Oversight and public finances in Mexico

Fiscalización y finanzas públicas en México

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Abstract

The general objective of the research is to describe the impact of audit management on public finances and tax revenues. According to Organization for Economic Development Cooperation (OCDE, 2022), Mexico lags behind other countries in terms of tax revenue, and tax evasion is considered one of the factors that contribute to this situation. Evasion makes it possible to hide profits and avoid paying the corresponding taxes, which affects state finances and limits the government's ability to promote social programs and improvements. Fiscal policy is a fundamental tool for the economic development and financial stability of a country. In this context, an explanatory qualitative methodology was used, which generated evidence to conclude that auditing acts in Mexico have allowed an increase in tax revenues with a positive effect on public finances; however, still below the average collected by member countries of the OCDE. It is proposed to improve tax education by providing information on the rights and obligations of taxpayers and greater transparency informing how the proceeds are invested and training businessmen in the use of technologies to facilitate the payment of taxes.

Resumen

El objetivo general de la investigación es describir el impacto de la gestión de fiscalización en las finanzas públicas y los ingresos tributarios. De acuerdo a los datos de la Organización para la Cooperación y del Desarrollo Económico (OCDE 2022), México se encuentra rezagado en comparación con otros países en términos de ingresos tributarios, y la evasión fiscal se considera uno de los factores que contribuyen a esta situación. La evasión permite ocultar ganancias y evitar el pago de impuestos correspondientes, lo cual afecta las finanzas estatales y limita la capacidad del gobierno para impulsar programas y mejoras sociales. La política fiscal es una herramienta fundamental para el desarrollo económico y la estabilidad financiera de un país. Es este contexto, se utilizó una metodología cualitativa explicativa, la cual generó evidencia para concluir que los actos de fiscalización en México han permitido un incremento en los ingresos tributarios con efecto positivo en las finanzas públicas; sin embargo, aún por debajo del promedio recaudado por países miembros OCDE. Se propone mejorar la educación tributaria brindando información sobre los derechos y obligaciones de los contribuyentes y mayor trasparencia informando en qué se invierte lo recaudado y capacitar a los empresarios en el uso de tecnologías para facilitar el pago de los impuestos.

Fiscal, Audit, Income

Fiscal, Auditoria, Ingresos

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Introduction

According to the Organisation for Economic Co-operation and Development (OECD) study on tax statistics in Latin America and the Caribbean (2020), Mexico is among the countries with the lowest tax revenues, collecting only 16.1% of Gross Domestic Product (GDP) in 2018, which is significantly low compared to the average. Furthermore, the Economic Gazette of the Government of Mexico (2020) highlights that one of the main challenges in terms of taxation in the country is the high rate of the informal economy. In 2019, the informality rate reached 56.6% and represented 23% of GDP. Despite the tax reforms implemented by the Mexican government, it has failed to increase the taxpayer base and tax revenues.

The informal economy operates outside the law and is characterised by practices such as evasion, avoidance and smuggling. The Centre for the Study of Public Finance (2018) notes that people working in the informal economy negatively impact tax collection, generating considerable losses for the state. However, the potential of the informal sector in terms of tax collection is also recognised, so it is necessary to seek its reduction and formalisation, as explained by Sobarzo (2017).

It is undeniable, as mentioned by Osorio and Atondo (2020), that countries need economic resources to finance their public expenditures, and most of these resources come from taxes established in their tax systems. However, there are situations such as the informal economy, fraud, tax evasion and omission that affect tax collection potential. Therefore, states are forced to implement various enforcement mechanisms to combat these problems. As Tibabisco (2018) explains, tax control helps to prevent tax evasion in commerce and industry, and these controls must be led by the administration with the aim of generating an impact on culture and society, fostering a real commitment on the part of citizens to contribute to public spending.

In relation to tax evasion, Gómez and Morán (2020) define it as the main obstacle facing public finances in Latin American and Caribbean countries. However, they see potential in access to new technologies and information systems, such as electronic invoicing or automatic collection mechanisms, which offer better prospects for the future. Improvements in tax legislation related to the digital economy and advances in international taxation and information exchange between countries are also seen as areas of opportunity to address the problem of evasion across geographical borders.

In this context, a detailed description is given of the effects of the enforcement strategy in Mexico and the impact on the increase in tax revenues, which has led to sound public finances that allow the generation of basic services for Mexican society. Although there has been improvement, informality, tax evasion and low average tax collection compared to OECD member countries remain a problem.

Conceptual framework

The Internal Revenue Service defines auditing as the set of activities whose purpose is to ensure that taxpayers comply with their tax obligations, guaranteeing the correct, full and timely payment of taxes.

Pursuant to Article 31 section XI of the Organic Law of the Federal Public Administration, the Ministry of Finance and Public Credit has the competence to collect taxes, contributions for improvements, duties, products and federal benefits, as well as to monitor and ensure compliance with tax provisions. This power is mainly delegated to the Tax Administration Service (SAT), which is responsible for enforcing tax and customs laws to ensure a fair and equitable contribution to public spending. In addition, SAT is in charge of auditing taxpayers to ensure compliance with tax and customs provisions, promoting voluntary compliance and providing relevant information for the design and evaluation of tax policies. With these powers, the Ministry of Finance and Public Credit can apply the necessary techniques to those taxpayers who do not comply with their tax obligations.

On the other hand, the Administrative Enforcement Procedure (PAE) or economic-coactive procedure, established in Articles 145 to 196-B of the CFF, is a mechanism that allows the tax authority to collect unpaid tax credits in a voluntary and timely manner by the taxpayers, although it does not directly resolve the controversy.

According to Article 31, section IV of the Political Constitution of the United Mexican States, Mexicans are obliged to contribute to public expenditure in a proportional and equitable manner, in accordance with the laws in force, both at the federal level and in the Federal District or in the State and Municipality where they reside.

The term economic informality refers to activities carried out by persons or companies that are not registered with the authorities and therefore not subject to tax regulation. This implies the lack of tax records and a regulatory system for these activities.

Several studies, such as those by Gómez and Samaniego (2008), highlight that informality is characterised by the carrying out of economic activities in places that are not formally established, such as private homes or rudimentary premises, as well as the offering of goods and services in public places without complying with the corresponding regulations.

Garzón et al. (2006) point out that public expenditure is understood as an instrument of the state to acquire goods and services destined to the production of public goods, with the objective of determining the displacement of resources towards an investment, or vice versa. Tax evasion refers to the failure of taxpayers to comply with their tax obligations due to various reasons, such as delinquency, fraud and smuggling. Evasion has a direct impact on tax collection and on the country, and in Mexico, it has been favoured by the lack of a tax culture in society and the inefficiency of the tax administration, as mentioned by Ayala (1993) and other authors.

Literature review

According to Osorio et al. (2020), the state needs revenue to satisfy the needs of citizens, so taxes and contributions are created. Tax collection aims to distribute national income to finance public policies and services. García (2016) states that auditing helps to improve collection efficiency by analysing the origin, use and destination of public resources.

Reforms in tax auditing policies in Mexico sought to increase revenue collection through auditing without new contributions. García (2016) shows an increase in revenue collection, but the planned objectives are not achieved. Lara (2009) mentions structural problems in the Mexican tax system, such as income concentration, the informal economy and special regimes. Despite the effectiveness of tax control, informality in Mexico is high, especially exacerbated by the Covid-19 pandemic. However, the informal economy could also be a potential source of tax revenue. The Centro de Estudios de las Finanzas Públicas (CEFP, 2018) highlights that revenues from non-taxed activities could be resources for the public treasury.

Bermúdez (2021) investigated the impact of informal tax participation on tax collection in Mexico. He concluded that informality represents a serious problem for public finances by reducing the tax base. Rodriguez (2014) studied informality in Colombia and found that reducing income tax rates is more effective than increasing taxation and reducing payroll tax rates in reducing the informal economy.

In addition to structural problems, the Mexican tax system faces political and administrative challenges. Lara (2009) highlights the excessive bureaucracy and lack of transparency in the implementation of public policies, which leads to a negative perception of taxpayers and to tax evasion and avoidance practices. Domingo (2010) criticises the approach of reducing income taxes and strengthening consumption taxes, ignoring taxpayer behaviour and generating polarisation in tax reforms.

A study conducted by Meza and Mosqueira (2023) points out that the Ministries of Finance in Latin America must modernise in order to meet fiscal objectives and promote sustainability for society. In their analysis of regulations, they highlight the creation of legal entities to audit taxpayers who evade taxes, implementing new technology, which becomes a challenge for these countries and above all to guarantee the transparency of resources.

Rojas et al. (2019) warn, through their study in Chile, that a tax reform should consider not only increasing tax rates, but also addressing education and changing the negative perception of taxation, in order to achieve effective participation in social progress.

Methodology

The methodological approach used in this research is based on the qualitative paradigm, where the researcher becomes a research instrument, performing listening, observing and writing tasks (Rodríguez, Gil and García, 1998, p.122). Furthermore, Sampieri (2014) defines the qualitative research method as one that focuses on the formulation of questions and hypotheses from the collection and analysis of data, allowing for the exploration of facts and their interpretation. In this study, the data collected will be analysed and interpreted in order to obtain relevant conclusions and proposals.

This project is based on solid evidence with the objective of understanding the reality of the fiscal situation in Mexico, especially with regard to income tax collection. For this purpose, a desk study approach will be used, using third party sources such as archives, reports, studies and official publications. Official data, objective academic data and consultations on the SAT website, among other sources, will be consulted in order to gather relevant and adequate information.

This research has an explanatory scope, based on a qualitative approach, as it allows us to delve deeper into the causes and irregularities of the research problem.

It is important to highlight specific problems in the Mexican context, such as tax evasion and avoidance, lack of tax payment culture, inefficient tax administrations, lack of awareness of regulations and the absence of more effective tax policies. In addition, the increasing levels of informality will be analysed. Hernández, Fernández and Baptista (2014) define explanatory studies as those that seek to explain why a phenomenon occurs and under what conditions it manifests itself.

Likewise, the type of correlational research will be taken into account. According to Sampieri et al. (2014), this approach allows us to explore the relationship or degree of association between two or more concepts, categories or variables in a specific sample or context. Data published in official websites on the different tax reforms implemented in Mexico will be analysed in order to assess their negative or positive impact on taxpayers' compliance with their tax obligations.

Results

This section will present the results of the research, emphasising that the most relevant and pertinent information was collected from several official sites, such as the Tax Administration Service's website and the Organisation for Economic Co-operation and Development (OECD). First, the total number of active taxpayers according to the official website of the Tax Administration Service was analysed. Taxpayers are key elements in the collection process, as they declare their income and expenditures to the authorities as a result of their economic activities, thus complying with the obligation to pay the corresponding taxes.

Figure 1 shows the total number of natural persons providing services within the regulations. It is important to note that in these years the numbers were low, which represents an alarming situation for the government and tax collection agencies. Tax reform was implemented as a strategy to increase revenues and provide better services to society. A marked difference can be observed between the figures presented in graphs 1 and 2, due to the fact that the Tax Reform in 2014, which was characterised by offering new opportunities for small businesses to become formalised.
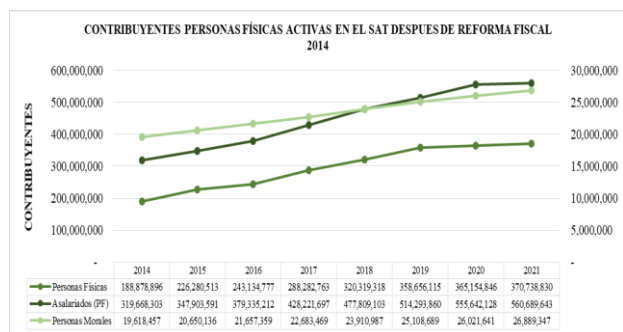
Graphic 1 List of individuals active in the SAT
Source: Own elaboration based on SAT open data (2023)

As can be seen, while in 2013 there was a total of 1,582,582 active legal entities and 16,625 large taxpayers, in 2014 there was an increase of 5.78% in the number of individuals incorporating new taxpayers, as well as an increase of 2.92% in the number of active large taxpayers, according to SAT data. In addition, an increase was observed in the years 2015 to 2021 respectively.
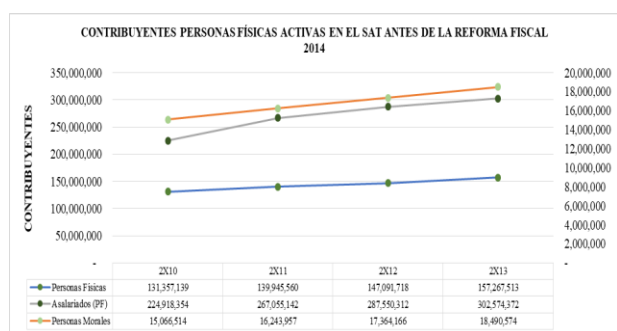
Graphic 2 List of individuals and companies active in the SAT before the 2014 Tax Reform
Source: Own elaboration based on SAT open data (2023)

With the implementation of the new taxation scheme for individuals called the Tax Incorporation Regime (RIF), facilities were provided to individuals who were in the Small Taxpayers Regime and had an income of no more than two million pesos. The objective was for these individuals to provide their services in a formal manner and within the legal framework, in addition to receiving training to promote tax culture and compliance with obligations.

The 2014 tax reform motivated new taxpayers to provide their services in a regular manner and reduce informality rates in the country. These results were reflected from 2014 onwards, with a gradual increase in tax collection thanks to the participation of new taxpayers. In terms of active legal entities, the figures also showed a significant increase until 2021.

Among the changes introduced by the 2014 reform for these taxpayers are the establishment of a single marginal rate of 30% for the calculation of ISR payments, as well as a reduction allowed in deductions on certain items.

Taxes are the lifeblood of a society; therefore, a state can only exist if it has the capacity to collect them. Throughout its history, Mexico has had low tax revenues due to various factors. It is important to analyse the figures of the total revenue collected in order to know the behaviour of these revenues, as we can observe in graphs 3 and 4, from 2010 to 2013 tax revenues were low in comparison with the figures obtained in the following years.
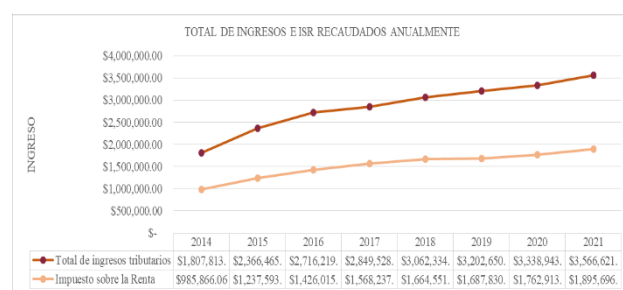

Figure 3 List of individuals and companies active in the SAT
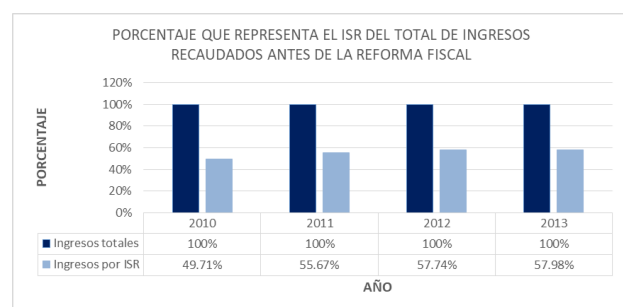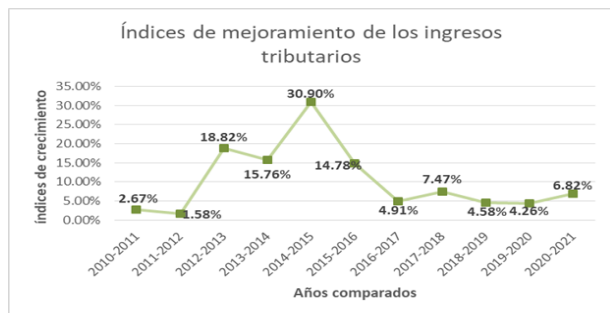*Source: Own elaboration based on SAT open data (2023)*

Figure 4 List of individuals and companies active in the SAT before the 2014 Tax Reform
Source: Own elaboration based on SAT open data (2023)

Graph 5 shows more clearly the percentage growth of tax collection, comparing one year and another, showing a clear improvement in the period in which improvement strategies were implemented that favoured the collection of these taxes and encouraged taxpayers to comply with their obligations.

Graphic 5 List of individuals and companies active in the SAT before the 2014 Tax Reform
Source: Own elaboration based on SAT open data (2023).

One of the taxes with the greatest weight in the country's economy is income tax, which is a major source of revenue.

It is possible to observe in graph 6 the behaviour of Income Tax; it is one of the most important in the collection of taxes in Mexico, representing 50% or more of this percentage over the years, with the Tax Reform of 2014 it was possible to formalise the workers of businesses and companies; increasing the ceiling of the marginal rate of the tax up to 35%, in addition to limiting the authorised deductions of the same taxpayers, which favoured the economic development of the country during the following years.
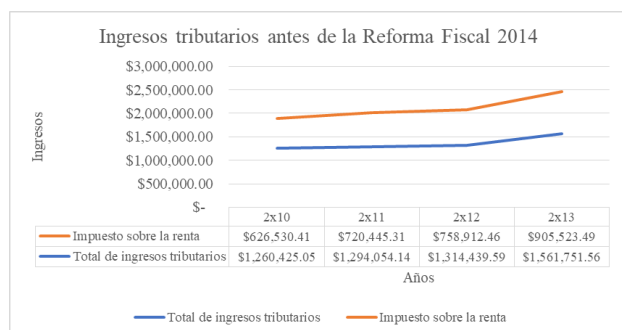

Graphic 6 Income Tax Revenues in Mexico
Source: Own elaboration based on SAT open data (2023)

As can be seen in Graph 7, the authority's control strategies tend to decrease due to their complexity, i.e. the implementation of the digital tax receipt (CFDI) to support the operations of economic entities is regulated by the authorities using frontier technology, which has allowed for greater control and collection of tax revenues.

Similarly, Graph 8 shows how the use of digital tax receipts (DFDI) has been increasing, allowing the authorities to have more tax revenues and how the control strategies are focused on the use of new technologies.
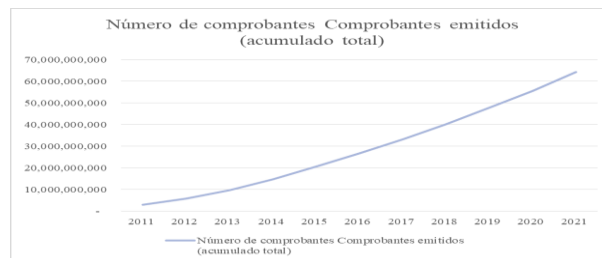
Graph 7 Use of digital tax receipts. Own elaboration based on SAT open data (2023)

Discussion and conclusion

According to Osorio and Atondo (2020), the collection process in Mexico faces challenges related to tax evasion and tax fraud. To address these problems, various enforcement tools are used, such as coercive collection, audits and electronic reviews. According to the research, these enforcement efforts are having a positive effect, and an increase in the tax base is observed thanks to the implementation of such strategies.

On the other hand, Rodríguez (2014) highlights the possibility of reducing the informal sector by lowering income tax (ISR) rates, which would strengthen state finances. The research shows that after the reforms carried out in 2014, the Mexican government's coffers increased by 15.14% in the first year.

In relation to Rojas et al.'s (2019) warnings about the need to maintain the reform and digitise the system, it was shown that the advances in collection derived from the acts of taxation had an immediate and sustained impact through the effective SAT and the virtual SAT

The Centro de Estudios de Finanzas Públicas (2018) also highlights the impact of informality on taxation, as it is estimated that the Mexican state loses approximately 955 billion 882 million pesos per month in taxes, which has a negative effect on Gross Domestic Product (GDP). However, the research also shows a steady increase in the number of taxpayers, especially among wage earners and large taxpayers, which meets the objective of the tax reforms implemented in 2014.

This research concludes that the implementation of the tax reform in Mexico has brought benefits, such as increased revenues and tax base. In terms of control strategies, the following stand out:

- Improving transparency, accountability and auditing processes as strategies to achieve sustainable development and reduce poverty in the country.

- Hold public servants accountable and apply sanctions in case of non-compliance with their obligations, promoting equality and avoiding abuse of power.

- Establish internal and external control bodies to fight corruption and oversee public resources, such as the Ministry of Finance and Public Credit, the Federal Superior Audit Office, the Ministry of Public Administration, among others.

Although tax reforms have allowed for a greater increase in tax collection and taxpayer registration, there are still important challenges in Mexico, such as putting an end to the informal economy and tax evasion. This would allow Mexico to be at the average level of tax revenues in OECD member countries. Undoubtedly, it is important to provide more training to taxpayers and professionals on the use of the Tax Administration Service (SAT) technologies and platforms in order to contribute to better control and transparency of the exercise of the revenues collected for greater economic growth and social development.

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