

A CONCEPTUAL REVIEW OF THE EFFECT OF TAX AVOIDANCE AND EVASION ON SELF-EMPLOYED TAX PAYERS IN TARABA STATE

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ABSTRACT

This study conceptually examined the effect of tax avoidance and evasion on self-employed tax payers in Taraba state. Tax avoidance and evasion, a problem which seems to have defied solution, had bedeviled the tax system right from Colonial times. The revenue generated by government from taxation forms a major source of revenue to the government's capital expenditure which is crucial to sustainable economic development. A major challenge to the government in generating this revenue has been the increase rate of tax avoidance and evasion. It was based on this that the researcher carried out a conceptual review relating to Taraba state. Findings were made that relationship between tax avoidance, tax evasion and propensity of evasion by self-employed taxpayers in Taraba state. Hence, Taraba State Government may find it difficult to meet up with its revenue targets, especially now that State Government's monthly statutory allocation from the Federation Account is likely to dwindle due the crash in global oil price as result of the Corona Virus (COVID-19) Pandemic. And recommendations were made that Taraba state Government should embark upon other means of publicity such as radio messages, television advertisement, post bills as well as the use of town criers to inform taxpayers of changes on the need for compliance, especially among the self-employed. Suitable personnel like Tax Experts (preferably CITN Members) should be recruited, trained and retrained to cope with the demands of the job. And that the Taraba State Board of Internal Revenue (SBIR) should properly review and evaluate the assessment and collection of revenue from Self-employed tax payers, so as to encourage compliance by them. The usual practice of reprinting parts of the tax laws and sending same to the taxpayers expecting that they would understand is not encouraging since these laws are written in legal terms that are not easily understood.

Keywords: Tax, Taxation, Tax Evasion, Tax Avoidance, Tax payers.

1. INTRODUCTION

The desire to uplift one's society is the first desire of every patriotic citizen (Allingham & Sandmo, 2002). Tax payment is a demonstration of such a desire. The payment of tax is a civic duty and an imposed contribution by government on her subjects and companies to enable her finance or run public utilities and perform other social responsibilities. Taxes, thus, constitutes the principal source of government revenue.

However, one of the greatest problems facing Taraba state Tax System as well as Nigeria in general is the problem of tax evasion and tax avoidance. While tax evasion is the willful and deliberate violation of the law in order to escape payment of tax which is unquestionably imposed by law of the tax jurisdiction (James & Nobes, 2008). Tax avoidance is the active means by which the taxpayer seeks to reduce or remove altogether his liability to tax without actually breaking the law (Dharma & Dan, 2011). More so, Asada (2010), stresses that tax evasion denotes some of the perplexing problems facing Nigerian economy. According to Murphy (2011), the worth of tax evasion worldwide exceeds US \$3.1 trillion or 5.1 percent of the global domestic product, also According to Bismarck (2013), Nigeria authority had lost #90 billion equivalents to \$550 million US dollar to tax evasion in automobile industry alone in the year 2013. In addition, irrespective of its values tax evasion denies every government the tax revenue due to the system which results in a gap between the potential and actual tax collection (Adebisi & Gbegi, 2013).

These "Twin devils" have created a great setback between actual and potential revenue. The government has for the umpteenth time complained of the widespread incidence of tax avoidance and evasion in the state as companies and other taxable persons employ various tax avoidance devices to escape or minimize their taxes or deliberately employ fraudulent ways and means of evading tax altogether sometimes with the active connivance of the tax officials. As pointed out by Skanda & Kumarasingam (2002), since tax is a principal source of government revenue, if persons are able to escape by legal or illegal means the tax to which they should logically be subject under the general scope of the tax, the theoretical equity of the tax to a large measure is lost.

Although tax evasion and avoidance are problems that face every tax system, the Taraba state situation seems to be high when viewed against the scale of corrupt practices prevalent in the state. Under direct personal taxation as practiced in the state, the major problem lies in the collection of the taxes especially from the self-employed such as the businessmen, contractors, professional practitioners like lawyers, doctors, accountants, architects and traders in shops among other, many of these professionals live a lifestyle inconsistent with reported income, which is usually unrealistically low for the nature of their businesses. However, despite the tax provision meant to plug loopholes through which taxable persons can minimize tax liability the self-employed persons employ all kinds of avoidance schemes to minimize or escape tax liability and makes you wonder whether there are still any tax officials working in that capacity. While it immediately presupposes that there is legal framework put in place to punish tax evaders it perhaps raises a poser on the efficiency and effectiveness of tax laws and tax administration in the state. This government effort, notwithstanding, the problem of tax evasion and avoidance still persists (Alabi, 2001 as cited by Ayodele,2006). There is no doubt that revenue due any government will be reduced by the unpatriotic act of tax evaders thereby affecting economic growth.

Objective of the Study

This study examined the effect of Tax Avoidance and Evasion on self-employed Tax payers in Taraba State. The study had the following specific objectives. The study is a conceptual review of the existing literature and framework of the tax systems which gives room for tax evasion and avoidance, especially as it relates to self-employed tax payers in Taraba state.

This research focuses on the effect of tax Avoidance and Evasion on self-employed tax payers due to the importance of tax as a source of income to the government and the way in which government collect or generate tax from individuals bodies, and the reason why tax payers avoid or evade tax and how tax evasion and avoidance are carry out.

2. CONCEPTUAL FRAMEWORK

This section covered the conceptual framework where concepts like Tax avoidance, tax evasion and their related antecedents were discussed. It also covers prior studies like the work of Adebisi and Gbegi (2013), Folayan and Adeniyi (2018), Nkemakol

& Dick (2018), Mansor & Gurama (2016), e.t.c and lastly, the section reviewed theories related to the study from which the theory best explain the study will be selected.

Concept of Tax Avoidance

Tax avoidance is simply put as the reduction or minimization of person's tax liability by carefully arranging one's affairs in such a way as to take advantage of loopholes in tax la provisions. However, according to Sprinkle & Boylan (2001), it is the intentional act of tax payer to pay less than what he supposed to pay to the tax authority. Also, according to Aim and Martinez (2001), is the legal reduction in tax liabilities by practices that take full advantage of the tax code, such as income splitting, postponement of taxes and tax arbitrage across income that face different treatment. Eboziegbe (2007) Tax avoidance includes not only the use of strategies that allow for the legal minimization of taxes, but also for the search of strategies to exploit deficiencies or ambiguities in the law (known as aggressive tax planning strategies).Tax avoidance it is a term used to denote those various devices which have been adopted with the aims of saving tax and thus sheltering the taxpayer's income from greater liability which would have been otherwise incurred (Kiabel, 2001).

For the purpose of this study, tax avoidance is referred to as the process in which a tax payer will legally reduce or eliminate his tax liabilities and report or submit false tax return to the tax authorities. Tax avoidance have adverse effect on government revenue, Tax avoidance generates investment distortion in the form of the purchase of assets exempted from tax or under for tax purpose (Klabel & Nwoka, 2009).

Concept of Tax Evasion

Tax evasion is often referred to as an illegal means or ways in which a tax payer reduce or minimize his tax liabilities and submit false statement to tax authority. Also, Tax evasion is a word used to describe efforts of individuals and corporate entities towards dishonest reduction of tax liabilities. It has been described by Alm, Martinez & Vazquez (2001), as a thoughtful and eagerly practices of not unveiling comprehensive taxable income in order to reimburse lesser tax. Kiabel & Nwokah (2009), suggested that tax evasion is the fraudulent, insincere, intentionally concealment of realities and numbers in order not to pay due taxes.Edwin (2007),defined tax evasion as an intentional effort by people, corporate bodies, trust

and other institutions to illicitly refuse to pay their tax and reporting true and Fair value of their earnings by a mean of evading. The intentional underreporting of income, as well as over claiming of a tax deduction, is an obvious example of tax evasion (Adebisi & Gbegi,2013). However, tax evasion often may occur mostly in an informal economy where activities of businesses and other trade transactions take place in an informal manner which eases the evasion. According to Soyode & Kojola (2006), Tax evasion as an intentional and conscious practice of not relating full taxable income. More so, tax evasion is an effort by individuals, firms, trust and other entities to evade taxes by illegal means (Nwachukwu,2006). According to Fakile & Adegbe (2011), Due to this situation, the taxable income and other tax activities are being concealed, the amount or sources of income are misrepresented and the reduction, relief or exemption are intentionally overstated (Chiumya,2006). Therefore, for the purpose of this study, Tax evasion is conceived as a process whereby taxpayer will illegally omit or reduce his tax liabilities and report inappropriate tax returns to the tax authorities.

Reasons for Tax Evasion

Different reasons are the causal that encourage and make taxpayers acting toward evasion has been identified by various studies and authors among are; Magesa (2014), stated that, the reasons for tax evasion can be categorized into two. The first category comprises factors that negatively affect taxpayers' compliance with tax legislation. These factors can be subsumed either contributing to a low willingness to pay taxes (low tax morale, tax system and perception of fairness, low transparency and accountability of public institutions) or high costs to comply with tax laws. The second category contains the reasons for the low ability of tax administration and fiscal courts to enforce tax liabilities (Kirchler, Adebisi & Martinez 2007). These factors can be summarized as resulting from insufficiencies in the administration and collection of taxes as well as weak capacity in auditing and monitoring tax payments which limit the possibility to detect and prosecute violators. Other reasons that given rises to tax evasion includes: corruption in public office, inadequate tax education and awareness, misappropriation of taxes collected, ignorance of the tax authority, lack of adequate enforcement for default, proliferation of taxes, loopholes in the tax laws, inequitable distribution of income, absence of 'Quid Pro Quo' i.e. something of value given in return (by the government) for taxes paid, high level of illiteracy and high tax rates. Guramal, Mansor & Pantamee (2015), Suggested that, the

following as reason in many countries such as, unfair distribution of facilities (amenities), poor management and misuse of tax collected as well as lack of essence of civic responsibility. Ovute & Eyisi (2014), Stressed that misunderstanding and misuse of collected taxes would create a suspicious situation between the tax holders and the essence of paying tax. Therefore, whenever collected of tax are not properly utilized it result in mistrust between tax authorities and people which finally led to evasion activities.

Tax Avoidance Vs Tax Evasion

There is a clear-cut difference between tax avoidance and tax evasion. One is legally accepted and the other is an offence (Skanda & Kumarasingam, 2002 as cited in James & Nobes, 2008). Tax avoidance is the legal utilization of the tax regime to one's own advantage, to reduce the amount of tax that is payable by means that are within the law. By contrast, tax evasion is the general term for efforts not to pay taxes by illegal means (Sharma and Dang, 2011 as cited by Mohammed and Mohammed, 2012). It is also perceived that both tax avoidance and tax evasion are linked with shadow economy and Schneider and Enste (2000), as cited by Faseun (2001), reported that shadow economy is that economy in which people do not show their real income and taxable income that they have earned through legal activities including batter and monitory activities in order to avoid paying tax.

According to Muhammed and Muhammed (2012), government has protested against these two above mentioned evils for number of times but corporations and all other persons whose income is taxable, they make use of tax avoidance strategies to get away or curtail the taxes or they willfully employ fake techniques with the support of tax officials to evade the total tax. Lefebvre (2011), conducted study in Netherlands, France and Belgium (Flanders and Wallonia) while examining the behavior of people, Lefebvre (2011) compared the behavior of people regarding welfare dodging and tax evasion. Results indicated that people adopt less evaded behavior in tax treatment than in welfare treatment; and people evade more tax in Netherlands and France but tax evasion is more in Flemish than Walloons. Liadiale (2010), conducted study in Nigeria while examining relationship between personal income tax evasion and cultural factors like religiosity, trust in government, and legal enforcement. Study found positive impact on personal income tax of trust in government and legal enforcement.

However, no significant relationship found between tax avoidance and tax evasion in Nigeria. Boylan and Sprinkle (2001), conducted study in which he tried to explore the behavioral of the determinants of tax evasion. He used experiment technique in order to acquire desired objectives such as to identify the factors that motivate the tax compliance and characteristics of noncompliant taxpayers. Pommerehne (2005), conducted study in order to recognize the determinants of tax evasion. They used the presence of grievance in absolute terms in their study. Results indicated that as the sentiments of grievance increased in absolute terms, the level of tax evasion also increased and the level of tax moral.

Mechanism to Mitigate the Menace of Tax Evasion

Shome (2005) summed up the modalities in order to keep tax evasion in check, the tax administration must: (i) incorporate genuine threat of penalty but ensure due process; in order to do this, of course the tax administration should be adequately financed and structured; (ii) computerize as many administrative processes as possible to minimize the interface between taxpayer and tax official; and (iii) not remain aloof from tax policy but assist in every way possible to help design, in reflection of its field experience, a simple tax structure and its commensurate tax law. Green (2009) also simplified how to control tax evasion in his research on the topic 'What Is Wrong with Tax Evasion?' stating that, there are presumably many potential fixes for the state of affairs and they are: a) Simplify the tax code, making clearer the distinction between lawful and unlawful behavior; and distinguish more clearly between what constitute criminal and civil violations of the code; b) Change our political rhetoric, attempting to educate people about the importance of tax revenues; and modify priorities for government spending) Make the Code more equitable, from both a vertical and horizontal perspective; and distinguish more clearly between choate and inchoate violations; d) Rethink the requirements of mens rea (criminal intent; the thoughts and intentions behind a wrongful act (including knowledge that the act is illegal); and increase enforcement and make the level of enforcement more uniform.

Oyebanji (2014), stated the possible solutions to tax evasion in Nigeria among are; Taxpayers should be educated about their civil responsibility; Strengthen taxpayer recruitment ; Bureaucratic documentation should be reduced to avoid forgery; The activities of tax officials should be monitored to minimise the incidence of fund

embezzlement; Establishment of Revenue Court; Tax policies and tax laws in Nigeria should be made consistent as well as stiff penalty for contravening any section of the law. Also, the following strategies employed by tax revenue authority officials in reducing tax evasion problem in Taraba state include: Enforcement of penalties; Door to door visit in all areas, Priority on tax education, Introduction of taxpayer identification number, Computerization of tax administration; Prosecution and penalty and enhance taxpayer registration and de-registration.

Concept of Personal Income Tax of Self Employed

This is a tax levied on employment income and any other income received by individuals. Individuals here being those in paid employment and those in self-employment, i.e. those engaged in a trade, business, profession or vocation such as lawyers, accountants, doctors, traders in shops etc. The assessment and collection of this tax in Nigeria is regulated by the Personal Income Tax Act No. 104 LFN, 1993. It is this law that gives the necessary procedures and administrative powers to impose and collect taxes from persons, individuals, partnerships, executors, trustees Family or Communities Corporation sole or body of individuals.

Personal income tax is a compulsory contribution imposed on the personal income of employees based on their gross income and depends on the total income, the family size of the payer etc (Ojo, 1998). The personal income tax is a type of income tax under the direct tax and is usually administered by the state tax board.

Personal income tax is a tax paid on personal income by employees and the self-employed to the relevant tax authority (States Board of Internal Revenue), it is a tax which is being classified under the direct tax. Its history can be traced to that of the history of taxation in Nigeria.

Effects of Tax Evasion and Tax Avoidance on Personal Income Tax of Self-employed

Several studies have investigated the effects of tax evasion and tax avoidance on self-employed tax payers in different part of the countries by researchers and scholars with diverse opinions. The outcome of the investigations, however, showed that, effect of tax evasion and tax avoidance is loss of revenue to the government. Onyeka(2016), examined the effect of tax evasion and avoidance on Nigeria's economic Growth. And discovered that, tax evasion and avoidance had negative

significant impact on growth of the Nigerian economy. Fagbemi & James (2010), investigated the ethics of tax evasion; perceptual evidence from Nigeria. Mehrara & Farahani (2016) wrote on the effects of tax evasion and government tax revenues on economic stability in OECD countries using data from 1990-2013. They found that, tax evasion lead to economic instability and more tax revenues will be beneficial to a better economic condition. Adebisi & Gbegi (2013), investigated the effect of tax avoidance and tax evasion on personal income tax administration in Nigeria. They disclosed that, enlightenment and adequate utilization of tax revenue on public goods will discourage tax avoidance and tax evasion, high tax rates encourage tax avoidance and tax evasion, personal income tax generation has not been impressive and personal income tax rates are too high. Akinyele and Ogunmakin (2016) examined the effects of tax avoidance on government budget implementation in Southwest Nigeria for the period 1999-2014. The outcome of their results pointed that, 61 percent of the expected revenue of the states was hampered by avoidable consequence of tax avoidance through noncompliance with collection and remittances, and the level of tax avoidance through implementation of tax laws and policies in Southwest Nigeria revealed negative performance of government budget implementation and as such affected the development of the economies of sampled states. Ibadin and Eiya (2013) examined tax evasion and tax avoidance behavior of the self – employed, using some selected states in Nigerian geo-political zone. The results revealed that, respondents are of the opinion that tax evasion is ethical sometimes, and there is significant relationship exists between the ethical view, mode of tax administration and cultural practices of the self-employed and tax evasion and avoidance. Obafemi (2014) conducted study on the effects of tax avoidance and tax evasion on Nigeria economic development.

Obafemi (2014), conducted a study on the effect of Tax avoidance and evasion on Nigeria economic development and found that it has adversely affected economic growth and development in Nigeria. Modugu and Omoye (2014), appraised the evasion of personal

Income tax in Nigeria and obtained primary data through administration of 160 questionnaires to some selected self-employed individuals in Edo state and found that, the tax payers relationship with tax authorities and weak penalties have a significant influence on evasion in Nigeria. Furthermore, Olabisi (2010) investigated

effect of tax evasion and avoidance in Lagos State, and obtained primary data from the total number of 127 questionnaires administered to personal income tax payers in Lagos state, and used Chin square method to analyzed the data, the results reveals that, the tax administration in Lagos state is very inefficient and ineffective and there is no adequate information on the tax payers in the state. Finally, According to Torgler & Schneider (2004), various studies have been conducted overtime, specifically to explain the problem of tax evasion and avoidance, and to explore peoples general attitude to taxation from the viewpoint of culture, but it might be difficult to appreciate the impact of culture on human life style if we do not understand what it entails.

Theoretical Framework

Several economic theories have been proposed to run an effective tax system according to its importance taxes are generally classified under different theories as given; Ability to pay theory, Benefit received theory, Socio political theory, and equal distribution principle as well as economic of crime model.

Ability to Pay Theory

As the name suggests, it say that, the taxation should be levied according to an individual's ability to pay. It also says' that, public expenditure should come from "him that hath" instead of "him that hath not". This principle is indeed the basis of 'progressive tax ' as the tax rate increase by the increase of the taxable amount and most equitable tax system and has been widely use in industrialized economics. Thus, equal sacrifice can be measured as: (i) Each taxpayer surrenders the sane absolute degree of utility that she/he obtains from her/his income; (ii) Each sacrifice the same proportion of utility she/he obtains from her/his income; (iii) Each gives up the same utility for the last unit of income; respectively.

Benefits-Received Theory

This assumes an exchange or contractual relationship between the state and the tax-payers. Certain goods and services are provided by the state and the cost of such goods and services are contributed in the proportion of the received benefits, thus, the benefits received present the basis for distributing the tax burden in specific manner. This theory overlooks the possible use of tax policy for bringing about economic growth or stabilization. Chigbu, Akujuobi & Appah (2012) see the cost of service theory as very similar to the benefits-received theory. The theory emphasis

on semi commercial relationship between the state and the citizens to a greater extent. The implication according to Chigbu, et.al, (2012) was that the citizens are not entitled to any benefits from the state and if they do receive any, they must pay the cost thereof. In this theory, costs of services are scrupulously recovered unlike the benefits-received theory where a balanced budget is implied.

Socio-Political Theory of Taxation

Ogbonna and Appah (2012) affirmed this reasoning justifies the imposition of taxes for financing state activities and for the provision of a basis for apportioning the tax burden between members of the society. They see the theory that advocates for a tax system which is not designed to serve individuals but one that cures the ills of the society as a whole. The society is made up of individuals but is more than the sum total of its individual members; consequently, the tax system should be directed towards the health of the society as a whole, since individuals are integral part of the broader society (Chigbu & Akujuobi, 2012).

The Economics of Crime Model

The basic theory used in nearly all compliance research builds on “the economics of crime model” was first applied to tax compliance by (Allingham and Sandmo, 1972) cited in Macharia (2014). Nehemiah (1997) stressed that, a rational individual maximizes the expected utility of the tax evasion gamble, balancing the benefits of successful cheating against the risky prospect of detection and punishment. The model gives a sensible result that, compliance depends on enforcement and it is straightforward to show with comparative analysis that declared income increases with an increase either in the probability of detection, penalty rate and frequency of audit and verification. However, it is clear to any observer that compliance cannot be explained entirely by such purely financial considerations especially comparative by the level of enforcement considerations.

Theory of Tax Avoidance

The general theory of Tax avoidance was propounded by Stieglitz (1986), which stated that in a that, in a perfect capital market, the principles of Tax avoidance is so powerful that it can enable the astute taxpayer to eliminate all taxation on capital income, and possibly all taxation on wage income as well. And noted in particular that much of the general equilibrium gained from tax avoidance arises from differences in tax rates, both across individuals and across classes of income rather

than from postponement. (Stieglitz) stated that the tax laws constantly change the opportunities for tax avoidance but underneath, there remain three basic principles of Tax avoidance within an income tax which are postponement of taxes, tax arbitrage across individuals facing different tax brackets and tax arbitrage across income stream facing different tax treatment. The first principle which is postponement of taxes explains that the present discount value of a postponed tax is much less than that of a tax current paid.

The second principle involving transaction among different individuals within a family would in the long run reduce the aggregate tax liability as a result of the same individuals facing different marginal tax rates at different times.

The third principle states that long term capital gains are taxed at lower rates than other forms of income from capital. This provision is inducement to convert the returns on capital (or on labor) into long term capital gains. And also added that special treatment is given to the return on capital in the form of housing and pension. Many tax avoidance devices involve a combination of these three.

However, there is no solid approach for the measurement of the equity of sacrifice in this theory, as it can be measured in absolute proportional or marginal terms. Thus, equal sacrifice can be measured as; (i) Each taxpayer surrenders the same absolute degree of utility that she/he obtains from her/his income, (ii) Each sacrifice the same proportion of utility she/he obtains from her/his income, (iii) Each gives up the same utility for the last unit of income, respectively.

3. CONCLUSION

The study conceptually explored the effect of tax avoidance and evasion on self-employed taxpayers in Taraba state. It is pertinent to conclude that self-employed tax payers were mostly responsible for tax evasion. This was the evidenced that a significant relationship found between tax evasion and self-employed taxpayers' propensity to evade.

However, the study established a relationship between tax avoidance, tax evasion and propensity of evasion by self-employed taxpayers in Taraba state. Hence, Taraba State Government may find it difficult to meet up with its revenue targets, especially now that State Government's monthly statutory allocation from the Federation

Account is likely to dwindle due the crash in global oil price as result of the Corona Virus (COVID-19) Pandemic. The devastating effect of COVID' 19 has made it necessary for States like Taraba to look inward towards generating more revenue through internal sources than depending on monthly statutory allocation from the Federation Account.

Therefore, a check on these factors (tax avoidance and tax evasion) affecting Internally generated revenue (IGR) will go a long way in reducing if not eradicating its negative effect on expected revenue from self-employed tax payers.

Policy Implications

In the light of the above, the following recommendations were made: Taraba state Government should embark upon other means of publicity such as radio messages, television advertisement, post bills as well as the use of town criers to inform taxpayers of changes on the need for compliance, especially among the self-employed. Suitable personnel like Tax Experts (preferably CITN Members) should be recruited, trained and retrained to cope with the demands of the job. Staff should also be motivated through good salary package to insulate them from fraud and other corrupt practices of collaborating with the Self-employed tax payers through the instrument of tax avoidance.

In addition, the relevant tax authority (Taraba State Board of Internal Revenue – SBIR)) should properly review and evaluate the assessment and collection of revenue from Self-employed tax payers, so as to encourage compliance by them. The usual practice of reprinting parts of the tax laws and sending same to the taxpayers expecting that they would understand is not encouraging since these laws are written in legal terms that are not easily understood.

Moreover, tax forms should be made less complex. Vast improvement can be made by improving the design of the forms. Since majority of the people are poor, tax evasion becomes inevitable. Government should therefore aggressively tackle the inflationary trend and also ensure that the poor pay very minimal tax. The handling of tax clearance certificates should be well decentralized such that neither the assessor nor the collector can issue tax clearance certificates.

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