposit manually.	Risk of confusion & misreporting due to inconsistent collection mechanisms.
B. Different treatment of MSMEs / sellers	Two stores sell similar items with the same turnover (>500 million), but only stores in Marketplace A are automatically tax-deductible.	Legal uncertainty arises because the tax withholding obligation depends on the platform, not on the condition of the tax object; It is difficult for business actors to predict and plan their tax obligations consistently.
C. Designation parameters cannot be publicly verified	Marketplace C met the criteria (turnover > IDR 600 million), but the status of the appointment was not officially announced.	Sellers cannot be sure whether they are compliant or not → the legal certainty is weakened.

Problem/Factor	Concrete Examples	Impact on Business Actors / Legal Certainty
D. Appointment is subject to change at any time	Marketplace D was appointed this year, revoked the following year due to declining traffic.	Sellers must adjust their accounting systems to sudden → operational uncertainty and tax planning.
E. Information insynchronization	Seller E sells on the marketplace, but the proof of automatic collection is not available because the data has not been synchronized / only in the media.	Sellers are confused about whether tax obligations are being met → adding to the burden of uncertainty.

The inconsistency in the collection of income tax between marketplaces not only confuses business actors, but also shows that the rules that are clearly visible on paper have not fully provided legal certainty in the field. Legal certainty requires clarity regarding the subject of the collection, the object of the tax collected, and the procedure for the implementation of the collection, including sanctions for non-compliance. Many taxpayers, especially MSMEs, have difficulty adjusting to the digital system used by marketplaces. In addition, the lack of system integration between the marketplace and the Directorate General of Taxes makes transaction data often inaccurate, so business actors must be extra careful so as not to report taxes wrongly. This emphasizes that the issue of legal certainty in the collection of income tax through the marketplace is not only related to normative provisions, but also depends on technical assistance, operational guidance, and an integrated system so that taxpayers' rights and obligations can be consistently enforced.

In line with that, one of the crucial factors that affect legal certainty is the integration of the system between the marketplace and the Directorate General of Taxes. Lack of synchronization causes transaction data to often be inaccurate, so business actors must be extra careful in their tax reporting. With the implementation of an integrated system and automatic and accurate recording of transactions, annual tax return reporting can be done more easily and consistently. This effort ensures that the mechanism for collecting and recording transactions can run transparently, so that legal certainty for all parties, both marketplaces and MSMEs, is maintained.

In this context, the mechanism for collecting Income Tax Article 22, the marketplace as a collector is obliged to submit certain information to the Directorate General of Taxes (DGT), such as merchant data including NPWP/NIK and correspondence addresses, which are the basis for tax collection. This coordination is regulated through PMK 37/2025 and the Letter of Appointment (SP-14/2025), so that formally there is a mechanism to submit data and conduct supervision. However, this mechanism is not yet real-time or covers all aspects of turnover simultaneously, depending on the data committed by the marketplace. This condition creates a gap in legal certainty for business actors, because there is a risk that not all transactions are recorded accurately and Taxpayers must ensure that their tax reports and remittances remain compliant. Thus, despite the legal basis and formal procedures, legal certainty in the practice of voting still faces challenges related to the clarity of data and the accuracy of the information received by the DGT.

Marketplaces that are appointed as Article 22 Income Tax collectors have a big responsibility, because they are obliged to collect, deposit, and report taxes on transactions

made by business actors on their platform. The normative basis for this collection is stated in Income Tax Law No. 7 of 2021 Article 22, which gives authority to the government treasurer or certain parties appointed by the Minister of Finance/DGT to collect taxes. PMK 37/PMK.03/2025 then strengthens this legal basis by establishing a mechanism for the appointment of marketplaces as collectors selectively, not automatically for all platforms. Furthermore, SP-14/2025 regulates the obligation of marketplaces to submit merchant and transaction data to the DGT, so that it becomes the basis for legitimate supervision and collection. In terms of sanctions, this provision is also clear, marketplaces that refuse to appoint, do not collect, or do not report taxes can be subject to termination of platform access, based on Article 32A paragraphs (3) and (4) of the KUP Law. Article 32A This article provides a legal basis for sanctions for marketplaces that do not carry out their obligations, including termination of access for negligent electronic system operators. Thus, normatively, the rights and obligations of the marketplace as a collector and the consequences of violations have been clearly regulated.

Termination of access is an administrative sanction that can be imposed on marketplaces that have been appointed as Article 22 Income Tax collectors but refuse or do not carry out tax collection, deposit, and reporting obligations. In the context of marketplaces, termination of access not only has an impact on the taxation aspect, but also has direct implications for the sustainability of platform operations. Marketplaces whose access is cut off cannot perform their functions as tax collectors, risk losing the trust of merchants and users, and can significantly disrupt their business activities. Thus, although these sanctions are administrative, the impact is strategic and economical, thus practically placing the marketplace in the position of "having no choice" but to accept the appointment and carry out tax collection obligations.

Furthermore, the imposition of these sanctions reflects the principle of taxation as the main instrument of the state budget function. Taxes are the country's largest source of revenue used to finance public expenditures, such as infrastructure development, the provision of health and education services, and other public services. Therefore, non-compliance in the collection and payment of taxes is positioned as a serious violation of the state's interests. In the Indonesian tax system, tax debt is in principle coercive and must be repaid. Failure to pay taxes will have multiple consequences, ranging from administrative sanctions in the form of fines and interest, active collection by tax authorities, to coercive efforts such as hostage taking (*gijzeling*) and corporate criminal sanctions under certain conditions. This enforcement pattern shows that both Taxpayers and other parties appointed as collectors, including marketplaces, are not in a voluntary position, but are bound by coercive legal obligations to ensure the optimization of state revenue and the sustainability of the tax budget function.

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This condition confirms that after an official appointment by the DGT, the marketplace acquires a binding legal obligation. Based on the provisions of PMK Number 37 of 2025 and the news reported by DDTC News and MUC Consulting, there is no provision that provides an option for marketplaces to refuse appointments (Consulting, 2025). This means that the obligation to collect, deposit, and report Income Tax Article 22 becomes legally binding, and violation of this obligation can have administrative consequences. Thus, the appointment of a marketplace is not voluntary, but rather results in clear and unequivocal legal responsibility for each designated platform.

Although sanctions for marketplaces are strictly and definitely regulated, so they cannot be refused if appointed as a collector, this rule only provides normative provisions without information on how to implement them. Marketplace in this context is an analogy for legal subjects who face uncertainty because the designation of certain marketplaces is not uniform, thus creating legal uncertainty. Currently, PMK 37/2025 has been issued, as well as SP-14/2025; However, there is no official and static list of designated marketplaces, as this information only appears through press releases or media. As a result, business actors experience confusion regarding the status of their platform designation, applicable collection obligations, and the availability of proof of automatic collection. The burden of this uncertainty shifts completely to business actors, even though the provisions should be clear from the beginning.

Normatively, legal certainty already exists, but the implementation of these regulations is still limited. PMK 37/2025 regulates who can be appointed as a collector (the criteria), marketplace obligations (collecting, depositing, reporting), data that must be reported (Article 15), types of documents, deposit schedules, and collection rates. However, this PMK has not regulated in detail marketplace sanctions, access termination mechanisms, inspection procedures, API formats or system integration for automated collection, merchant data security standards, and merchant turnover verification procedures. Meanwhile, SP-14/2025 only contains a list of designated marketplaces, the obligation to submit minimum merchant data, and the obligation to cooperate in data integration, without technical rules regarding the mechanism of tax withholding, how to transfer taxes, correction procedures, verification of merchant NPWP/NIK, or sanctions for withholding errors. This condition creates legal uncertainty in terms of implementation, because the marketplace must carry out obligations without complete technical information, so that the implementation of different norms between marketplaces and legal subjects makes it difficult to adjust behavior and fulfill obligations consistently.

Although PMK 37/2025 has established a normative framework for the collection of Income Tax Article 22 through the marketplace, its implementation in the field still faces various challenges that cause uncertainty. The non-uniform designation of marketplaces, the lack of static official lists, and the absence of technical instructions regarding the mechanism of deduction, deposit, correction, system integration, and verification of merchant data make it difficult for business actors, especially MSMEs, to adjust behavior and ensure consistent compliance. This lack of clarity causes the burden of compliance to shift to business actors,

while existing legal norms are only normative and do not provide adequate operational guidance. Thus, normative legal certainty does exist, but practical legal certainty has not been achieved, so that the implementation of Article 22 Income Tax collection in the marketplace is still prone to causing ambiguity and administrative risks for tax subjects.

CONCLUSION

Based on the discussion above, the mechanism for collecting Article 22 Income Tax through the marketplace as stipulated in PMK Number 37 of 2025 provided broad legal certainty for e-commerce actors by simplifying administration and improving fiscal compliance through automated collection that reduced the burden of manual calculation and deposits. However, the implementation of this regulation remained limited due to the uneven designation of marketplaces, the absence of technical guidelines, administrative constraints, disparity in treatment between business actors, and dependence on the independent deposit of some taxpayers. While PMK 37/2025 established a clear normative legal basis for marketplaces as collectors of Income Tax Article 22, including the obligation to collect, deposit, report, and potential sanctions for violations, the lack of detailed technical rules and operational system integration mechanisms meant that legal certainty for business actors remained limited. Optimal legal certainty demands that applicable norms are not only formally clear but can also be applied consistently in the field, so that the rights and obligations of taxpayers can be understood, planned, and fulfilled appropriately. Therefore, strengthening legal certainty through the issuance of comprehensive technical instructions, real-time data system integration between the Directorate General of Taxes and marketplaces, wider socialization, and the application of the mixed stelsel principle that takes into account the real conditions of businesses is essential to realize the effectiveness of Article 22 Income Tax regulations in the digital trade era. Future research should focus on evaluating the practical implementation of PMK 37/2025 after technical guidelines are established, examining comparative approaches from other jurisdictions with successful digital tax collection systems, and assessing the long-term impact of this regulatory framework on MSME sustainability and national fiscal revenue.

REFERENCES

- Adriano, Melda Kamil. (2025). Implikasi PMK-37 Tahun 2025 terhadap Keseimbangan Fiskal dan Daya Tahan UMKM. *Jurnal Akuntansi Pajak Dan Kebijakan Ekonomi Digital*, 2(3).
- Antara. (2025). *Afirmasi Kebijakan Penghapusan Pajak Usaha Kecil Bagi UMKM*. Retrieved from <https://www.antaraneews.com/berita/5137773/afirmasi-kebijakan-penghapusan-pajak-usaha-kecil-bagi-umkm>
- Consulting, M. U. C. (2025). *Pemerintah Resmi Tunjuk Marketplace Pungut PPh Pasal 22 Dari Pedagang Online*. Retrieved from <https://muc.co.id/id/article/pemerintah-resmi-tunjuk-marketplace-pungut-pph-pasal-22-dari-pedagang-online>
- Fenwick, Mark, & Wrba, Stefan. (2016). *The Shifting Meaning of Legal Certainty*. Singapore: Springer.
- Halilah, Siti, & Arif, Mhd. Fakhurrahman. (2023). Asas Kepastian Hukum Menurut Para Ahli. *Jurnal Hukum Tata Negara*, 4(2).
- INDEF. (2024). *Laporan Final: Peran Platform Digital Terhadap Pengembangan UMKM di Indonesia*. Retrieved from <https://indef.or.id/wp-content/uploads/2024/01/Laporan-Final-Peran-Platform-Digital-Terhadap-Pengembangan-UMKM-di-Indonesia-INDEF.pdf>

- Indonesia, Republik. (2008). Undang-Undang Nomor 11 Tahun 2008 tentang informasi dan transaksi elektronik. *Jakarta: Badan Pemeriksa Keuangan.*
- Koynja, Johannes Johny. (2025). Transaksi Perdagangan Melalui Sistem Elektronik Oleh Pelaku Usaha E-Commerce Dalam Memenuhi Target Penerimaan Perpajakan. *Jurnal Kompilasi Hukum, 4(2).*
- Mardiana, Dina. (2025). Digitalisasi Sistem Perpajakan, Pengetahuan Pajak, dan Kesadaran Wajib Pajak terhadap Tingkat Kepatuhan Wajib Pajak. *Jurnal Minfo Polga, 14(1).*
- Marzuki, Peter Mahmud. (2005). *Penelitian Hukum: Edisi Revisi.* Jakarta: Kencana Prenada Media Group.
- Muhaimin. (2020). *Metode Penelitian Hukum.* Mataram: Mataram University Press.
- Pajak, Direktorat Jenderal. (2025a). *PMK 37, Simplifikasi Penyetoran Pajak Bagi Pedagang Online UMKM.* Retrieved from <https://www.pajak.go.id/id/artikel/pmk-37-simplifikasi-penyetoran-pajak-bagi-pedagang-online-umkm>
- Pajak, Direktorat Jenderal. (2025b). *PPH Pasal 22.* Retrieved from <https://pajak.go.id/en/node/34299>
- Panjaitan, Muan Ridhani. (2025). Implikasi PMK-37 Tahun 2025 terhadap Keseimbangan Fiskal dan Daya Tahan UMKM. *Jurnal Akuntansi Pajak Dan Kebijakan Ekonomi Digital, 2(3), 1.*
- Pemerintah, Peraturan. *Peraturan Pemerintah Nomor 55 Tahun 2022 tentang Penyesuaian Pengaturan di Bidang Pajak Penghasilan.* , (2022).
- Purba, Bonaraja. (2023). Asas Kepastian Hukum Dalam Perpajakan Di Indonesia. *JURMA: Jurnal Riset Manajemen, 1(2), 19.*
- Rahardjo, Satjipto. (2012). *Ilmu Hukum.* Bandung: Citra Aditya Bakti.
- Risandhi, Davela Navisa. (2024). Efektivitas Pengaturan Hukum Pajak E-Commerce Terhadap Peningkatan Penerimaan Pajak Di Indonesia. *Demokrasi: Jurnal Riset Ilmu Hukum, Sosial Dan Politik, 1(2).*
- Siahaan, Mariohot P. (2010). *Hukum Pajak Elementer.* Yogyakarta: Graha Ilmu.
- Simanjuntak, Aurora K. M. *Undang-Undang Nomor 7 Tahun 2014 tentang Perdagangan.* , (2014).
- Subekti. (2018). *Dasar-Dasar Ilmu Perpajakan.* Jakarta: Raja Grafindo Persada.
- Undang-Undang, R. I. *Undang-Undang Nomor 36 Tahun 2008 tentang Pajak Penghasilan.* , (2008).
- University, I. P. B. (2025). *Pakar Ekonomi IPB University Urai Dampak Penerapan Pajak pada UMKM E-Commerce Indonesia.* Retrieved from <https://www.ipb.ac.id/news/index/2025/07/pakar-ekonomi-ipb-university-urai-dampak-penerapan-pajak-pada-umkm-e-commerce-di-indonesia/>
- Waluyo. (2011). *Perpajakan Indonesia.* Jakarta: Salemba Empat.
- Wildan, Muhamad. *Undang-Undang No. 19 Tahun 2016 tentang Perubahan Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik.* , (2016).
- Wildan, Muhamad. *Undang-Undang No. 1 Tahun 2024 tentang Perubahan Kedua atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik.* , (2024).