

COLLECTED TAXES IN NIGERIA: AN EMPIRICAL ANALYSIS

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Abstract

The debilitating effect of tax frauds has been a major source of concern for nation states especially in developing countries such as Nigeria. This unwanted situation is further worsened by the need of the government to broaden its revenue base to combat severe economic headwinds orchestrated by the global pandemic and rapid decline in crude oil prices. Consequently, this study examined expert witness as a tool to prevent tax frauds in federally collected taxes in Nigeria. The survey research design approach was adopted for the study. Data was obtained via a structured questionnaire administered to a population made up of staff members of the Federal Inland Revenue Service (FIRS) and the four main professional accounting firms reputable for rendering forensic accounting investigation services in Nigeria. A sample size of 254 out of 394 respondents was selected using the purposive sampling technique. Reliability of data was premised on a test of internal consistency using the Cronbach Alpha Reliability approach while inferential and descriptive statistics were used to analyze the data. The study found that expert witness had a significant positive effect on tax fraud prevention (AdjR²= 0.292, F-Stat =5.180; P-value=0.00 < 0.05). The study recommended that the training routine of the FIRS staffs be further fortified so as to scale up their proficiency in forensic accounting while the government should consider setting up of witness protection schemes to further increase the confidence of expert witnesses and guarantee their safety.

Introduction

The Nigerian economic state has been bedeviled by the twin problems of overreliance on crude oil sales and the absence of a diversified economic base. These deficiencies have prompted a scramble by local, state and federal authorities to develop new ways of generating revenues required to sustain governance (Khersiat 2018; Nwaiwu and Aaron 2018). The monolithic nature of the economy puts the country at risk of making it vulnerable to oil price volatilities (Anyamaobi and Onyema, 2018). In a bid to find a way around the resultant economic recession in Nigeria due to this monolithic nature of the economy, the federal government in recent times have been focusing on generating revenue from other sources especially tax (Asaolu, Olabisi, Akinbode and Alebiosu, 2018). To a large extent, the seemingly fraudulent acts perpetrated by taxpayers and tax officials alike have affected, negatively, the effects of tax revenue projections which therefore necessitate a focus on tax fraud prevention.

Nations around the globe are faced with these fraudulent practices which impairs their growth and development. In Nigeria, there have been several cases of fraud which did not get a conclusive judgement and some did not even see the light of day as they were routinely overlooked in less than ideal circumstances. It is because of this apparent negative effect of fraud on the economy that the government in past years established several institutions to combat financial crimes such as Economic and Financial Crimes Commission (EFCC), Independent Corrupt Practices Commission (ICPC) and Code of Conduct Bureau.

Unfortunately, the establishment of these anti-fraud agencies has been unable to stem the tide of economic crimes due largely to poor prosecutorial performance of investigators. It can be argued that this poor performance is exacerbated by either a lack of or deficient practice of forensic accounting of which expert witnessing is a key component. Forensic accounting as a practice is one of the most effective ways of reducing and preventing fraudulent activities since it seeks to bridge the gap between traditional auditing and modern-day accounting with all the contemporary issues and challenges being faced. The widespread nature of and increasing complexities of tax frauds has combined to make dependence on conventional auditing tools grossly inadequate to address this overwhelming challenge.

Although, there have been various studies on tax fraud along with other variables such as forensic auditing (Modugu and Anyanduba 2013), corruption (Islam, Rahman and Hossan 2011), financial crimes (Anichebe and Juliana 2016), litigation support services (Chepngeno and Fred 2020), a review of available literature indicate that

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the issue of the impact of expert witness on tax fraud prevention has not been sufficiently addressed especially for developing countries still grappling with the challenge of narrow economic base. This view is corroborated by Osunwole, Adeleke and Henry (2015) who opined that further studies is required to be done on the subject of expert witness and tax fraud. Expert witness in a tax fraud case has not been well identified in fraud prevention cases and has hardly been used in the administration of criminal justice in Nigerian courts. Consequently, this study aims at addressing this gap by investigating the impact of expert witness on tax frauds prevention in federally collected revenues using Nigeria as a benchmark.

Review of Extant Literature

Expert Witness Concept

The concept of expert witnessing is traceable to admissibility rules set by the English Courts in the later 16th century. According to Okoye and Ndubuisi (2020), the first recorded case of forensic accountants serving as expert witness took place in Meyer vs Selfon (1817). Since then, the engagement of core professionals as expert witness has gathered steam in the developed world. The main task of such professionals is to support the court in coming to a decision on matters on which the court itself may not have the required understanding to decide upon (Zhang, 2012). This is a fundamental element in the litigation support provided by professional accountants.

For fraud cases, the expert witness is expected by the court to testify on matters for which he possesses professional, specialized knowledge such as taxation. Such testimony provided should be based on verifiable facts and data (Sanchez and Zhang, 2012). The professional accountant must prove to the judge that they are an expert and that their witness is reliable, relevant and dependable. Such a professional does not necessarily need to be an actual witness to the violation of the criminal code before he can proffer his expert opinion (Enofe, Okpako and Atube 2013)

Tax Fraud Prevention

According to the Association of Certified Fraud Examiners (2008), fraud is defined as the misplaced use of one's profession for personal enrichment through intentional abuse or misapplication of the employing firm's resources or assets. This implies that any act of misuse or larceny of organizational resources will come under the purview of fraud (Khersiat, 2018). It becomes tax fraud when localized to the intentional theft of tax revenues.

The concept of tax fraud can be characterized as a form of tax evasion, where false declarations and documents are intentionally presented (Onakoya, Afintinni, and Ogundajo 2017). Furthermore, the European Commission (EC – Taxation and Customs Union, 2017) defined tax fraud as a form of deliberate evasion of tax which is generally punishable under the criminal code. The concept includes circumstances in which deliberately false statements are submitted or fake documents are produced for the purpose of evading justice (Okoye, Adeniyi, and James, 2019). It is thus an important form of financial fraud.

Theoretical Framework

This research is anchored on two main theories: the benefit received theory and the fraud triangle theory.

Benefit Received Theory: Knut Wicksell (1896) cited in Ayuba (2014) propounded the benefit received theory. The theory stipulates that between the state and its citizens (tax payers) exists an exchange relationship with commensurate expectations from each party. While the state provides amenities to its citizens; the tax-payers make a payment towards the cost of these supplies in relation to the benefits received from the state (Bhartia, 2009). The theory therefore aligns with the tax fairness principle. The theory has however been criticized on the grounds that it suggests an impractical ethical appeal in that a quid pro quo is assumed to exist before benefits can be delivered which is antithetical to the notion of compulsion in taxation (Neil 1999). Notwithstanding the observed limitation, the theory is considered germane to this study as tax payers compliance and hence less predilection for tax frauds is sometimes associated with the perception of the receipt or non-receipt of benefits from the state.

Fraud Triangle Theory: The theory originated in 1950 from the works of Donald Cressey. The theory's main postulations are two-folds. First, that the commission of frauds amounts to a violation of trust by one party involved in an economic relationship with another party. Second, that for any fraud to be successful, three elements must be simultaneously present: existence of pressure or motive to commit a fraudulent act, opportunity to commit crime, escape or evade justice and rationalization of the crime by the perpetrator. Pressure refers to the

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elements that stirs or encourage individuals to engage in illegitimate activities. These pressure points could be financial or non-financial in nature. Albrecht et al (2006) further grouped perceived points into vice, economic, job-related and other pressures.

Perceived opportunity in accounting parlance simply refers to the ability to override fraud controls (Abdullahi and Mansor 2015). Thus, existence of weak internal control systems is a precursor to opportunities coming into play. Rationalization on the other hand connotes the inbuilt defensive mechanism put up by the fraud perpetrator to excuse his/her illegitimate actions. It often stems from the absence of personal integrity and moral rectitude (Rae and Subramaniam 2008). This research therefore takes the view that this theory is fundamental to understanding the interplay between expert witnessing and the active deterrence of tax frauds.

Empirical Review

Okoye (2019) appraised the impact of expert witness testimony on fraud prevention and detection in deposit money banks operating in Nigeria. The study employed the survey research design approach and data was obtained via a combination of personal interviews and administered structured questionnaires. The study showed that expert witness testimony has a statistically positive relationship with fraud detection and prevention. The study thereafter recommended that forensic accountants in the employment of deposit money banks should be empowered to ensure that fraud investigation is always followed through with expert testimony in courts of competent jurisdiction to serve as deterrent to fraud perpetrators. The findings from this study is corroborated by the works of Bassey, Eyo and Ebahi (2017) and Ukoma and Azikiwe (2019)

Similarly, Henry and Ganiyu (2017) investigated the impact of forensic accounting on fraud reduction in Nigerian banks but with particular focus on certain key risk areas. These are loan processing and foreign exchange management. Data was obtained using structured questionnaire while the collected data was analyzed with the aid of correlation regression tool. The research found that the adoption of forensic accounting tools aided the reduction of incidences of frauds while it recommended improved regulatory oversight on the part of the Central Bank of Nigeria to ensure continued safeguard of customers' interest.

Sanchez and Zhang (2012) critically appraised the role and qualifications of an expert witness in effectively handling financial fraud cases. The study adopted an exploratory approach using as pivot two high profile cases in which the services of professional expert witnesses were used. The study found that expert testimonies provided by accountants are very pivotal in effective prosecution of financial fraud cases including tax frauds.

Chepngeno and Fred (2020) assessed the impact of litigation support services on fraud mitigation measures taken by organizations quoted on the Kenyan Stock Exchange. Data was extracted from sampled listed firms which were selected using the purposive sampling technique. The data collected was analyzed using SPSS and STATA data tools and the study established a positive linkage between the rendition of litigation support services and successful mitigation of frauds in quoted Kenyan entities.

Okoye and Ndah (2019) studied the association between forensic accounting and fraud prevention with particular focus on manufacturing companies operating in Nigeria. The survey research design method using questionnaires was utilized to gather data while the regression model was used to analyze the collected data. Findings from the study indicate that the adoption of forensic accounting practices significantly aid the prevention of frauds in manufacturing outfits in Nigeria. The study recommended among others the retention of the services of forensic accountants on a permanent basis as well as prompt investigation and prosecution of fraudulent staff members to deter future financial frauds by others.

Anichebe and Juliana (2016) assessed the extent to which the adoption of forensic auditing can assist in combating financial crimes in Nigeria's public sector. The researchers obtained the data for the study via a combination of administered questionnaires and personal interviews of 88 respondents drawn from selected government ministries. The outcome of the study was to the effect that there is a statistical positive relationship between forensic auditing and the reduction of financial crimes. The study recommended the need to establish clear cut standards and guidelines to strengthen the practice and adoption of forensic auditing in Nigeria's public sector.

Enofe et al (2013) conducted a study that dwelt on the extent to which expert witness can assist in detecting and preventing financial frauds in Nigeria's public sector. The data for the study was obtained using a structured questionnaire while analysis of the gathered data was effected using the SPSS and E-View 8.1 data tools. The



researchers found that expert witness experience, education and actual performance in court all have a statistically positive relationship on the detection and prevention of financial frauds in the public space. This position was corroborated by the works of Mohammed, Jomitin and Haron (2013) whose result confirmed that experts witness has a positively significant effect on financial fraud and crime in Malaysian economy.

Methodology

This study adopted a survey research design using structured questionnaires administered to members of staff of the FIRS and the four main accounting firms reputable for their proficiency in undertaking forensic accounting assignments. The study population consisted of 394 respondents out of which a sample size of 254 respondents was purposively selected. Reliability of data was premised on a test of internal consistency using the Cronbach Alpha Reliability approach while descriptive and inferential statistics were used to analyze the data.

	Table 3.1: Selected Organisations and S	ample Size Alloca	tion
S/N	Organizations:	Employees	Sample size Allocation
	Accounting Firms		
1	PricewaterhouseCoopers (PwC)	10	6
2	KPMG professional services	13	8
3	Akintola Williams Deloitte	11	7
4	Ernst and Young (EY):	10	6
5	Federal Inland Revenue Service (FIRS):		
	Legal Department	25	16
	Investigation department	82	53
	Tax audit department	243	157
	Total	394	254

Table 3.1: Selected	Organisations	and Sample	Size Allocat	ion

Model Specification:

Y = f(X)Y= Dependent Variable = Tax Fraud Prevention: TFPr $Y = y_1$ X= Independent Variable = Expert Witness: EW $\mathbf{X} = \mathbf{x}_1$ Where: $y_1 = Tax$ Fraud Prevention = TFPr $x_1 = Expert Witness = EW$ β_0 = the intercept β_1 = the coefficient $_{i}$ = cross-sectional variable $_t$ = time series variable ε = the error terms $TFPr_i = \beta_0 + \beta_1 EW_i + \mu_i$ -----Model

Research Hypothesis (H₀1):Experts' witness has no significant influence on tax fraud prevention in federally collected tax in Nigeria.

Results and Discussion

Tabl	le 4.1: Relationship between	Experts Witness and Tax	Fraud Prevention	
	Coeff.	Robust Std. Error	t	P > t
EW	0.540***	0.104	5.180	0.000
_cons	0.000	0.060	0.000	1.000

Source: Researcher's Study, 2020



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Observations	294		
Adjusted R ²	0.292		
Prob > F		0.000	
Heterosc Test		208.62***	
Prob>Het.		0.000	
Normality Test		3.114	
Prob>Norm.		0.211	

Source: Researchers Study, 2020. *Note:* ***, ** and * represent 1%, 5% and 10% significance levels respectively.

As per the reported statistics in Table 4.1, the predictor is Experts' witness (EW) while the dependent variable is Tax Fraud Prevention (TFPr). For the model fitness tests results, the T-statistics value of 5.180 [P - value = 0.000] indicates that the model is statistically significant in explaining changes that occurs in Tax Fraud Prevention (TFPr). Additionally, the result shows that Experts' witness (EW) accounts for about 29.2% (Adjusted R²= 0.292) of variations in Tax Fraud Prevention (TFPr) while the balance of 70.8% is explained by variables outside the study. Interpreting the estimated coefficient of Experts' witness (EW) [β = 0.540, P - value = 0.000] the result shows that the coefficient is positive and this positive coefficient is statistically significant at 1% level of significance. This means that Experts Witness is a determinant of Tax Fraud Prevention (TFPr) as a unit increase in Experts' witness (EW) causes about 54% increase in Tax Fraud Prevention (TFPr).

The lower portion of Table 4.1 reveal the outcome of the diagnostic tests carried out to ascertain the choice and appropriateness of the estimation techniques employed for the model. Specifically, the result indicate that the P-value of Jarque-Bera normality test for normality is insignificant (P - value = 0.211) suggesting that the error term (residual) of the estimated regression model is normal as expected. Also, the P-value of Breusch-Pagan / Cook-Weisberg test for heteroscedasticity is below 0.050 indicating a statistically insignificant value at 5% significance level. Consequently, the results suggest that the null hypotheses of homoscedasticity should be rejected and the robust standard error regression model is chosen instead.

Based on the result of the regression analysis, specifically; the T- Statistic = 5.180 (P - value = 0.000); $R^2 = 0.292$ we reject the null hypothesis which is 'Experts' witness has no significant influence on tax fraud prevention in federally collected tax in Nigeria'. Therefore, we conclude that Experts' witness has statistically important positive influence on tax fraud prevention in federally collected taxes in Nigeria.

Discussion of Findings

The purpose of this study was to investigate the influence of experts' witness on tax fraud prevention in federally collected taxes in Nigeria. Primary data was used for the analysis. The descriptive statistics show that majority of the respondents are sufficiently informed enough to answer the questions posed in the questionnaire appropriately, consequently their responses were relied upon in drawing conclusions on the research. However, a sizable number of the respondents representing 65% of the respondents accepted that they needed to undertake further training to improve their level of proficiency in forensic accounting practices such as expert witnessing. On the overall, respondents indicated that they agree that Expert witness is effective in preventing tax fraud when it comes to federally collected taxes in Nigeria.

This finding is in conformity with the apriori expectation and the findings of Enofe,Okpako, and Atube, (2013) whose study found that expert witness is positively correlated to financial fraud and our view is that if experts witness is significant for effective handling of financial fraud cases, it will more than likely also be relevant for the effective prosecution of tax fraud cases. Similarly, this position aligns with the findings of Anichebe and Juliana (2016) who affirmed that the adoption of forensic auditing inclusive of the use of expert witnessing would go a long way in combating financial crimes prevalent in Nigeria's public sector. Furthermore, government will need to display the required political will to encourage public sector accountability by strengthening the adoption of forensic accounting tools (Owolabi and Ogunode 2020).

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Conclusion and Recommendation

The crucial point of this study was to appraise the extent to which expert witnessing can aid tax fraud prevention with particular reference to federally collected revenues in Nigeria. Increasing the volume, depth and reach of tax revenue without compromising accountability of such revenue receipts has become a major source of concern to fiscal authorities thus the need to block off all possible income leakages including tax frauds. This therefore formed the kernel of the research.

After extensive review, the study concluded that when employed, expert witness will have a statistically positive effect on tax fraud prevention in federally collected taxes in Nigeria. Based on the findings and conclusions of this study, it is therefore recommended that the training routine of the FIRS staffs be further fortified so as to scale up their proficiency in forensic accounting while the government should consider setting up of witness protection schemes to further increase the confidence of expert witnesses and guarantee their safety.

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