

## A Qualitative Study Exploring the Challenges in Tax Fraud Investigations

Syed Mahmood Ali Shah

PhD Scholar, Department of Management Science  
City University of Science & Information Technology, Peshawar, Pakistan  
moodalishah@gmail.com

&

Dr. Muhammad Asif

Associate Professor, Department of Management Science  
City University of Science & Information Technology, Peshawar, Pakistan  
asifbaloch@cusit.edu.pk

### **Abstract**

*The purpose of this study is to explore challenges in Tax Fraud Investigations faced by the investigating officers and the study explores and highlights the real problems associated with such investigations. The study involves in-depth interviews of fifteen investigating officers working in IRS Intelligence. Data collection involved focused group interviews, individual indepth interviews and document analysis. The data were analyzed with the help of grounded theory and thematic analysis. Research study suggests that in order to achieve quality performance of Tax Fraud Investigations, it is very crucial to improve performance of investigating officers which may be possible if the challenges highlighted by this research are overcome. It may further add value to the overall domestic revenue mobilization efforts of Federal Board of Revenue besides creating deterrence for fraudulent elements. Findings of the study are limited to the perspectives of fifteen participants. A similar study with larger population in all the offices of IRS Intelligence as well as other investigating agencies could have provided even more concrete and exhaustive results. Overcoming of such challenges and problems in Tax Fraud investigations may invariably enhance the performance of investigating officer entrusted with tax fraud investigations and may further increase the effective and efficient monitoring and enforcement activities while minimizing the evasion of due taxes by fraudsters. The study further provides valuable insight into the prevalent investigation processes which may be used by the legislators for making policies accordingly. The valuable insights into the problems faced by the investigating officers may help the investigating agency to fix those problems for better performance and in safeguarding the revenue of state. This is the first study of its kind conducted on problems and challenges faced by the investigating officers conducting tax fraud investigations.*

**Keywords:** Tax Fraud Investigations, IRS, Investigating Officer, Domestic Revenue Mobilization, FBR.

### **Introduction**

Taxation is not only a basic tool for generating revenue for the state but also a policy mechanism for sustainable development and growth of a country. Developing countries are under significant stress from within the country and from outside the country to concentrate on domestic revenue mobilization and to reform their tax systems accordingly (Ullah et al., 2021). There is a long informed research on developing countries as to whether they will ever be able to mobilize revenues domestically (Genschel & Seelkopf, 2016) and to explore the reasons as to why the developing countries are unable to enhance performance of revenue mobilization (Besley & Persson, 2014). Domestic revenue source is the main sustainable source of revenue which could only form basis for attaining Sustainable Development Goals of United Nations. However, the advice and support from international sources towards domestic revenue mobilization misses important element of commitment and ownership (Bird, 2013; Dom, 2019; Moore, Prichard, & Fjeldstad, 2018).

Pakistan is one of those developing countries that is struggling hard to raise domestic revenue since decades (Cyan et al., 2016). Such efforts for raising domestic revenue included Tax Reforms Commission in 1990, Resource Mobilization and Tax Reforms Commission in 1992, Task Force for Tax Reforms and Tax Changes in Tax Administration in 2000, IMF recommendations for tax reforms in 2001, Hiring of private professionals for HRM, Research and Facilitation in 2001, World Bank's Project Preparation Facility for FBR in 2002, World Bank's Tax Administration Reform Project in 2005, Pakistan Tax Gap Estimate by Andrew School of Policy Studies in 2008,

Tax Reforms Commission in 2014, World Bank's Pakistan Revenue Mobilization Project in 2019, IMF Technical Assistance in 2020 and ADB's Resource Mobilization Program in 2022. However, the outcome of all such efforts aiming at domestic revenue mobilization and enhancing the performance of tax administration was disappointing and these efforts failed to give desired results (Bukhari & Haq, 2020; Chaudhary & Hamid, 2001). And the tax to GDP ratio of the country could not achieve the desired and acceptable standard of 15% and remained stagnant at 10% (World Bank, 2021). Consequently, at the end of the day, there is no choice but to knock the doors of international donor agencies and to follow their conditions accompanied with the loans. Due to minimal domestic revenue, the country at large faces severe economic crisis along with challenges of meeting huge debt servicing and defense needs, provision of quality public services and taking off on economic fronts. The life of the masses of country also became miserable as they witness escalating charges of basic utilities like electricity, gas and petroleum.

Findings of research on Tax Administration Reforms carried out for seven years as mentioned in the 'The Role of Taxation in Pakistan's Revival' by Oxford University Press and written by Jorge Martinez-Vazquez & Musharraf Rasool Cyan. It was noted that the reforms costed millions of dollars but outcome remained poor since there was no positive improvement in tax to GDP ratio and neither the country was able to mobilize domestic revenue and instead kept reliance on lending by international donor agencies.

One of the most important factors responsible to poor revenue collection by the state machinery was poor performance of tax administration. Federal Board of Revenue (FBR) is the premier revenue collection agency responsible for enforcement and collection of all the federal taxes including Income Tax, Sales Tax, Federal Excise Duty and Custom Duty. Lack of strict monitoring and enforcement of tax laws encourages the taxpayers to evade due taxes. There have been a number of instances where tax frauds were noticed amounting in billions. Tax frauds not only badly affects the state's revenue but also at the cost of genuine businesses and taxpayers contributing towards legitimate government revenue.

## **Problem Statement**

Currently, the country Pakistan is coming across serious challenges in its efforts to generate tax revenue from domestic sources instead of relying on international donor and funding agencies. Consistent efforts in this regard included various substantial and notable reform programs since 1990. However, these reforms failed to produce the desired results and revealed unsatisfactory outcome leaving the state of the country's economic outlook in miserable condition (Bukhari & Haq, 2020; Chaudhary & Hamid, 2001; Cyan et al., 2016).

Research on tax gap analysis of Pakistan conducted by World Bank reveals that the country's tax administration has a potential to mobilize domestic revenue of 26 percent of its Gross Domestic Product (GDP) and whereas, the current tax to GDP ratio of the country stands at around 10%. As per World Bank's report the country can achieve more than double tax to GDP ratio subject to raising compliance level of tax laws through strict monitoring and enforcement (Rontoyanni, 2019). The premier tax collecting agency of the country is capable of collecting double of the total revenue it collects. The World Bank project information document of Pakistan shows that tax gap in Value Added Tax (Sales Tax) is approximately 67% (Cevik, 2018; World Bank, 2019).

Reasons for inability of developing countries to mobilize revenue through domestic sources is mainly connected to poor monitoring, enforcement and compliance of tax laws. Taxpayers are nowadays more involved in tax evasions and fraud through illegal procedures and practices. There is a global consensus that the curbing such practices of tax frauds through better enforcement could result in better revenue mobilization (Alleyne & Harris, 2017; Fagbemi et al., 2010; Saxunova & Szarkova, 2018).

## **Literature Review**

Domestic revenue mobilization is the foremost agenda of United Nations Sustainable Goals, 2030 for peace and prosperity of the world at large and specifically for the developing nations. The significance of domestic revenue mobilization is to make available sustainable source of revenue for the developing countries which could provide them sustainable path towards growth (UN, 2015). And without raising domestic revenue or inability to raise tax revenue domestically, the countries may not be able to render important public series to their masses, making investment in basic infrastructure for public, catering for defense expenditure from external threats, making life

of masses peaceful by maintaining law and order and redistribution of wealth among the citizens. Mainly this new agenda of the world is primarily focuses on reforms by the respective governments of to foster and increase their tax revenue by improve the tax administrations responsible for collecting revenue of the state. The reason for all this new shift is to cater for the huge gap in domestic resources of developing countries for supporting their in-house development needs (Lieberman, 2002).

Tax revenue is one of the basic sources of income for the states in order to fulfill their country needs including development programs, welfare of the society and defense and the states are knows by their power to tax (North 1981: 21). Due to the global challenges with regards to domestic revenue mobilization, the social and political scientists including IMF and OECD have conducted various studies and it was observed that the world loses billions of dollars only due to poor performance of tax machineries.

Different countries all over the world made all their efforts to increase domestic revenues and for this purpose they preferred reforms which included policy reforms as well as tax administration reforms and there were some countries that preferred only one of them. Hence, tax administration reforms carries equal importance as policy reforms (Bernardin et al., 2020). In fact the taxing persons and incomes is equally important as how to collect these taxes which shows an important element of tax administration and its pivotal role in collection of taxes imposed under the different tax statutes. The reforms in tax administration invariably start with unearthing different challenges and problems in administration of taxes and the best tool is diagnostic study of tax organization with the purpose of devising plan of action (Silvani & Baer, 1997). The tax administration of Pakistan is also capable of collecting even double of its existing tax collection by improving enforcement (Bukhari & Haq, 2020). And this objective can only be achieved through an efficient and effective tax organization (Silvani & Baer, 1997). Most of the countries achieved such goals by reforming their tax administration (Bernardin et al., 2020). In other words, what and whom to tax go hand in hand with how to collect these taxes which emphasizes the crucial role of tax administration.

The developing countries face significant amount of revenue loss and their inability to collect taxes due to poor monitoring and enforcement of tax laws. Reasons for not able to mobilize tax revenue from domestic sources include poor enforcement and compliance practices, tax evasion and lack of tax education to the masses (Fagbemi et al., 2010). In today's world the taxpayers are more involved in avoiding and evading due taxes instead of complying with the requirement of tax laws. Tax evasion is non-payment of due taxes through the use of illegal sets of procedures and tax avoidance uses legal means to avoid due taxes (Alleyne & Harris, 2017). Tax evasion and tax frauds is a threat to the countries and to the whole society at large. There is a global consensus for making efforts to curb the practices of tax fraud, tax evasion and non-compliance of tax laws (Saxunova & Szarkova, 2018).

In Pakistan, tax fraud has been defined under all the tax laws and it refers to the willful default of the taxpayer with the intent to deceive tax authorities. Resultantly the government as well as the tax machinery face hectic challenges while dealing with revenue losses on account of tax frauds (Adegbite et al., 2018; Omodero, 2015). The tax authorities, therefore, use different tools including tax audit and fraud investigations in order to determine the amount of revenue losses and to gather admissible material evidence for the purpose of possible prosecution of accused persons in courts of law (Adam, 2001). Such audit and investigations are intended to reveal hidden sources of income and in search of evidence of undeclared income or turnover (Ojo, 2016). Audit and investigation is, therefore, an examination of the tax record of taxpayers in order to ensure that tax laws and rules made thereunder have been properly complied with and to examine the possible evasion of due taxes.

Tax audit and investigations are considered as an important tool of compliance of tax laws by all the countries of the world and it results in maximization of government revenue of developing countries (Bassey, 2013). In the prevailing self assessment nature of taxes, the countries focus on examination of tax records of individuals and companies by tax officers so as to assess the compliance of tax laws (Okonkwo, 2014; Ojo, 2016). The underlying purpose of tax audit and investigations is to unearth degree of tax evasion and frauds being carried out by the taxpayers and creating deterrence to improve tax compliance and safeguarding the revenue of the state (Kircher, 2008). Audit and investigations comprises of different types including desk audit which is conducted within the tax offices by the audit and investigating officers on the basis of online data available with them and without any

notice to the taxpayer and accordingly the tax liability is determined (Adediran, Alade, & Oshode, 2013; Bassey, 2013). Desk audit sometimes lead to detailed audit at the premises of the taxpayer in order to acquire further explanations and documentary evidence from the taxpayer. Such investigations where physical verifications are also involved alongwith documentary evidence from the premises of taxpayers result in better compliance on the part of the taxpayers (Olaoye & Ogundipe, 2018; Onoja & Iwarere, 2015). Besides tax audit and investigations, forensic investigations is another tool to conduct specialized investigations by the highly professional investigating officers to examine and gather material evidence in complex financial transactions which is admissible before a court of law (Oyedokun, 2020).

Compliance of tax laws is significantly dominated by the cultural values of the tax machinery being responsible for monitoring and enforcement of tax laws and the performance of tax authorities is dependent on such values and culture (Malik, Awais, & Hussain, 2018). Education and tax awareness also plays an important role to comply with the tax laws (Ahmed & Wahab, 2019; Anwar & Mansoor, 2017).

## **Methodology**

### ***Study Setting***

This study was conducted in Islamabad and Peshawar having more than ten field formations of FBR including two major formations of IRS Intelligence and its headquarters. Total number of fifteen participants were selected for the purpose of detailed interviews and the interviews were conducted in respective offices. Since the scope of this research study is limited to IRS Intelligence which is one of the enforcement agency of Federal Board of Revenue dedicated to tax fraud investigation and prosecution, therefore, population of the study consisted of investigation officers working within IRS Intelligence or transferred and currently posted in other field formations of FBR.

### ***Research Design***

The research consists of qualitative design to investigate and explore the problems associated with tax fraud investigations. Rich data was collected from key informants i.e the investigating officers having in-depth knowledge and experience of the whole process of tax fraud investigations. The saturation of data was finalized when no new themes were emerged during the process of data collection.

### ***Data Collection***

One of the essential component in qualitative research is the determination of scope of research, same size and sampling strategies (Dworkin, 2012; Robinson, 2014; Sanjari et al., 2014, Yin, 2013). Qualitative research carries most important features like respondents that are hand-picked, along with purposive sampling in contrast with the random sampling technique (Robinson, 2014; Yin, 2013). The purposive sampling in qualitative research is more advantageous than statistical sampling as it provides the researcher direct approach and access to the sources of data where problem exist or phenomenon is experienced (Robinson, 2014; Yin, 2013). Therefore, collection of primary data was preferred through purposive sampling in this research.

The whole process of data collection was organized by the researcher itself for being part of the participants' organization. Prior to data collection, three different focused group interviews were conducted wherein the researcher familiarized the participants with the purpose and objectives of the research study. The researcher who led the whole discussion process ensured that focused group conversation allowed exchange of views and opinions of participants with regards to the challenges they face during the tax fraud investigations. Subsequently, after focused group interviews, all the individual participants were interviewed to further probe into the challenges of tax fraud investigations and to clarify the concepts in more detail by taking individual opinions of each participant. Besides focused group interviews and qualitative interviews of the participants, the researcher also analyzed documents especially a few reports and subsequent legal proceedings so as to corroborate the information collected with the supportive documents. The main area of research focused on problems faced by the investigating officers during tax fraud investigations and accordingly semi

## Data Analysis

The whole data, collected from all the three methods including focused group interviews, individual participants' interviews and document analysis, was analyzed using grounded theory approach. First the researcher got familiar with the findings by going through the data in detail and then developed codes and sub-codes. After going through all the codes and deep understanding of the data, themes were developed.

## Research Findings

The analysis of data collected in response to the research question was carried out by using grounded theory approach to qualitative data analysis and themes and theories grounded directly into the data were identified by line by line coding. The analysis of data provided rich and indepth knowledge about the phenomenon.

### *Challenges in Tax Fraud Investigations:*

5.1 *Barriers of Technology* – One of the major challenge for investigating officers while conducting Tax Fraud investigations was barrier of Technology. Most of the investigations were carried out on the basis of manual record which was a hectic and time consuming task. The investigating officers were of the view that use of information technology could have resulted in better performance.

5.2 *Non-availability of Technology and Tools* – The contemporary tax fraud investigations use advanced technologies, tools and software to properly investigate the fraud investigations. Non-availability of such facilities cannot yield better outcome and may not provide in-depth analysis of more complex tax frauds.

5.3 *Complex nature of Informal Economy* – The existence of informal economy was yet another big challenge hindering the process of investigations. It was a complex job to trace the connections of fraudulent elements from within the informal economy having nothing on record to establish linkages.

5.4 *Legal and Regulatory Challenges* – There were issues in legal and regulatory framework as the participants reported that on a number of occasion the investigations were stopped due to stay orders from court. And once the investigations get stopped, the momentum of hot pursuit also get slow down and ultimately adversely affecting the performance of investigating officers and results in extending benefit to the fraudsters.

5.5 *Lack of expertise in Forensic Audit* – The participants stated to have conducted tax fraud investigations to the best of their capabilities and efforts, however, they believed that the quality of such investigations could be significantly enhanced with the use of latest forensic techniques for which they were not trained. It was also stated that they should have been supported with forensic experts to assist in fraud investigations by using modern techniques of forensic accounting and methods like advanced software of data analytics, data mining and blockchain analysis. This would be a shift from traditional investigation techniques to advanced techniques which would enable them to unearth more complex tax frauds.

5.6 *No access to Data* – The investigating officers reported that there is a huge data bank of all the taxpayers, however, they had limited access to such data. Even the Data Base Operators have limited access which hinders the smooth functioning of the investigations and sometimes immediate and readily required information is not available on time.

5.7 *No access to Bank Accounts* – The participants stated that in most of the cases where huge business transactions are found in different bank accounts, it is very difficult job to trace each and every transaction in search of evidence of Tax Fraud. For this purpose they have to request the concerned banks to provide requisite information which takes time and hence investigations could not be completed in time and in an effective manner. Even sometimes the requisite information is not received due to one reason or the other and hence the investigations are completed on the basis of available evidence thus affecting the quality of investigations.

5.8 *Overburdened Investigating Officers* – Almost all the participants stated to have overburdened with different assignments or with multiple investigations at the same time. Therefore, they were unable to completely focus on a single investigation and this way their performance was badly effected along with the quality of investigations.

5.9 *Lack of Human Resource* – It was also shared by the participants that the number of human resource at their work place is very low. They stated that besides the main tasks of investigation, they have to personally look for other clerical jobs which results in unnecessary wastage of time and the same can be effectively utilized in investigation proceedings.

5.10 *Corruption and Inefficiency in Tax System* – The participants were of the view that corruption and malpractices within FBR severely undermines the whole process of tax fraud investigations which may further result in loss of impartiality, credibility, trust and deterrence.

5.11 *Cash Based Economy* – It was reported that most of the undeclared taxable business transactions are carried out in cash by the fraudulent elements with the intent to avoid checking and capture by the tax authorities. Tracing of such transaction is very difficult and time consuming and sometimes even impossible for investigating officers to gather evidence in this regard which is admissible before court of law.

5.12 *Role of Financial Institution* – Some of the participants also stated that the role of financial institutions is very important and their cooperation and coordination with the tax authorities may enhance the performance of tax fraud investigations in more effective and timely manner.

5.13 *Tax Education and Public Awareness* – Participants conducting tax fraud investigations shared that in some cases it was observed that dummy businesses are registered with tax authorities in the name of unknown person having no such active participation in such businesses or sometimes having no such knowledge that such business is registered in their names. Similarly benami bank accounts are opened in the name of irrelevant persons just to avoid identification of actual fraudsters. It was viewed that tax education in this regard can play an important role in discouraging fraudulent activities.

5.14 *Lack of Effective Enforcement Activities* – The participants also reported that lack of enforcement and compliance activities by field formations of FBR also creates unnecessary hurdles in smooth investigation proceedings.

5.15 *Role of Consultants* – The participants also shared different roles of tax consultants involved in facilitating the tax fraudsters in organized crimes and further helping them out of investigation proceedings.

5.16 *Lack of Digitalization* – Digitalization was considered as the most important area in tax fraud investigations by all the participants. They were of the view that through digitization, their performance can be multiplied with much better results than expected. It was stated that tailor made system generated information during the whole investigation process may provide focused and right direction to the investigating officers which may result in timely completion of different inquiries.

5.17 *Resource Constraints* – Resource constraints also significant negative impact on quality of tax investigations which included lack of skilled and specialized staff, lack of forensic and legal experts, limited support staff, lack of financial resources for specialized training and development and limited collaboration with other agencies.

5.18 *Data Sharing and Access to Information* – The participants stated that in most cases they have to request for required information to different agencies and government departments in respect of the ongoing investigations. They were of the view that if such data is shared with IRS Intelligence and given access to such information, then their performance may get better.

5.19 *Lack of Coordination with other Law Enforcement Agencies* – The respondents stated that a coordinated effort of all the law enforcing agencies against tax crimes may yield better results, however, there was no such coordination especially at the investigating officers' level.

5.20 *Lack of Advanced Data Analytics* – It was reported that investigations did not use advanced data analytics which may provide a comprehensive and more accurate picture of tax affairs of fraudulent elements and thereby facilitating the whole process of Tax Fraud Investigations.

5.21 *Social and Cultural Values* – The prevailing culture in tax administration was also termed as a challenge for investigations in Tax Fraud cases when such elements carry sympathies of the others.

5.22 *Influential Entities and their Resistances* – The challenge of resistance from influential entities also resulted in poor performance or failing to achieve desired results from tax fraud investigations.

5.23 *Lack of Training in Global Best Practices* – The investigating officers stated to have no such practice of providing international best practices trainings to them in the field of forensic audit and investigations and it is their own efforts to give best results at work as per their own understanding and experience.

5.24 *New and Innovative Techniques of Fraud* – The participants also observed that once the IRS Intelligence capture some kind of frauds countrywide, these scrupulous elements resort to some other new and innovative techniques of fraud so as to keep their illicit business going on. Hence, it was required that they should be apprised of such new techniques of fraud through training.

## Conclusion and discussion

Findings of the research study reveals that tax fraud investigations at IRS Intelligence involve major persistent problems and challenges which have significant impact on quality outcome and better performance of investigating officers. The research suggests that within the limited resources and prevalent circumstances and challenges, the investigating officers put all their efforts to properly investigate the tax fraud cases within the shortest possible time and on the basis of available record and evidence. In certain circumstances, the investigating officers find no choice but to conclude investigations as further probe may not be possible within the available resources and information.

In presence of the challenges explored during this research study, it further reveals that the investigating officers may be under consistent pressure, stress and anxiety at work and especially during the whole investigation proceedings. The investigating officers find themselves on fighting on two different situations, the complex tax fraud investigations and challenges and constraints of limited resources which significantly affect their ability to conduct effective investigations in tax fraud cases.

Therefore in order to achieve quality performance of Tax Fraud Investigations, it is very crucial to improve performance of investigating officers which may be possible if the challenges highlighted by this research are overcome. Invariably the study adds value to the overall domestic revenue mobilization efforts of Federal Board of Revenue besides creating deterrence for fraudulent elements.

## Limitations

The scope of this research study was limited to investigating officers working in IRS Intelligence of Federal Board of Revenue. Extending the scope of this research to the entire organization of Federal Board of Revenue may give a bigger and more comprehensive understanding of challenges faced by the tax administration of Pakistan. However, time and resource constraints do not allow further probe of the problem.

## Future Research

This research covers one of the most important areas of tax administration of Federal Board of Revenue and suggest valuable insight from the participants to improve their performance in the field of Tax Fraud Investigations. A complete diagnostic study of FBR would give a more robust and comprehensive understanding of the problems and challenges faced by tax administration for addressing the major issues in domestic revenue mobilization.

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