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Purification of The Tax Court: Reconstructing A Final and Binding Arbitration Model Within an Independent Tax Law Regime

Riztiar Arinta*, Megawati Barthos
Universitas Borobudur, Indonesia
Email: riztiar@gmail.com*, megawati_barthos@borobudur.ac.id

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Abstract

This study aims to reconstruct the ideal design of the Indonesian Tax Court through the approach of tax law as a systematic lex specialis and a self-contained regime. Current Tax Court practice, which permits Reconsideration (Peninjauan Kembali or PK) before the Supreme Court, is deemed to have transformed an extraordinary legal remedy into a conventional final tier, thereby prolonging uncertainty surrounding the State Revenue and Expenditure Budget (APBN). Through a normative legal research method employing conceptual and comparative approaches across several jurisdictions, namely the United States, Germany, the Netherlands, and Malaysia, this analysis finds that tax disputes should ideally be resolved through a mechanism similar to specialized arbitration, presided over by judges with specific taxation expertise. The results recommend a strict separation of forums: judicial review of regulatory norms should be delegated to the Constitutional Court or the Supreme Court, while disputes over facts and tax assessments should be resolved in the Tax Court on a final and binding basis without further legal remedies. The institutional transition of the Tax Court toward a one-roof system under the Supreme Court, following Constitutional Court Decision Number 26/PUU-XXI/2023, must be interpreted as momentum for the purification of judicial authority. This article offers a concrete blueprint for legislators to amend the Tax Court Law by eliminating the Reconsideration avenue and strengthening the oversight of specialized tax judge.

INTRODUCTION

Taxes are the primary fiscal instrument of the state, possessing fundamental and unique characteristics: they represent the manifestation of state sovereignty in the compulsory collection of citizens' wealth based on law, the proceeds of which are allocated for the greatest prosperity of the people through the State Revenue and Expenditure Budget (APBN). This coercive power necessitates a precise equilibrium between the authority of fiscal administration and the protection of Taxpayers' human rights (Rosdiana, Tarigan, & Irianto, 2020). When this balance is disrupted by differing interpretations, erroneous application of norms, or disputes over value attribution, the dispute resolution mechanism becomes a vital instrument for restoring substantive justice (Hanifa, Arrisman, & Haryanto, 2024; Sinaga et al., 2023).

In the architecture of national law, tax administrative law occupies a specific dogmatic position. It cannot be arbitrarily subordinated to general public administrative law. Tax law has evolved into a systematic lex specialis and operates as a self-contained regime (Simma &

Pulkowski, 2006). The concept of a self-contained regime suggests that a branch of law has its own internal logic, exclusive settlement procedures, and complementary sanctions, thereby precluding intervention from external general legal regimes (Simma & Pulkowski, 2006). This independence arises from the complex amalgamation of juridical norms, accounting principles, and macro- and microeconomic realities that are not found in ordinary administrative decree disputes.

The tax ecosystem is a relatively new concept that must continually be emphasized to highlight the distinction between tax law and other legal disciplines. For instance, within the realm of criminal tax law, the essence of penalization serves as an ultimum remedium or last resort that encourages Taxpayers to comply with their payment obligations (Gunadi, 2013). If the principal tax and administrative sanctions are fully paid by the Taxpayer, criminal prosecution may be discontinued, reflecting the principle of primum remedium in tax law enforcement. This stands in stark contrast to general criminal law, where restitution of losses does not automatically erase the unlawful nature of a criminal act (Nurmantu, 2018). This unique ecosystem demands a dispute resolution approach that cannot be equated with the general judiciary.

However, the institutional design of the Tax Court in Indonesia, following the enactment of Law Number 14 of 2002 concerning the Tax Court, still leaves dogmatic anomalies and practical inefficiencies (Gunadi, 2013; Nurmantu, 2018). Although Article 77 paragraph (1) of the Tax Court Law explicitly states that the decision of the Tax Court is final and has permanent legal force, the availability of extraordinary legal remedies in the form of Reconsideration (Peninjauan Kembali or PK) before the Supreme Court has, in practice, drastically reduced this finality (Gunadi, 2013). Tax disputes, which essentially revolve around technical debates concerning figures, profit attribution, sectoral transaction classification, and the application of technical regulations, are ultimately escalated to the Supreme Court (Perez Bernabeu, 2024).

Because statutory regulations provide a loophole for Reconsideration (Peninjauan Kembali or PK) and are supported by a hierarchical structure in which the Supreme Court sits at the apex, disputing parties automatically utilize this route. Consequently, PK is no longer treated as an extraordinary legal remedy but has instead transformed into what appears to be a standard final tier in tax dispute litigation. This systemic issue prolongs the duration of dispute resolution. Such protracted uncertainty substantially harms both parties (Nurmantu, 2018). On the one hand, the fulfillment of the State Budget (APBN) is delayed by the lengthy resolution process of accumulated cases. On the other hand, Taxpayers face increasing administrative sanctions and liquidity disruptions that threaten corporate operational sustainability (Nurmantu, 2018).

This situation urgently requires a fundamental response amid the institutional transition toward a “one-roof” Tax Court policy under the Supreme Court. Through Constitutional Court Decision Number 26/PUU-XXI/2023 (Putusan Mahkamah Konstitusi Nomor 26/PUU-XXI/2023), the Court ended the dualism of Tax Court supervision and ordered the integration of organizational, administrative, and financial management into the Supreme Court no later than December 31, 2026 (Putusan Mahkamah Konstitusi Nomor 26/PUU-XXI/2023, 2023). This judicial transition must be interpreted as a momentum for deconstruction and purification, rather than merely as a structural-administrative adjustment (Christians & Magalhaes, 2022; Farah, 2009).

The urgency of this research is amplified by Constitutional Court Decision Number 26/PUU-XXI/2023, which mandates the full integration of the Tax Court under the Supreme Court by December 31, 2026. This transition represents a pivotal moment. If this integration is interpreted merely as an administrative transfer, a valuable opportunity to structurally purify tax dispute resolution will be lost.

The novelty of this research lies in synthesizing comparative models, namely the US Tax Court arbitration model, the German Finanzgerichtsbarkeit, the Dutch Belastingkamer, and the Malaysian SCIT, into a singular "Arbitration Model" tailored to Indonesia's civil law system. Unlike existing studies, this model explicitly separates norm review, which falls under the Constitutional Court or the Supreme Court, from factual tax disputes, which should be resolved by the Tax Court as a final arbitrator. It also proposes enhanced Judicial Commission oversight as compensation for eliminating PK.

This article seeks to fill the gap in the literature and policy discourse regarding a tax court design constructed purely upon the foundation of a self-contained regime. The main idea proposed is the purification of the Tax Court into an entity with arbitration-like characteristics: presided over exclusively by judges with high technical taxation specialization, possessing wisdom equivalent to Supreme Court Justices, and producing decisions that are final and binding without room for cassation or reconsideration. Through a comparative study of countries with specialized tax courts, including the United States, Germany, the Netherlands, and Malaysia, this paper formulates theoretical and pragmatic arguments for establishing a distinct tax ecosystem in Indonesia oriented toward securing the APBN and ensuring Taxpayer justice.

METHOD

This study employs normative legal research focusing on the analysis of legal principles, scientific doctrines, court decisions, and the systematization of statutory regulations (Marzuki, 2017). The approach used is multidimensional to produce comprehensive and prescriptive arguments, encompassing:

First, the Conceptual Approach. This approach is used to dissect the doctrines of the self-contained regime and systematic lex specialis within the scope of tax law (Simma & Pulkowski, 2006). This concept serves as an analytical tool regarding the existence of the tax court to prove that this institution must stand outside the shadows of general administrative law and the tiered procedures of the general judiciary. It is also used to outline the fundamental differences between the "tax ecosystem" and other legal ecosystems.

Second, the Statute and Historical Approach. This is conducted by examining the history of the establishment of tax courts in Indonesia, starting from the Dutch colonial era with the Raad van Beroep, the Tax Consideration Council (MPP), the Tax Dispute Settlement Body (BPSP), up to the enactment of Law Number 14 of 2002 concerning the Tax Court (Rosdiana et al., 2020). Furthermore, this approach examines the Constitutional Court Decision Number 26/PUU-XXI/2023, which significantly altered the landscape of tax court administration (Putusan Mahkamah Konstitusi Nomor 26/PUU-XXI/2023, 2023).

Third, the Comparative Approach. This method is executed by comparing the institutional design, procedural law, and authority of tax dispute resolution bodies in various jurisdictions. The selection of jurisdictions is based on global tax court model representations:

the US Tax Court in the United States representing a legislative court model with arbitration spaces (Thuronyi, 2003), the Finanzgerichtsbarkeit in Germany representing an autonomous financial court model (Tipke & Lang, 2018), the Belastingkamer in the Netherlands representing special chambers within an integrated judiciary (Pijl, 2020), and the Special Commissioners of Income Tax (SCIT) in Malaysia representing a quasi-arbitration tribunal model (Choong, 2019).

Primary legal materials (laws, Constitutional Court decisions, related regulations) and secondary materials (scientific journals, tax law literature, Tax Court performance data) are analyzed descriptively and analytically. The synthesized results are presented prescriptively to formulate postulates regarding the ideal form of an arbitration-based tax court aligned with Indonesia's constitutional posture and fiscal collection efficiency needs.

RESULTS AND DISCUSSION

Anatomy and Characteristics of the Tax Law Ecosystem as a Self-Contained Regime

Tax law is often mistakenly simplified as a mere sub-branch of state administrative law. In fact, the existence of tax administrative law cannot be linearly equated with general state administrative law. Tax law is grounded in the constitutional paradigm concerning the collection of citizens' wealth based on public consent (through the law) to finance state expenditures and distribute prosperity (Rosdiana et al., 2020).

This highly specific characteristic positions tax law as a systematic lex specialis that operates like a self-contained regime (Simma & Pulkowski, 2006). Tax law is not merely a set of norms regulating the relationship between the state apparatus and citizens; it is a complex blend of constitutional law principles, civil law (especially regarding the validity and nature of commercial transactions), and universally accepted financial accounting standards. Therefore, tax law possesses autonomous assessment procedures, objection mechanisms, and criminal and administrative sanctions, thereby locking out intervention from general state administrative law instruments (Rosdiana et al., 2020).

The discourse regarding the "tax ecosystem" is crucial to understand. The most striking difference proving the independence of this regime can be seen in the realm of criminal tax law enforcement. In general criminal law, the return of stolen goods or compensation for losses does not erase the unlawful nature of a crime; the judicial process will proceed. Conversely, in the tax ecosystem, the essence of penalization is an ultimum remedium (Dontsova & Dolmatova, 2020; Hutagalung, 2025). Imprisonment is not the ultimate goal of the state. The threat of criminal punishment functions as a deterrent instrument to ensure Taxpayers comply with their obligations. If a Taxpayer under investigation is willing to pay the principal tax owed along with its administrative fines, the criminal prosecution process can be halted or dropped (as accommodated in the primum remedium principle in the General Provisions and Tax Procedures Law).

This utilitarian characteristic of tax law proves that the state prioritizes the recovery of state revenue losses (APBN) above all else (Rosdiana et al., 2020). Thus, when a dispute arises between the collecting authority (fiscus) and the Taxpayer, the dispute must not be treated sluggishly and in tiers like a typical civil dispute. Every second of delay in resolving a tax dispute is equivalent to the delay of national development programs financed by the APBN.

Historical Evolution of the Tax Court in Indonesia: From Executive Intervention to Judicial Independence

The debate regarding the ideal form of a tax court cannot be separated from its long evolutionary history in Indonesia. The history of the tax court is a history of the struggle to break free from executive dominance towards full judicial independence.

Historical tracking shows that the embryo of the tax court in Indonesia was born during the Dutch East Indies colonial administration on December 11, 1915. In its initial phase, this tax objection resolution institution was far from independent. The body was situated directly under the highest executive authority and was chaired ex officio by the very institution collecting the tax, rendering guarantees of justice and independence highly elusive.

Recognizing this inherent flaw, the colonial government undertook a fundamental reform in 1927 by establishing the *Raad van Beroep voor Belastingzaken* (RvB). This law laid the first milestone of tax court independence by mandating that the position of the RvB Chairman must be held by a judge from the highest judicial authority. This rule was later slightly relaxed to provide flexibility without sacrificing independence (Ispriyarso & Sa'adah, 2019).

After independence, this institution transformed into the Tax Consideration Council (MPP). Its institutional status dynamics continued. Realizing that executive oversight was inconsistent with the dignity of a pure administrative court, the government subsequently mandated that inaugurations be conducted before the Chief Justice of the Supreme Court.

An anomaly briefly emerged during the New Order era with the enactment of the Law on State Administrative Courts (PTUN). Erroneously, this regulation temporarily categorized MPP decisions merely as a form of "administrative appeal," degrading the MPP to a mere subordinate government agency and opening the door for Taxpayers to sue MPP decisions at the High State Administrative Court (PTTUN).

The government later made a correction through the 1994 Tax Reform, which explicitly stated that the decisions of the tax judicial body were final, binding, and did not constitute State Administrative Decrees that could be sued at the PTUN. The era of this special administrative settlement continued with the birth of the Tax Dispute Settlement Body (BPSP) through Law Number 17 of 1997. It culminated with the establishment of the Tax Court through Law Number 14 of 2002. This Law affirmed the Tax Court's status as an implementer of judicial power. However, the Law inherited a fatal political compromise: "dualism of guidance."

The Dynamics of the One-Roof Transition Post-Constitutional Court Decision No. 26/PUU-XXI/2023

The status quo of dual guidance maintained by Law 14/2002 was eventually challenged at the Constitutional Court because it was deemed contradictory to the principle of independent judicial power. In the petition's arguments, it was highlighted that the Ministry of Finance's involvement in the administrative guidance of the Tax Court created a glaring conflict of interest.

Responding to this constitutional anomaly, the Constitutional Court issued a highly historic Decision Number 26/PUU-XXI/2023 (Putusan Mahkamah Konstitusi Nomor 26/PUU-XXI/2023, 2023). The Court granted the petition and ordered the full integration of the Tax Court under a one-roof system beneath the Supreme Court no later than December 31, 2026.

This transition to the Supreme Court is a major victory for judicial independence in Indonesia. However, this momentum must not be reduced merely to a matter of transferring employment status and budget disbursement locus. The integration into the Supreme Court must instead be intelligently utilized as a moment of reflection to challenge the overall judicial architecture within a legally literate society.

If the Tax Court is fully integrated, its institutional position must be maintained in accordance with the legal considerations of the Constitutional Court in Decision Number 6/PUU-XIV/2016, which places the Tax Court's decisions on par with an appellate court. Therefore, it must not be subordinated or reduced into a tiered examination system through cassation like ordinary courts. Imposing such a tiered system would only ignore its equivalence to an appellate level and drive the tax ecosystem into even greater inefficiencies (Saraswati & Dharmawan, 2019; Silalahi, Maulana, Ana, & Kurnia, 2025).

The Anomaly of Tiered Judiciary and Its Impact on the State Budget

Under the current Tax Court Law regime, Article 77 paragraph (1) states that the Tax Court's decision is a final decision and has permanent legal force. This construction is ideal because it independently and conclusively settles the dispute. However, Article 91 of the same Law opens the door for the losing party to file an extraordinary legal remedy of Reconsideration (PK) to the Supreme Court (Gunadi, 2013).

This PK clause has in practice reduced the finality of the Tax Court. Tax disputes are pulled back into the realm of the Supreme Court. The fundamental problem with this phenomenon is that statutory regulations provide a loophole for Reconsideration (PK). Supported by the hierarchical structure where the Supreme Court sits at the ultimate apex, it is inevitable that disputing parties will automatically utilize this route to maximize their legal efforts.

Consequently, PK is no longer treated as an extraordinary legal remedy. In practice, it has transformed into what appears to be a standard final tier in the tax dispute resolution process. Because the law permits this avenue, both the Taxpayers and the Directorate General of Taxes will naturally exhaust it, blurring the distinction between an extraordinary remedy and a regular appeal.

This structural loophole is further exacerbated by a clash of competence between the nature of tax disputes and the essence of the Supreme Court's authority. The Supreme Court, as the apex court, is doctrinally designed as a judex juris—a court that exclusively examines whether there is an error in the application of law (error in juris), and no longer examines the facts of the case (Gunadi, 2013). Conversely, tax disputes are essentially a pure battle of facts (judex facti). Tax disputes rarely center on abstract legal theory debates; the majority of disputes culminate in technical debates over accounting and economic valuation. Bringing technical disputes to the Supreme Court creates an "illusion of judex juris." Supreme Court Justices are forced to act like investigative auditors dissecting a company's general ledger and fiscal reconciliation.

This tiered judicial process reproduces inefficiencies that are detrimental to the state. The lengthy resolution time at the Tax Court becomes a double burden when every decision must queue again for years at the PK level in the Supreme Court. The fulfillment of APBN targets becomes uncertain and protracted. Trillions of rupiah that should be immediately injected for development become held hostage. On the other hand, for corporate Taxpayers, this cost of delay destroys business certainty, freezes collateral assets, and disrupts business expansion planning (Nurmantu, 2018).

Comparative Analysis: Specialization of Tax Courts in Various Jurisdictions

To reconstruct an effective and efficient ideal model for tax dispute resolution, a comparative analysis of tax court designs in other jurisdictions is highly necessary:

1. **United States (US Tax Court)**
   In the United States, the US Tax Court operates as an independent judicial body established under Article I of the Constitution, fully separated from the Internal Revenue Service (IRS) (Thuronyi, 2003). Its main advantage lies in the highly specific technical expertise requirements for its judges. However, the weakness of the US system is that Tax Court decisions can still be appealed, making the duration of litigation extremely long. Recognizing this inefficiency, the US adopted an arbitration mechanism known as Tax Court Rule 124, which facilitates voluntary binding arbitration for resolving factual taxation disputes, such as valuation and transfer pricing issues. This arbitration model has proven highly effective in easing the court's backlog and providing a swift, conclusive resolution without the need for protracted litigation.
2. **Germany (Bundesfinanzhof)**
   Germany offers a highly strict architectural separation of jurisdictions. It isolates tax disputes from general and ordinary administrative courts by establishing an autonomous Financial Court system, culminating in the Bundesfinanzhof (Federal Finance Court) as the supreme authority for tax matters. Germany meticulously separates regulatory reviews: any dispute regarding the constitutionality of tax laws is exclusively submitted to the Federal Constitutional Court (Bundesverfassungsgericht). This strict separation affirms that tax calculation disputes require their own dedicated, highly technical judicial forum, fully insulated from the interference of generalist jurisdictions (Tipke & Lang, 2018).
3. **The Netherlands (Belastingkamer)**
   The system in the Netherlands does not establish a standalone tax court. Instead, they integrate tax disputes into the general judicial system while maintaining exclusivity of expertise by forming special tax chambers at the Supreme Court level (Hoge Raad) (Pijl, 2020). Despite being integrated, the Netherlands also actively utilizes mandatory binding arbitration mechanisms in cross-border tax disputes (Pijl, 2020).
4. **Malaysia (Special Commissioners of Income Tax - SCIT)**
   Malaysia adopts a model closely resembling an arbitration tribunal. First-level tax dispute resolution is conducted by the SCIT (Choong, 2019). The SCIT's decisions on questions of fact are final (Choong, 2019). Disputes are only allowed to be escalated to the high court if there is a pure question of law that needs interpretation (Choong, 2019).

For Indonesia, blindly copying the US or Dutch systems without mitigation would endanger the speed of APBN realization. The collection of taxes for the greatest prosperity of the people requires a judiciary that is not only meticulous but also provides absolute certainty.

Reconstruction of the Tax Court: A Final and Binding Arbitration Model

Accumulating the empirical weaknesses of tiered review through PK to the Supreme Court and based on comparative studies, this research proposes a radical yet highly precise construction: The Final and Binding Tax Arbitration Model.

This idea rests on a logical postulate: If Supreme Court Justices are recruited from judges whose wisdom has been tested, then by aligning the recruitment qualifications of Tax Judges with the standards of Supreme Court Justices, tiered examinations become irrelevant. If a Tax Judge, whose position is equivalent to an appellate court judge, is guaranteed to possess wisdom and master the nexus between law, economics, and accounting, then why must the dispute be re-examined by another institution?

Therefore, the proposed model cuts the chain of judicial bureaucracy by diametrically separating the norm review forum and the technical factual dispute resolution forum:

1. **Regulatory Norm Testing Chamber (Judicial Review):**
   The Taxpayer's right to test the fairness of a regulation remains fully guaranteed. If the dispute is rooted in macro legal issues (such as testing Laws against the 1945 Constitution or regulations beneath the Law), then the litigation path is fully diverted to the norm testing forum at the Constitutional Court or the Supreme Court.
2. **Fact and Implementation Dispute Resolution Chamber (Tax Arbitration):**
   For cases essentially concerning disagreements over Tax Assessment Letters (SKP), fiscal corrections, and the verification of technical facts, the resolution forum is locked exclusively within the Tax Court. This trial is constructed to resemble an arbitration mechanism, presided over by specialized Tax Judges. Because it purely tests technical implementation and business facts against given regulations, its decisions are structured to be absolute, final and binding. There are no longer any subsequent legal remedies such as Reconsideration (PK). Consequently, the APBN can be immediately executed without delay.

Institutional Prerequisites: Regulatory Purification (Ex Ante Justice) and Judicial Integrity

The elimination of the PK door to the Supreme Court magnifies the central power of the Tax Court. For this final arbitration system to succeed, there are two absolute institutional prerequisites:

First, Regulatory Precision and Formal Law (*Ex Ante Justice*).

A dispute resolution system that is *final and binding* can only be justified if tax statutory instruments are formulated precisely, fairly, and unambiguously from the moment they are enacted in the Parliament (DPR). Tax policies must be designed so that Taxpayers can independently and accurately measure their obligations before a transaction is executed. If material law is formulated with a high degree of certainty, tax disputes will drop drastically, so the Tax Court will truly function only as a forum for verifying accounting facts, not as an institution patching government regulatory weaknesses.

Second, Capacity, Wisdom, and Multidisciplinary Integrity of Tax Judges.

The absence of a top-level judicial safety net causes the Tax Judge's decision to instantly become absolute truth (*res judicata pro veritate habetur*). Thus, the recruitment standards for Tax Judges require expertise qualifications far exceeding regular judges. A Tax Judge is imperatively demanded to master state and administrative legal dogmatics, financial accounting principles, sectoral business dynamics, and the landscape of global double taxation avoidance agreements (DTAs). The one-roof momentum under the MA must be utilized to ensure that Tax Judges are entirely free from intervention or pressure regarding the executive ministry's revenue targets. Tax Judges in this model bear a functional burden and wisdom equivalent to Supreme Court Justices.

The Oversight Mechanism for Tax Judges as Compensation for Decision Finality

The elimination of the Reconsideration (PK) avenue significantly amplifies the authority of Tax Judges. Consequently, granting final and binding power to a specialized arbitration model must be counterbalanced by a robust and uncompromising oversight mechanism. Within a democratic legal state, judicial independence cannot equate to absolute immunity from accountability.

Previously, the dual-roof system blurred the lines of ethical and administrative oversight, as the judges were institutionally tied to the Ministry of Finance. With the complete integration of the Tax Court under the Supreme Court, Tax Judges are fully subjected to the external oversight of the Judicial Commission (Komisi Yudisial) and the internal supervision of the Supreme Court's Supervisory Body. This strict monitoring mechanism serves as a fundamental safeguard (compensation) for the finality of their decisions. The Judicial Commission must actively monitor the behavior and ethical compliance of Tax Judges to prevent conflicts of interest, bribery, or abuse of power in handling high-stakes tax disputes. Ultimately, the finality of the arbitration award is legitimized by the guarantee that the arbiter (the Tax Judge) is continuously supervised by constitutional oversight institutions. The existing legal framework, particularly Law No. 18 of 2011 concerning the Judicial Commission and Supreme Court regulations on internal supervision, provides a sufficient basis for this enhanced oversight. The one-roof integration merely perfects the application of these provisions to Tax Judges.

CONCLUSION

The Tax Court in Indonesia urgently needs to be radically reconstructed toward a specialized arbitration-based dispute resolution model, in which its decisions are absolute, final, and binding. The statutory loophole that allows for tiered dispute review, combined with the Supreme Court's position at the hierarchical apex, has naturally encouraged parties to automatically pursue Reconsideration (Peninjauan Kembali or PK). This has shifted the function of PK from an extraordinary legal remedy into a standard final tier in tax disputes, thereby creating severe inefficiency. The consequence of this prolonged litigation directly disrupts the certainty of State Revenue and Expenditure Budget (APBN) receipts, which are crucial for the prosperity of the people, while simultaneously burdening Taxpayers with legal uncertainty that damages the investment climate.

The momentum of judicial transition, in the form of a complete one-roof system for the Tax Court under the Supreme Court as mandated by Constitutional Court Decision Number 26/PUU-XXI/2023, must not be wasted merely as an administrative process of personnel migration. This event must be strategically utilized as a deconstructive stepping stone to challenge the conventional judicial architecture in Indonesia. Amid the dynamics of an increasingly critical and legally literate society and corporate sector, the separation of forum jurisdictions must be tightened: the review of the constitutionality and legality of tax norms (judicial review) should be channeled to the Constitutional Court or the Supreme Court, while all disputes over assessment implementation, fact verification, and tax figures must be firmly confined to the Tax Court without further legal remedies.

This tax arbitration model, which breaks the chain of general judicial bureaucracy, constitutes a purification step to ensure that technical disputes are resolved thoroughly and swiftly by experts within their own "chamber." However, the success of this equitable dispute resolution ecosystem depends on the fulfillment of three absolute prerequisites: the establishment of precise, unambiguous, and fair tax legislation from the outset (ex ante); the appointment of Tax Judges who not only possess comprehensive multidisciplinary expertise but also demonstrate integrity and wisdom equivalent to Supreme Court Justices; and the implementation of strict institutional oversight by the Judicial Commission to safeguard accountability as compensation for the finality of the court's decisions.

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