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Reassessing Income Tax (PPh) Article 2I for MSMEs: An Islamic Economic Analysis of Justice, Maslahah, and Dharibah Principles

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ABSTRACT

This study analyzes the compatibility of MSME taxation regulations with Islamic economic principles, identifies structural problems in tax collection, and proposes a reform model for MSME taxation that is just, educative, and inclusive. Using a qualitative approach with literature study, data were drawn from previous studies, scientific publications, and official government regulations, and analyzed through content analysis and narrative synthesis. The findings reveal a persistent gap between the current MSME final tax scheme and Islamic justice principles, as the tax burden often remains disproportionate to business capacity. Income Tax Articles 21 and 23 further create structural inequities by exerting greater pressure on MSMEs compared to larger taxpayers. Theoretically, this study contributes to the discourse on Islamic taxation by offering a conceptual framework that integrates progressive taxation with sharia-based justice, highlighting the importance of equity, proportionality, and inclusivity in tax policy design. Practically, the proposed reform model advocates adopting a progressive tax structure, enhancing tax literacy, and tailoring policies to the diversity of MSMEs while upholding sharia principles. The main limitation of this study is its exclusive reliance on literature review without empirical field validation.

Keywords: MSMEs, income tax article 21, income tax article 23, tax justice, islamic taxation.

A. INTRODUCTION

Micro, Small, and Medium Enterprises (MSMEs) are the backbone of Indonesia's economy, with a highly significant contribution to both Gross Domestic Product (GDP) and employment absorption. Data from the Ministry of Cooperatives and MSMEs recorded that in 2023 the number of MSMEs reached around 64.2 million units, contributing 61.07% to GDP or equivalent to IDR 8,573.89 trillion, and absorbing 117 million workers or approximately 97% of the total national workforce (stats.pajak.go.id, 2023).

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This fact demonstrates that MSMEs hold a strategic role, not only as drivers of economic growth but also as supporters of social welfare across all layers of society. To sustain MSMEs, the government has provided various tax incentives, one of which is the imposition of a final Income Tax (PPh) with a rate of 0.5% of gross turnover. This policy applies to MSMEs with gross turnover not exceeding IDR 4.8 billion per year as stipulated in Government Regulation No. 46 of 2013, later updated by Government Regulation No. 23 of 2018, and subsequently integrated into Government Regulation No. 55 of 2022 as the implementing regulation of the Harmonization of Tax Regulations Law (HPP) (stats.pajak.go.id, 2022). In addition, individual MSME taxpayers with annual turnover up to IDR 500 million are exempted from final income tax, intended to provide greater flexibility for small businesses to grow (hukumonline.com, 2023).

The implementation of this final tax system has raised problems in terms of fairness, both from the perspective of conventional tax law and Islamic economic thought. Taxing gross turnover without considering business profit or loss is viewed as inconsistent with the principle of justice. From a sharia perspective, this also potentially contradicts the principle of justice ('adl), which requires that tax burdens be aligned with taxpayers' ability, as well as the principle of maslahah, which emphasizes business sustainability and societal welfare (Qardhawi, 1995). Final taxation based on turnover is considered less sensitive to the real conditions of MSMEs, meaning that even loss-making businesses are still obliged to pay tax (Indonesian Tax Consultants Association, 2021).

Progressive tax as applied in Article 21 Income Tax (PPh 21) is theoretically in line with the fair distribution of wealth in Islam, as it imposes higher taxes on those who are more capable. This aligns with the concept of distribution that emphasizes the balance between individual rights and social responsibilities within the framework of maqashid al-shariah (Antonio, 2001). However, the implementation of final tax policy creates uniform treatment that does not differentiate the actual conditions of taxpayers, potentially causing structural inequality for smaller MSMEs.

On the other hand, Article 23 Income Tax (PPh 23), which is imposed on certain services, also becomes an additional burden for MSMEs. Although administrative compliance levels are relatively high, many MSME actors still have a low understanding of the philosophy and objectives of taxation. As a result, tax is often seen merely as an administrative obligation rather than an instrument of economic distribution that can deliver justice and welfare (ResearchGate, 2023). This obstacle indicates that the main challenge lies not only in regulation but also in tax literacy and awareness among MSMEs.

Empirical research shows that the effectiveness of strategies to increase tax compliance in the MSME sector is strongly influenced by social and geographical

contexts. An experimental study of 12,000 MSMEs in Indonesia found that enforcement-based messages (deterrence letters) significantly improved tax compliance, yielding returns of up to USD 30 per every dollar spent, particularly outside metropolitan areas (arXiv, 2024). This underscores the importance of adopting educational and inclusive approaches in MSME tax reforms to enhance not only formal compliance but also philosophical understanding.

In the context of Islamic economics, taxation (dharibah) is permissible as long as it serves the public interest, but the main requirement is justice in its implementation. According to Yusuf al-Qardhawi (1995), tax collection should only occur when Islamic financial instruments such as zakat are insufficient, and its application must ensure distributive justice and avoid imposing excessive burdens on the weaker segments of society. Thus, a final tax system that does not take into account the real conditions of MSMEs has the potential to contradict the principle of dharibah.

Based on this explanation, although the government has issued a number of pro-MSME policies, there remain inconsistencies with the principles of Islamic economics. Progressive income tax demonstrates potential justice in distribution, but final tax on turnover without considering profit or loss is deemed unfair. Article 23 Income Tax adds further administrative burdens for MSMEs with limited understanding. Therefore, a reformation of the tax system is needed one that is based on justice, education, and inclusivity so that it not only aligns with Islamic economic principles but also supports fiscal sustainability while strengthening the competitiveness of the MSME sector in Indonesia.

While numerous studies have examined the effectiveness of MSME tax incentives, most have focused on compliance levels, administrative challenges, or the fiscal impact of final income tax policies within conventional frameworks. Little attention has been given to evaluating PPh 2I and PPh 23 through the lens of Islamic distributive justice, particularly in the context of MSMEs that often operate under financial vulnerability. This gap highlights the urgency of exploring how Indonesia's MSME taxation system aligns or conflicts with sharia-based justice principles such as 'adl, maslahah, and maqāṣid al-sharī ah. By emphasizing the normative and distributive aspects of Islamic taxation, this study offers a novel perspective that advances the theoretical discourse on Islamic fiscal policy and contributes to ongoing debates on equitable tax reforms for MSMEs.

B. THEORITICAL FRAMEWORK

The Basic Concept of Islamic Economics

Islamic economics is a system based on sharia principles with the primary objective of achieving social justice, collective welfare, and equitable wealth distribution (Chapra, 2000; Mannan, 1986). This system places moral and ethical values as the foundation of every economic activity. The orientation is not solely

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profit-driven but also directed toward public welfare, so that every economic transaction must reflect fairness and sustainability (Kahf, 1999).

The principle of maqasid al-shariah forms the core of Islamic economics, encompassing the protection of religion, life, intellect, lineage, and wealth. Economic policies are directed to safeguard these five aspects in practice. This makes Islamic economics distinct from the conventional system, as it consistently integrates spiritual and social values as guidance for creating economic stability and prosperity.

Zakat, Taxation, and the Role of the State in Islamic Economics

Zakat serves as the primary fiscal instrument in the Islamic economic system, functioning both as a mechanism for wealth distribution and as a purifier of wealth. Over time, the discourse surrounding taxation (dharibah) has emerged as an additional state financial instrument when zakat proves insufficient. Qardhawi (2000) explains that taxation is permissible as long as it does not lead to injustice, remains consistent with the principle of justice, and is directed toward public interest.

The state plays a crucial role in regulating wealth distribution to prevent its concentration among certain groups. Taxation serves as a means to reduce social inequality while ensuring the fulfillment of public needs. Therefore, assessing the compatibility of conventional taxation with Islamic justice values is essential to ensure that modern fiscal instruments remain aligned with sharia principles.

Income Tax (PPh 21) and MSMEs

Article 21 Income Tax (PPh 21) refers to the tax imposed on income such as salaries, wages, honorariums, allowances, and other payments received by individual taxpayers in relation to employment or services. Based on Law No. 36 of 2008, MSMEs that employ workers are required to withhold and remit PPh 21. This obligation often becomes a challenge due to MSME actors' limited understanding of tax administration (Mardiasmo, 2018; Waluyo, 2013).

Government regulations such as Government Regulation No. 23 of 2018 introduced a special taxation scheme in the form of a final tax rate to ease the burden on MSMEs. Nevertheless, the effectiveness of this policy remains debated, particularly regarding its ability to encourage MSMEs to transition from the informal to the formal sector and to reduce their administrative burden.

Tax Compliance and Related Theories

Tax compliance is a crucial component in the effectiveness of fiscal policy, particularly among MSMEs. Various theoretical approaches provide deep insights into compliance behavior. A recent multidimensional study introduced the Tax Compliance Attitude Inventory (TCAI), which includes four main factors—morality, financial benefits, enforcement, and authority. Findings indicate that groups with stronger moral values (moralists) demonstrate higher compliance

levels compared to rationalists, who focus mainly on financial gains (Fochmann & Wolf, 2023). This aligns with other theoretical developments such as Attitude Theory, which emphasizes that attitudes, beliefs, and perceptions toward authority influence compliance intention, as well as the Theory of Planned Behavior, which highlights three key components: attitude, subjective norms, and perceived behavioral control (Ajzen, 1991).

Empirical research in various regions further reveals that religiosity and perceptions of tax fairness significantly enhance compliance. For instance, experimental designs and survey studies found that individuals with strong moral beliefs and perceptions of fairness toward government are more likely to comply voluntarily (Alabede, 2023; Torgler, 2007). These findings suggest that beyond deterrence, psychological and socio-cultural approaches such as tax morale, trust in authorities, and perceived public service benefits are also crucial in shaping compliance behavior. MSME tax compliance should therefore be viewed as an interaction between enforcement mechanisms and embedded social-religious values.

Taxation Analysis in the Perspective of Islamic Economics

Comparative studies between modern taxation systems and Islamic economics highlight that taxes can be acceptable within the sharia framework if they adhere to the principles of justice, proportionality, and transparency. Zakat is often regarded as an alternative due to its distributive and socio spiritual functions. Studies show that zakat, which applies principles of equity (ability to pay, horizontal equity, and self-compliance mechanisms), is more effective than taxation systems that primarily emphasize deterrence, as it naturally reduces avoidance and evasion practices (Al-Qaradawi, 1999; Hasan, 2022). This suggests that zakat can serve as both an efficient and just fiscal instrument within the sharia framework.

Other research confirms that optimizing zakat can reduce dependence on conventional taxation for financing social sectors and supporting small businesses such as MSMEs (Purnomo & Ismail, 2021). Nevertheless, taxes remain necessary as an additional instrument when zakat revenues are insufficient to meet state fiscal needs (Chapra, 2000). Hence, analyzing PPh 2I from the perspective of Islamic economics must consider the integration of tax regulations with sharia values, ensuring that fiscal policies are not only economically effective but also normatively just and legitimate.

C. METHODOLOGY

This study employs a qualitative method with a systematic literature review approach under the paradigm of social constructivism to understand the practice of collecting Income Tax Article 2I (PPh 2I) from MSMEs in the perspective of Islamic economics. The qualitative approach was chosen because it enables

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exploration, discovery, description, and explanation of phenomena in their natural context (Syarif et al., 2020).

Data Collection and Selection Criteria

The data were obtained through a structured review of academic literature, regulatory documents, and scientific publications discussing the relationship between MSME taxation and Islamic economic principles. The literature search was conducted in January-April 2025 using academic databases such as Google Scholar, ResearchGate, and Garba Rujukan Digital (GARUDA). Keywords included: "PPh 21," "PPh 23," "progressive tax," "Islamic taxation," "MSMEs," "justice," and "Islamic economics."

To ensure methodological rigor, the selection of articles followed three criteria:

- I. Thematic relevance: articles that explicitly discuss MSME taxation, PPh 21/PPh 23 policies, or Islamic economic justice principles;
- 2. Publication quality: peer-reviewed journal articles, conference proceedings, regulatory reports, and official government documents;
- 3. Recency: publications primarily from 2013-2025, aligning with the period when PP No. 46/2013 and subsequent regulations were implemented.

Out of 162 initial records identified, 48 articles and documents met all inclusion criteria after title/abstract screening and full-text assessment.

Data Analysis

Data analysis combined content analysis and narrative synthesis. Content analysis was conducted in three stages:

- I. Open coding: extracting key concepts and arguments related to fairness, Islamic taxation principles ('adl, maslahah, maqāṣid al-sharī'ah), and MSME taxation challenges from each document;
- 2. Axial coding: grouping similar codes into thematic categories, such as *tax* burden disparity, policy design issues, and educative approaches;
- 3. Selective coding: identifying overarching patterns and synthesizing them into conceptual insights that reveal gaps between the MSME tax system and Islamic justice principles (Prajarto, 2010).

Narrative synthesis was applied to integrate and interpret findings across sources, enabling a coherent description of the alignment and misalignment between PPh 2I collection practices and Islamic economic justice (Sulistyawati, 2021). The primary limitation of this study lies in its exclusive reliance on secondary data; no empirical fieldwork was undertaken to capture the lived experiences of MSME taxpayers or tax officers. Consequently, the findings are interpretative and may be influenced by the scope and quality of the reviewed literature. Future research should include empirical validation through interviews,

surveys, or case studies to triangulate the conclusions and strengthen external validity.

D. RESULTS AND DISCUSSION

The Gap between MSME Tax Regulation in Indonesia and the Principles of Islamic Economics

The divergence lies in the orientation toward justice and simplicity. Current MSME taxation regulations still face various challenges, such as complex administrative systems, low tax literacy, and disproportionate treatment between large and small businesses (Santoso & Wicaksono, 2021). This condition has implications for the low level of tax compliance among MSME actors, so that a sector that should serve as the backbone of the national economy has not yet been able to contribute optimally to state revenue (Fitriani, 2020).

From the perspective of Islamic economics, taxation should not merely be regarded as a legal-formal obligation, but also as a distributive instrument of welfare based on justice (al-'adl), public interest (maslahah), and transparency (Farooq, 2019). The principle of justice in Islamic economics emphasizes the importance of balancing the rights of the state with the real capacity of taxpayers. Therefore, taxation must not become an excessive burden or create inequality among business actors, as this contradicts the maqashid shariah in preserving wealth (hifz al-mal) and promoting social welfare (Chapra, 2000). MSME taxation regulations in Indonesia are often considered inconsistent with these principles. For instance, the application of a fixed final tax rate even when businesses are operating at a loss is seen as burdensome for small entrepreneurs (Hidayat, 2022). This creates the potential for non-compliance and pushes MSMEs into the informal sector, which in turn hampers government efforts to strengthen the digital economy and expand the tax base (Ministry of Finance of the Republic of Indonesia, 2021).

Low tax literacy and limited use of digital technology in tax administration further widen the gap between the ideals of shariah principles and the reality of regulatory implementation (Pratiwi, 2021). In the Islamic perspective, taxation should be viewed as a social contribution for the well-being of the wider community, not as a unilateral burden (Iqbal & Mirakhor, 2017). Yet without adequate support in education, outreach, and assistance, this understanding is difficult to realize among MSME actors.

To bridge this gap, there is a need for a reconstruction of MSME tax policy that aligns more closely with the principles of Islamic economics. Such reform may include simplifying the administrative system, improving tax literacy through shariah-based education, and creating regulations that are inclusive and equitable (Nasution, 2020). Transparency and ease of access to tax information must also be prioritized so that MSMEs can fulfill their obligations without

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feeling overburdened. With a fairer, ethical, and shariah-oriented approach, MSME tax compliance is expected to increase voluntarily and sustainably, while simultaneously supporting social welfare objectives in line with Islamic principles (Zaman, 2015).

Progressive Tax as a Representation of the Principle of Justice

The implementation of progressive taxation in Indonesia, including in the context of Income Tax (PPh) Article 2I, essentially aims to realize the principle of distributive justice, namely that those with higher incomes are taxed at a greater percentage compared to those with lower incomes. This system aligns with the theory of tax justice, which emphasizes the ability-to-pay principle, where the tax burden should be adjusted to the taxpayer's economic capacity (Musgrave & Musgrave, 1989). Therefore, progressive taxation is considered fairer than a flat rate, as it does not impose the same burden on all social groups regardless of their financial capabilities.

In the perspective of Islamic economics, the principle of progressive taxation has strong relevance to the concepts of al-'adl (justice) and al-maslahah (benefit). Islam emphasizes the importance of equitable distribution of wealth to prevent its accumulation among a select few, as highlighted in the Qur'an (Surah Al-Hashr: 7). Taxation that imposes a greater burden on the wealthy reflects the spirit of Islamic justice in sharing socio-economic responsibilities proportionally, ensuring that wealth does not merely circulate among elites but also contributes to the welfare of society at large (Chapra, 2000).

Several studies indicate that progressive tax systems are more effective in increasing state revenue while reducing social inequality. For instance, research conducted by Piketty and Saez (2007) found that progressive tax policies play a role in income redistribution and reducing economic inequality. This is highly relevant to the Indonesian context, where income disparity remains a pressing issue. With progressive taxation, MSMEs and low-income communities receive protection because the tax burden is primarily borne by higher-income groups, aligning with Islamic principles of ensuring social justice.

The implementation of progressive taxation can also enhance voluntary compliance, as people perceive the system to be fairer. Torgler (2007) points out that the perception of fairness in a tax system significantly influences compliance levels. If the system is viewed as fair and transparent, taxpayers are more likely to comply voluntarily than if it is considered exploitative. Therefore, in the framework of MSME tax reform, the adoption of progressive taxation can serve as a model that is more consistent with maqashid al-shariah, namely preserving wealth, ensuring distributive justice, and enhancing societal welfare.

Structural Problems in Article 21 Income Tax for MSMEs

One of the structural problems in Indonesia's taxation system lies in the mechanism of Article 2I Income Tax, which often burdens MSMEs. Article 2I is essentially intended for withholding tax on income received by employees, including those working in MSMEs. However, many MSME owners face difficulties in fulfilling this obligation due to limited understanding of the technical rules regarding withholding, reporting, and remittance of tax (Ardiyanti & Fadilah, 2021). This situation is exacerbated by low tax literacy and the lack of access to human resources with adequate expertise in tax administration.

The existing tax rate structure often fails to consider the real financial conditions of MSMEs. In practice, tax withholding through Article 2I tends to be rigid and does not adjust to the payment capacity of small businesses, particularly when facing income fluctuations or operating at a loss. According to Hidayat (2022), this situation creates a sense of unfairness among MSME actors, as they remain obliged to pay taxes even when their businesses are struggling. This condition creates a double burden: MSMEs not only face capital limitations but also disproportionate tax obligations.

From the perspective of Islamic economics, the structural burden in Article 21 contradicts the principles of al-'adl (justice) and hifz al-mal (protection of wealth). Taxes should be adjusted to financial capability so as not to cause further inequality. When MSMEs are treated the same as large corporations in terms of administrative obligations, it contradicts the maqashid shariah, which emphasizes social welfare (maslahah) (Chapra, 2000). Thus, uniform regulations that ignore business capacity only widen the gap and hinder MSMEs' role as the backbone of the national economy.

To address these structural problems, a more accommodative policy reform tailored to the characteristics of MSMEs is required. Several steps can be taken, such as simplifying Article 2I withholding procedures, providing tax incentives based on business performance, and strengthening tax education programs that are easily accessible (Fitriani, 2020). In addition, integrating digital systems through user-friendly applications can help MSMEs in tax calculation and reporting. With a more just and inclusive approach, Article 2I can function optimally as a redistribution instrument without creating burdens that hinder MSME growth.

MSME Tax Reform Model in the Perspective of Islamic Economics

Tax reform for MSMEs needs to be directed toward creating a system that is fair, simple, and aligned with Shariah values. In the perspective of Islamic economics, tax is not merely a legal obligation but also a social instrument that must uphold the principles of al-'adl (justice), maslahah (benefit), and amanah (transparency) (Chapra, 2000). Therefore, the design of tax policies for MSMEs must take into account the actual business conditions, payment capacity, and the

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diversity of business characteristics. A uniform approach risks creating injustice; thus, a more inclusive reform model is required.

One reform strategy is to implement a more proportional tax system by adjusting rates based on the financial capacity of MSMEs. The progressive tax mechanism can serve as a reference since it reflects the distributive justice principle recognized in Islam (Farooq, 2019). Through this model, MSMEs with lower income would receive relief, while those that are more established would contribute more. In addition, simplifying tax administrative systems is essential so that MSMEs are not burdened by complicated bureaucratic procedures (Santoso & Wicaksono, 2021).

Beyond tax rates, improving tax literacy and education should become a primary agenda in the reform process. The low understanding of MSME actors regarding tax obligations remains a major obstacle to creating sustainable compliance (Fitriani, 2020). Therefore, there is a need for Shariah based mentoring programs that emphasize not only technical aspects but also ethics and social responsibility in paying taxes. With this approach, tax can be viewed as a contribution to communal welfare rather than merely a financial burden.

The reform direction should also integrate digital technology to make it easier for MSMEs to access information, perform calculations, and report their tax obligations. The use of Shariah-friendly and user-friendly applications can be a practical solution to improving compliance (Nasution, 2020). By combining reforms in rates, administration, literacy, and technology, the MSME taxation system can become fairer, more inclusive, and more in line with the objectives of maqashid shariah preserving wealth (hifz al-mal), ensuring social justice, and promoting sustainable prosperity.

Table I. The gap between MSME Tax Regulation and islamic economic principles

Aspect	Current MSME Tax	Islamic Economic	Identified Gap / Issue
	Regulation in Indonesia	Principles	
Justice (al-	Application of a fixed	Justice requires balance	Burden for small
'adl)	final tax rate (e.g., PP	between taxpayers' real	businesses; potential
	46/2013), even when	capacity and state	inequality between
	MSMEs are operating at	rights (Chapra, 2000;	large and small
	a loss (Hidayat, 2022).	Farooq, 2019).	enterprises.
Simplicity	Tax administration	Islamic perspective	MSMEs struggle with
	remains complex, with	emphasizes ease, clarity,	procedures, leading to
	rigid procedures and	and transparency in	non-compliance and
	multiple compliance	obligations (Iqbal &	avoidance into the
	requirements (Santoso &	Mirakhor, 2017).	informal sector.
	Wicaksono, 2021).		
Transparency	Limited digital access and	Taxation must be	Weak information
(amanah)	low tax literacy hinder	transparent,	dissemination and

	clear understanding of	trustworthy, and	limited digital support
	obligations (Pratiwi,	accessible to all	reduce compliance.
	2021).	(Nasution, 2020).	
Welfare	Tax seen mainly as state	Taxes should function	MSMEs feel taxation
Orientation	revenue mechanism, less	as redistributive tools	is a burden rather than
(maslahah)	as welfare redistribution	to promote social	a contribution to
	instrument (Fitriani,	welfare and protect	communal welfare.
	2020).	wealth (hifz al-mal)	
		(Chapra, 2000).	
Incentives &	Lack of sufficient relief	Islam emphasizes	Uniform rules risk
Protection	for small or loss-making	proportional	unfair treatment,
	MSMEs. Regulations	contribution; larger	pushing MSMEs away
	apply uniformly across	enterprises should	from formal sector
	businesses.	contribute more	and hampering
		(progressive approach).	compliance.

E. CONCLUSION

This study reveals a gap between Indonesia's MSME tax regulations and the principles of Islamic economics, particularly in terms of justice, simplicity, and transparency. Final tax regulations such as Government Regulation No. 46/2013 are considered inconsistent with maqashid shariah because they impose a fixed tax even when businesses incur losses. This has contributed to the low level of tax compliance among MSMEs, thereby limiting their optimal contribution to state revenue. From the perspective of Islamic economics, taxation should be regarded as an instrument of wealth distribution that balances the rights of the state with the real capacity of taxpayers.

The findings also highlight structural problems in the collection of Income Tax Article 2I and Article 23, which often burden MSMEs disproportionately compared to larger businesses. Administrative complexity, low tax literacy, and limited access to digital technology remain major obstacles. Therefore, MSME tax reform needs to be directed toward a model that is more just, educational, and inclusive. The principle of ability to pay, the integration of zakat as a fiscal instrument, and the enhancement of tax literacy based on Islamic values are strategic steps to increase voluntary compliance while strengthening the role of MSMEs as the backbone of the national economy.

The limitation of this study lies in its reliance on a literature review approach, with analysis largely based on secondary data from previous studies, regulatory documents, and academic publications. The absence of primary data from interviews or surveys with MSME actors makes the findings less able to fully reflect empirical realities. Future research is therefore recommended to adopt a mixed-methods approach by incorporating field data, such as in-depth

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interviews with MSME practitioners, tax authorities, and Islamic economics experts. Further studies could also expand the focus to the integration of zakat and taxation within a unified Islamic fiscal framework that is more applicable to MSMEs.

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