DISRUPTIVE TREND AND TAX POTENTIAL : THE CASE OF FOOD TRUCKS

Oleh
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Abstract

At present, we are facing a new era, namely, era disruption. In the business world, there are still many people who misinterpret disruption as extensive use of information technology in business processes or what is known as a digital business. Disruption is an innovation. Disruption is destructive and creative. For some businesses, the emergence of a disruptive trend is considered an opportunity rather than an obstacle. In the culinary business, the disruptive trend has been responded to by the growth of the food truck business in recent years. Although food trucks are considered as a new business model that offers many benefits, the existence of a food truck business turns out to also cause problems for tax revenues. Until now, food trucks are still an informal business sector in almost all regions in Indonesia because they have not been legalized, including in Sidoarjo Regency. Therefore, a food truck is also a group of Hard to Tax, is a group of taxpayers, whether individuals or entities involved in a cash transaction and not registered as a taxpayer. From the regulator's side, the food truck business is considered as a party born without following the applicable legal rules. They create innovations that violate the law, even, do not pay taxes that cause a loss of potential tax revenue, including local taxes. However, this is contrary to the disruption theory, which states that disruption in the business world is positive, and the government should respond by creating disruptive regulation. The government must be able to create tax policies that can maximize the potential for tax revenues without having to hamper business growth and innovation. This study attempts to analyze the potential expansion of the restaurant tax object on the food truck business using qualitative methods. Data collection is done by interviewing local tax policymakers and food truck business people. The results of this study indicate that the food truck business can be used as the object of restaurant tax because it fulfills the Laffer Theory concept and the criteria of Sidoarjo Regency Regional Regulation Number 8/2010 about Restaurant Taxes.

Kata Kunci : Food Truck, Disruptive Trend, Tax Potential & Teori Laffer

INTRODUCTION

At present, we are facing a new era, namely, era disruption. In the business context, there are still many people who misinterpret disruption as extensive use of information technology in business processes or what is known as a digital business. Experts also still have different views about disruption. Francis Fukuyuma, based on the point of view of social science, sees the phenomenon of disruption as the lexical meaning of the word itself, namely disunity. He considered the development of information technology increasingly radical to form an information society that experienced a decline in social order [1]. This is indicated by the increasing number of crime and social disturbances, family ties as social institutions are weakening, the level of public fertility decreases, the rate of marriage decreases and the divorce rate increases, and the number of children born out of wedlock increases.

Meanwhile, Clayton M. Christensen based on a business perspective, sees disruption as an opportunity for innovation that brings progress [2]. Christensen's view of disruption is more popularly used and studied in research. Rhenald Kasali, in his book, also explicitly states that disruption is an innovation [3]. However, disruption is not the same as innovation, even though innovation can and does disrupt specific

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industries [4]. Disruptors are innovators, but not all innovators are disruptors. Innovation and disruption are similar in that both are creators and builders [5]. In other words, disruption is destructive and creative.

Destructive disruption tends to be based on a disruptive strategy or a new approach that was previously inappropriate or feasible in a particular market. One of the initial effects of disruption was to create an entirely new market at a much lower price. Meanwhile, the significant impact is that disruption has the potential to destroy the incumbent who is afraid of making changes so that massive market movements occur and the business that the incumbent company engages in becomes irrelevant [3]. Many incumbent companies develop sustainable innovations that make them better, more user-friendly, more efficient, more sustainable, but that is not the same as a disruption that makes the industry truly obsolete today. Disruption will occur if the policy or choice that previously encouraged the success of the company is now a disruption that destroys the future [6]. Therefore, disruption mindset is the answer to the phenomenon of disruption. Companies in every industry must focus on the benefits of being disrupted if they do not want to lose in competition. Firms can minimize their risk of being a disruptor, maximize their future potential of being the disruptor with the right combination of investment, capital structure, communication, and structuring [7].

This disruption mindset is also adopted by entrepreneurs in the culinary field who provide food and beverage services such as restaurants, bistro, cafes, restaurants, and bars or taverns to survive in an era of disruption. Food and tourism are two things that cannot be separated [8]. The association of food with tourism has a variety of terms that show different approaches such as gastronomic tourism [9], food tourism [10], kitchen table tourism [11], tasting tourism [12] and culinary tourism [13]. However, culinary tourism is the most popular term used. Culinary tourism is defined as adventurous eating, eating out of curiosity, exploring other cultures through food, intentionally participating in the foodways of "other," and developing food as tourist destinations and attractions [14]. Culinary tourism is a growing niche within the industry, and it is estimated to be stronger as more providers and tourists become aware of it. Research shows that tourists spend almost 40% of their budget on food while traveling [15].

Therefore, individual businesses within the culinary tourism industry are developing products in response to recognizing this interest. One form of innovation in culinary tourism is a food truck. The growth of the food truck business is very rapid in various countries. The food truck business in America is expected to grow by 20%, from $ 800 million in 2017 to $ 985 million in 2019 [16]. Although there is no accurate data, the growth of the food truck business in Indonesia is estimated to begin in 2014 [17]. The distribution of food trucks in Indonesia is not as massive as their home country, the United States. However, the business development that many millennials in Indonesia are in is relatively positive [18]. The combination of low start-up costs, the ability to prepare for food while mobile, the ability to create quality food at affordable prices, and the use of social media to connect and communicate with customers have contributed to food truck success [19].

The rapid growth and the many advantages of food trucks make restaurant owners as incumbents in culinary tourism feel their existence is threatened. Incumbents try to use politics and law to prevent disruption as happened in San Francisco [20]. Incumbent questions about the legality of the food truck business. A similar thing also happens in Indonesia; food trucks do not have legality because the government considers food trucks like street vendors. Minister of Tourism Regulation of the Republic of Indonesia No.10 / 2018 about Business Licensing Services Integrated Integrated Electronic Tourism Sector does not regulate Mobile Restaurant business. The regulation only regulates tourism business permits for food and beverage service providers in a fixed, non-mobile location (restaurants, bistro, food services, food sales centers, bars, and cafes). Jakarta Province is the only region in Indonesia that has legalized the food truck business. Article 11, Regulation of the Governor of DKI Jakarta No. 18/2018 about the Implementation of Tourism Businesses which include the sale of food and beverages as a food and beverage service business. Also, restaurant owners claim that food trucks compete unfairly because they do not pay taxes, rents, and other costs associated with their business. Incumbent considers food truck as the cause of disruption because it creates innovations without following the rules and applicable laws. In other words, restaurant owners feel unfair when food trucks use different business models and are not subject to taxes as restaurants that have been subject to high local taxes [21].

The lack of legality for food trucks makes this business enter the informal sector. This status raises problems when the government will impose taxes because only the formal sector can be taxed [22]. In a tax perspective, food trucks are categorized as hard to tax groups. Hard to tax is a group of taxpayers, individuals, small and medium-sized companies who are involved in a cash transaction and are not registered as taxpayers [23]. Entrepreneurs who are in the hard to tax group have a gap to avoid tax evasion. Hard to tax tends to be similar to those operating in the shadow economy. Shadow economy is an activity of producing and trading goods and services, both legal and illegal, whose value is not reflected in the Gross Domestic Product (GDP) so that the income derived from economic activity is not reported and/or not recorded in the tax authority [23], [24], [25]. More and more entrepreneurs are included in the hard to tax group, which is generally separated from the supervision of the tax authorities, causing more significant loss of potential tax.

No one local government in Indonesia has made food truck an object of restaurant tax. The lost tax potential for the development of the food truck business should be able to become financial resources for the central government and regional governments. Therefore, the phenomenon of disruption creates a challenge for the government to develop appropriate tax policies. The tax policy prepared by the government is expected to not only fulfill the budgetary function, namely as a source of regional income that is used to finance routine regional tasks and carry out development, but the tax policy prepared must also be able to fulfill the regular function, namely tax used to regulate and direct activities society in the direction the government wants. A food truck is a high-risk business where 20% to 30% of food truck entrepreneurs usually fall in the first two months of operations [26]. Nevertheless food truck has the potential to be taxed because based on data revealed by the Secretary-General of the Indonesian Business Car Organization (OMBI), the owner of a food truck business can pocket a turnover of 40 million to IDR 100 million per month [17]. The right tax policy is needed to encourage the growth of the food truck business because this business can improve the local economy and reduce the unemployment rate of young people in Indonesia.

The excavation of regional financial sources originating from local taxes needs to pay attention to the base of imposition and tax rates. [27] The imposition of high tax rates tends to encourage the public to carry out tax avoidance by establishing businesses that have not been taxed [28], [29]. In addition, the imposition of high tax rates theoretically does not always obtain maximum tax revenue [27]. This is in accordance with the Laffer Theory which states that a higher tax rate will increase income, but the imposition of higher tax rates in the prohibit range region will reduce tax revenues [28], [30], [31]. In other words, if the regional government increases local tax revenues only based on the existing tax object and imposes a high tax rate, it will reduce tax revenues. This is due to the imposition of tax rates at the extreme point, that is, the 100% point will make a domino effect in the form of a decrease in productivity where the people deliberately choose not to work. Whereas on the one hand, the regional government has the potential for tax revenue that has not been explored from the development of the food truck business.

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Therefore, the expansion of tax objects can be the government's choice in maintaining the stability of local tax revenues while at the same time, encouraging the growth of the food truck business.

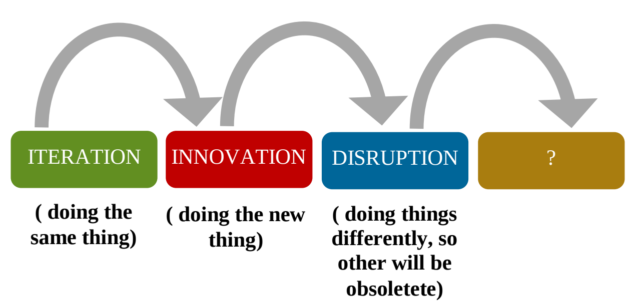
Besides, based on the Laffer Theory, the determination of tax object expansion can also be based on Regional Regulations compiled by each local government. The implementation of regional autonomy in 2001 was accompanied by the implementation of fiscal decentralization in the form of providing broad authority to the regions to manage financial resources in order to create efficiency and effectiveness in managing regional resources. The power to manage finances includes the authority to determine tax objects based on the potential of each region. To find out whether a food truck can be used as an object of restaurant tax, it must be analyzed in advance whether the food truck business meets the criteria based on Sidoarjo Regency Regulation Number 8/2010 on Restaurant Tax Article 3 paragraph 1-3, including the definition of restaurant tax object, definition services provided by restaurants, and exceeding the sales value (turnover). Based on the background above, this study aims to analyze whether food trucks have the potential to become tax objects in terms of Laffer Theory and Sidoarjo Regency Regional Regulation Number 8/2010 concerning Restaurant Taxes.

LITERATURE REVIEW

1. Disruptive Theory

Disruption makes it easy for many people to communicate, develop knowledge but on the other hand, create vast distances between people in a social environment. These two views are currently developing in the community in terms of disruption. Disruption has a massive impact on society. This change includes two directions, namely interference, and innovation. Francis Fukuyuma with the perspective of social science saw the phenomenon of disruption as a disruption to social order [1], while Clayton M. Christensen based on the business point of view saw disruption as an opportunity for innovation that brought progress [2]. Disruption is the process by which smaller companies with fewer resources can successfully challenge an established incumbent business. Christensen's framework rests on these assumptions: 1) A new player enter an established market competitive products or substitute products that are simpler, cheaper, with lower performance capabilities, 2) Has a lower target market (cheaper), with lower demand for product performance, and is underserved by incumbent, 3) Incumbents 'market offers that exceed customer demand, 4) Incumbents' market decided to ignore the disruptive innovation event though they can fight back, and they are trying to reach high market standards and eventually the incumbent was replaced [2]. Characteristics of disruption include 1) the existence of cost savings through business processes that become simpler, 2) making the quality of the product or service produced better than before, 3) potentially creating new markets and replacing old players with new ones, 4) products or services are more accessible to users, and 5) disruption makes things faster and more accurate [3]. Disruption takes place continuously and for a long time. At the beginning of a business cycle, the company prepares an operational plan using a particular optimization model along with a solution scheme. When the operational plan is implemented, the internal plan becomes inappropriate or obsolete. Consequently, we need to do disruption management, which is to revise the original plan dynamically and develop a new plan that reflects the development of the environment while minimizing the negative impact of disruption [32].

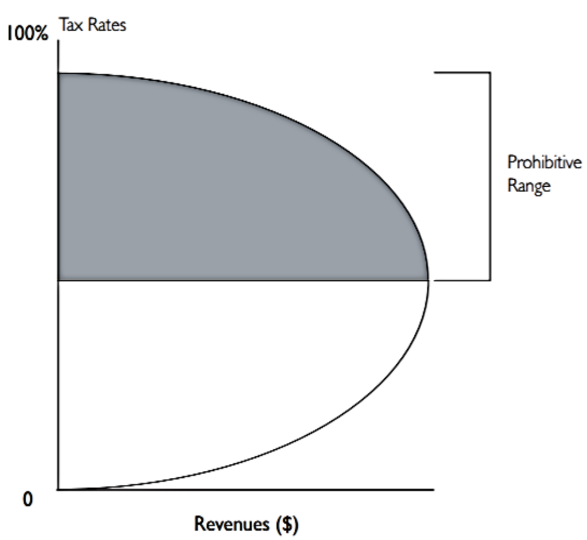
Picture 1. Cycle Disruption



2. Laffer Theory

The Laffer curve is a curve or graph used by politicians or policymakers and economists to determine the most effective tax rates to generate optimal government revenue. An understanding of the Laffer curve theory requires an understanding of how tax revenues are made [33]. The tax revenue is a function of the tax rate multiplied by the tax base. The government can decline after an increase in tax rates if the tax base falls with a substantial margin. However, some parties oppose this view, the proponents of the tax rate increase in tax rates. The Laffer curve illustrates the basic idea of changes in tax rates have two different effects on income tax revenues, namely the arithmetic effects and economic effects [34]. The arithmetic effect is that if the tax rate is lowered, then the tax revenue (per dollar from the tax base) will also decrease the number of tariff cuts. The opposite applies when the tax rate rises. However, the economic effect recognizes the positive impact of lower tax rates on employment and production by providing activities, thus becoming a tax base. The arithmetic effect always works in the opposite direction from the economic effect. Therefore, the consequences of changes in tax rates on total tax revenues are no longer so clear when economic effects and the arithmetic effects of tax changes are combined.

Picture 2. The Laffer Curve



3. Expansion of Tax Objects

Measuring the performance of a country's tax revenues can be seen from the Tax Gap. The tax gap is the difference between the amount of potential tax that can be collected by the amount of tax revenue realization. The tax gap shows the potential for revenue that has not been successfully realized by a country's tax authority. There are several strategies for extracting potential taxation, including:

1) Mapping is a mapping of taxpayer conditions based on region/location, sector/type of business, economic potential, payment of taxes, and others. The results of this mapping are then used as a reference to determine the priority scale of potential excavation activities and to determine work programs so that these potentials can be realized.
2) Profiling is an activity to collect data and information for each taxpayer to deepen taxpayers. Data and information needed such as identity, type of business, business processes, financial statements, transactions with suppliers and customers, and other data relating to taxpayers.
3) Benchmarking, the total benchmarking ratio is used as a tool to assess the fairness of financial performance and fulfillment of tax obligations by taxpayers

The government can do extra effort, which is an extra effort to look for tax revenues outside of routine tax receipts to achieve tax revenue targets. One form of activity is through tax extensification. Extensification is an effort made by the government to increase state revenues through expansion, both tax object or subject. Tax extensification can also be done by creating new taxes or expanding the scope of existing taxes.

4. Food Truck

The food truck industry has become a phenomenon and is gaining popularity throughout the world. A food truck is part of food tourism in New Zealand [35]. Meanwhile, customers prefer food trucks rather than restaurants because of fast service; healthy food choices; different menus from home and also because they are environmentally friendly [36]. A

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food truck is a vehicle equipped with facilities to cook and sell a variety of food and drinks to serve consumers [37]. Furthermore, food trucks are defined as innovative designs, equipped with quality food and serving culture, diverse cuisine, branded in highly equipped catering trucks [38]. Meanwhile, a modern food truck is a truck that facilitates modern types of equipment for cooking and selling foods [39]. In other words, the food truck can be used as a truck for selling food and revitalizing the modern technology in their business. The food truck can be categorized into different types, basically on the food truck appearance and branding, whereby there are traditional food trucks, modern and stylish (also known as gourmet) and also restaurant-based food trucks.

RESEARCH METHOD

Based on the problem formulation and research objectives, the type of research used is qualitative research. Reasons for using qualitative research so that researchers can dig deeper into the phenomenon of the expansion of the restaurant tax object on the food truck business in terms of the Laffer Theory and Sidoarjo District Regulation Number 8/2010 concerning Restaurant Taxes which include: 1) restaurant tax object definition, 2) service definition provided by the restaurant, and 3) exceed the sales value (turnover) limit. This research was conducted in Sidoarjo Regency, East Java Province. The reason for choosing the location is because Sidoarjo Regency is the central buffer zone of Surabaya Metropolitan City, which has a rapid growth of industrial and service areas, one of which is the food truck business. The data collection techniques used were library studies, documentation, and semi-structured interviews with 6 resource persons, namely: 1) Head of Development Sub-Sector at the Regional Tax Service Agency (BPPD) of Sidoarjo Regency, 2) Head of Data Sub-Sector at BPPD, Sidoarjo Regency, 3) Sub Division of Evaluation and Reporting at BPPD, Sidoarjo Regency, and 4) Four food trucks in Sidoarjo Regency, namely Burger Van, Marile, Kapulaga, and Delish.

RESULTS AND DISCUSSION

1. Expansion of Restaurant Tax Objects on Food Truck Businesses in Sidoarjo Regency Viewed from Laffer Theory

a) Imposing High Tax Rates on Food Truck Businesses

The restaurant tax rate commonly used by local governments in Indonesia is 10%. Therefore, this number is felt fair to be imposed on the food truck business if the business is used as the object of a restaurant tax in Sidoarjo Regency. Based on the results of interviews with sources, it is known that the imposition of a restaurant tax rate of 10% does not change the level or consumption patterns of consumers. This is because the community considers the personal desire to have experience in trying a dish both in terms of presentation and taste rather than the price of the dish. Therefore, the advantages of the food truck business in the form of a combination of low start-up costs, the ability to prepare food while mobile, the ability to create quality food at affordable prices, and the use of social media to connect and communicate with customers are able to eliminate the risk of imposition of high tax rates. In addition, based on the data obtained shows that although restaurant tax is not the type of tax that has the most substantial contribution to local tax revenues in Sidoarjo Regency, but the imposition of a tax rate of 10% in the non-prohibit range area can increase restaurant tax revenues that contribute to an increase in local tax revenues over the past five years as presented in Diagram 1.

Diagram 1. Restaurant and Local Tax Revenue Sidoarjo Regency

Despite continuing to increase and exceed the tax revenue target, the Sidoarjo regency government does not plan to increase or decrease restaurant tax rates, because there are concerns that the policy can reduce local tax revenues. High tax rates have resulted in restaurant entrepreneurs bearing more significant production costs. They will charge these costs to consumers by setting a higher product price so that the profits received remain stable. This indirectly burdens society as consumers because they have to pay more expensive so they will look for other alternatives or substitutes. This decrease in consumption indirectly will also affect the amount of production from restaurant entrepreneurs, which in turn can have an impact on the bankruptcy of restaurant entrepreneurs. Based on the results of interviews, it is known that the Sidoarjo Regency government prefers to expand the tax object rather than increasing the tax rate as an effort to increase local tax revenues. The results of this study support previous research, which states that increasing local tax revenues is better achieved by imposing a low tax rate, but is balanced by expanding the tax object. In addition, this study was able to confirm the Laffer Theory, which states that the imposition of higher tax rates in the prohibit range region will actually reduce tax revenue.

b) Expansion of Restaurant Tax Objects for Food Truck Businesses.

Based on the data in Table 1, it is known that until now, the object of restaurant taxation only consists of restaurants, bistro, cafes, canteens, catering, and stalls. This indicates that there is no addition of new restaurant tax objects from 2016 to 2017. When local governments increase local tax revenues based only on existing tax objects, the revenues obtained are still insignificant, even though the regional government has potential taxes that have not been collected from the development of the food truck business. The primary consideration for expanding is the potential that new tax objects have. The method of expansion is following the tax function, namely the function of budgetair and regularend. Based on the function of the budgetair, there will be an increase in tax revenue by expanding the tax object. Meanwhile, based on the regular function, it can encourage the development of the food truck business in Sidoarjo Regency and fulfill the aspects of justice in the taxation of entrepreneurs providing food and beverage services.

Table 1. Amount of Restaurant Tax Objects for 2016 and 2017

No	Description	Σ Restaurant Tax Object	
		Th. 2016	Th. 2017
1	Restaurants	78	96
2	Bistro	120	131
3	Cafes	40	47
4	Canteens	7	10
5	Catering	4	4
6	Stalls	81	90

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Total	**330**	**378**

Based on the results of the interview, it is known that the focus of the Sidoarjo BPPD is the target and then justice. To create justice in the imposition of taxes on entrepreneurs who eat and drink services, the BPPD will collect data on new taxpayers or tax objects. After the data collection process is complete, the BPPD will expand the tax object so that it can reach taxpayers who have not been taxed but have the potential to be charged. The results also show that the expansion of the individual income tax object can reach the income that has not been taxed [40]. Expansion of the tax base by making food trucks as tax objects is expected to create justice for entrepreneurs providing food and beverage services. Besides, the expansion of tax objects aims to close the gap for businesses to avoid paying taxes through the use of new business models. The expansion of tax objects also aims to protect restaurant taxpayers who have obeyed paying taxes. If only one or a part of the business owner of the food and beverage service is taxed on the object of the potential tax, it is feared that the taxpayer who originally obeyed the tax becomes not paying taxes.

2. Expansion of Restaurant Tax Objects on Food Truck Business Viewed from Regional Regulations of Sidoarjo Regency No. 8/2010 concerning Restaurant Tax Article 3 Paragraphs 1-3.

A situation, event, or act can be used as an object of tax if it meets the criteria in Article 3 Paragraph 1-3, Regional Regulation of Sidoarjo Regency No. 8 of 2010 concerning Restaurant Tax, namely 1) definition of the object of restaurant tax, 2) definition of service provided by restaurants, and 3) exceeding the limit of sales value (turnover). The first criterion of Article 3 paragraph (1) is the fulfillment of the definition of the restaurant tax object. In the regulation, the restaurant is defined as a business providing food and beverages equipped with equipment and equipment for the process of making, storing, and serving, in one fixed place that does not move. Meanwhile, by experts, food trucks are defined as mobile, miniature commercial kitchens that must meet the same state of sanitation requirements as a brick-and-mortar restaurant, as well as being in compliance with additional local ordinances [19]. Based on the results of interviews with food truck businesses it is known that the concept of the food truck business that they currently live in is staying in one location so that it is not following the concept that it should be. Nevertheless, this concept fulfills the definition of the restaurant tax object that currently exists, namely the object of restaurant tax should be settled in one location and not have high mobility. Low mobility of the food truck business in Sidoarjo because if food truck moves around, they will have difficulty in finding new locations to sell and find more customers. Also, it is feared that old consumers do not know the newest location. However, it does not rule out the possibility that later, the food truck business will be carried out on a mobile basis. In addition to fulfilling the definition of object tax, the definition of service provided by a food truck can also be equated with restaurant services, namely the service of selling food and/or drinks consumed by buyers, both consumed at the service place and elsewhere.

Picture 3. Food Truck Burger Van, Sidoarjo

Picture 4. Food Truck Marile, Pondok Jati, Sidoarjo

Picture 5. Food Truck Kapulaga, Taman Pinang Indah, Sidoarjo

Picture 6. Food Truck Delish, Jl Pahlawan Blok N No.2, Sidoarjo

Meanwhile, the third criterion of Article 3 paragraph (3) that must be fulfilled in order to become an object of the tax is to have a turnover of more than IDR 6,000,000 every month. There are two options regarding the Tax Base, which is based on net income and turnover [41]. The basis of tax imposition based on net income raises complexity in its calculations because taxpayers must do bookkeeping. The complexity of the tax can trigger taxpayers not to pay taxes. Therefore, the option is chosen by the government, which is based on turnover because it can reach various groups even though the imposition of taxes raises injustice. This is because companies that experience fixed losses can be taxed when their turnover has reached the stipulated conditions. Based on the results of interviews with the four speakers, it is known that the average turnover they have has met the limits of the restaurant tax turnover, which is equal to Rp. 6,000,000. The fulfillment of the three tax object criteria based on Sidoarjo Regency Regulation No. 8 / 2010 Article 3 Paragraphs 1-3 shows that the food truck business has the potential to be the object of restaurant tax.

CONCLUSIONS AND SUGGESTIONS

The era of disruption encourages businesses to continue to innovate so that they are not disrupted, as well as in culinary tourism industries. Therefore, the government also needs to respond quickly to these changes by creating the right tax policy so that it does not experience a loss of potential tax revenues and can encourage the growth of the culinary industry. Based on the results of the study, it is known that the food truck meets the concept of the Laffer Theory. The Sidoarjo regency government maintains a tax rate of 10% because it considers the rate increase can turn off the food truck business and plans to expand the tax object in order to increase local tax revenues. In addition, the food truck also fulfills three criteria based on the Sidoarjo Regency Regulation Number 8 / 2010 concerning Restaurant Tax Article 3 paragraph 1-3, which is the Definition of Restaurant Tax Objects, Restaurants Provided Services, Exceeding Sales Turnover. Therefore, BPPD Sidoarjo should be able to collect food truck entrepreneurs as taxpayers and expand the object of restaurant tax on the food truck business. This research was only conducted in Sidoarjo Regency. Subsequent

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research can be carried out in other regions of Indonesia, which also have a significant growth in the food truck business. Research in other regions is also expected to provide a complete picture of the possible differences in policy taken because, since the existence of regional autonomy, local governments have the authority to determine their own sources of income.

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