

PENERAPAN ASAS PROPORSIONALITAS DALAM PENGENAAN PAJAK PENGHASILAN ATAS TRANSAKSI CRYPTOCURRENCY BERDASARKAN PERATURAN MENTERI KEUANGAN NOMOR 50 TAHUN 2025 TENTANG PAJAK PERTAMBAHAN NILAI DAN PAJAK PENGHASILAN ATAS TRANSAKSI PERDAGANGAN ASET KRIPTO

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INTISARI

Penelitian ini menganalisis penerapan asas proporsionalitas dalam pengenaan Pajak Penghasilan atas transaksi *cryptocurrency* berdasarkan Peraturan Menteri Keuangan Nomor 50 Tahun 2025. Penelitian dilatarbelakangi oleh pergeseran paradigmatik klasifikasi aset kripto dari komoditas tidak berwujud menjadi aset keuangan digital yang dipersamakan dengan surat berharga melalui Undang-Undang Nomor 4 Tahun 2023, serta munculnya pertanyaan mengenai keseimbangan antara kewajiban perpajakan dan hak wajib pajak akibat penyesuaian tarif dan perluasan subjek pajak. Penelitian ini bertujuan menganalisis pengaturan pengenaan Pajak Penghasilan dalam PMK Nomor 50 Tahun 2025 dan menguji keseimbangan kewajiban serta hak wajib pajak berdasarkan asas proporsionalitas. Penelitian dilaksanakan dengan metode yuridis normatif menggunakan pendekatan perundang-undangan, konseptual, dan analitis, dengan dukungan wawancara terhadap pelaksana di Direktorat Jenderal Pajak Nusa Tenggara.

Hasil penelitian menunjukkan bahwa PMK Nomor 50 Tahun 2025 menghadirkan transformasi struktural berupa penghapusan PPN, penerapan tarif diferensial sebesar 0,21% untuk transaksi melalui platform domestik berizin Otoritas Jasa Keuangan dan 1% untuk platform luar negeri, perluasan subjek pajak hingga mencakup Penyedia Dompot Kustodian sebagai kategori baru, serta perluasan cakupan transaksi *peer-to-peer* dan *Decentralized Exchange*. Pengujian terhadap empat indikator asas proporsionalitas yang dirumuskan Kai Möller menunjukkan terpenuhinya seluruh indikator, yaitu *legitimate goal of law*, *rational achievement*, *necessity*, dan *balancing*. Tarif diferensial tersebut merupakan respons rasional terhadap asimetri kapasitas pengawasan otoritas pajak terhadap platform asing. Indikator *balancing* terpenuhi baik pada dimensi procedural administratif maupun substantif melalui sinergi antara PMK Nomor 50 Tahun 2025 dengan POJK Nomor 23 Tahun 2025 yang menghadirkan lima lapis perlindungan substansial bagi wajib pajak. Dengan demikian, pengaturan ini mencerminkan keseimbangan yang sesuai dengan asas proporsionalitas.

Kata kunci: Pajak Penghasilan, Cryptocurrency, Asas Proporsionalitas.

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THE APPLICATION OF THE PROPORTIONALITY PRINCIPLE IN IMPOSING INCOME TAX ON CRYPTOCURRENCY TRANSACTIONS BASED ON MINISTER OF FINANCE REGULATION NUMBER 50 OF 2025 CONCERNING VALUE ADDED TAX AND INCOME TAX ON CRYPTO ASSET TRADING TRANSACTIONS.

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ABSTRACT

This research analyses the application of the principle of proportionality in the imposition of Income Tax on *cryptocurrency* transactions under Minister of Finance Regulation Number 50 of 2025. The research is grounded in the paradigmatic reclassification of crypto-assets from intangible commodities to digital financial assets equated with securities through Law Number 4 of 2023, and in the resulting question of whether an equilibrium has been preserved between tax obligations and the rights of taxpayers in light of the adjustment of tariffs and the expansion of tax subjects. The research aims to analyse the regulatory framework governing the imposition of Income Tax under Minister of Finance Regulation Number 50 of 2025 and to examine the balance between the obligations and rights of taxpayers in accordance with the principle of proportionality. The research is conducted through a juridical-normative method using statutory, conceptual, and analytical approaches, supported by interviews with implementing officials at the Regional Office of the Directorate General of Taxes for Nusa Tenggara.

The findings demonstrate that Minister of Finance Regulation Number 50 of 2025 introduces a structural transformation comprising the abolition of Value-Added Tax, the imposition of differentiated tariffs of 0.21% for transactions conducted through domestic platforms licensed by the Financial Services Authority and 1% for transactions conducted through foreign platforms, the expansion of taxable subjects to include Custodial Wallet Providers as a new category, and the broadening of the taxable scope to encompass peer-to-peer transactions and Decentralised Exchanges. The examination of the four indicators of the principle of proportionality formulated by Kai Möller demonstrates that all indicators have been satisfied, namely *legitimate goal of law*, *rational achievement*, *necessity*, and *balancing*. The differentiated tariff structure constitutes a rational response to the asymmetry in the enforcement capacity of tax authorities over foreign platforms. The *balancing* indicator is satisfied at both the procedural-administrative and substantive dimensions through the synergy between Minister of Finance Regulation Number 50 of 2025 and Financial Services Authority Regulation Number 23 of 2025, which establishes five layers of substantial protection for taxpayers. Accordingly, the regulatory framework reflects an equilibrium consistent with the principle of proportionality.

Keywords: *Income Tax, Cryptocurrency, Proportionality Principle*

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