

# Tax Expertise in the Tax Administration System

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**Abstract:** The variety and complexity of tax relations require a large amount of special knowledge, so the number of appointments of forensic tax examination in court is increasing. It seems that tax expertise should be singled out as a separate type of expertise, as requiring special knowledge in the field of tax legal relations, as well as having an independent subject, object. A feature of not only tax, but also other examinations is the fact that the appointment and evaluation of the expert's opinion is carried out by law enforcement agencies, courts, and research is allowed only by independent experts. Consequently, the quality of examinations is influenced by the selection of documents provided to the expert for the study, their completeness and quality, as well as the formulation of questions, the accuracy of wording, etc. The direction of improving forensic tax expertise as a method of tax control is the use of digital technologies in conducting research and presenting the results of such research.

## 1 INTRODUCTION

Economic relations in Russia, as in most countries of the world, are expanding, this entails the complication of institutions interacting with business entities, incl. institute of tax administration. The tax system of Russia is dynamic, which in this case cannot always be considered as a positive factor: changes in legislation, algorithms and mechanisms for the interaction of tax authorities and business entities, a large number of taxes and several options for tax regimes, other reasons become causes of disagreement between participants in tax relations which are decided by the court.

## 2 MAIN PART


The variety and complexity of tax relations require a large amount of special knowledge, so the number of appointments of forensic tax examination in court is increasing. There is no normatively established


definition of forensic tax examination; the general concept of forensic examination is enshrined in Art. 9 of the Federal Law "On State Forensic Activities in the Russian Federation" and is defined as follows - this is "a procedural action provided for by the legislation of the Russian Federation on legal proceedings, which includes conducting research and giving an opinion by an expert on issues requiring special knowledge in the field of science, technology, arts or crafts (No. 73-FZ, 2001). This definition corresponds to the practical needs of tax expertise.

Forensic tax examination performs several functions, it is:

- an instrument of tax control, providing feedback;
- evidence in court;
- prevention of the prevention of offenses in the tax sphere;
- a method of improving tax administration.

The Plenum of the Supreme Court classified tax offenses as socially dangerous offenses, therefore, improving the organization and methodology of tax examination is a socially significant process and should be carried out with due responsibility and care.

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Tax expertise in the structure of the tax system should be attributed to tax control, which, accordingly, is the basis for managing the tax system. "Tax control as an element of taxation management is a necessary condition for the effectiveness of the tax system, while providing feedback from taxpayers with government bodies that are endowed with special rights and powers on taxation issues" (Skopintseva, 2016).

Tax expertise is one of the youngest, so far its recognition as an independent type of expertise has not been fully formed. There is not enough theoretical work in this area; generally accepted theoretical approaches have not developed. In practice, the classifications established by the regulations of the Ministry of Internal Affairs of the Russian Federation and the Ministry of Justice of the Russian Federation are used.

Thus, there is a contradiction between various normative acts regarding the classification of tax examinations. It seems that tax expertise should be singled out as a separate type of expertise, as requiring special knowledge in the field of tax legal relations, as well as having an independent subject, object. The subject of tax examinations can be interpreted in a broad and narrow sense:

- in a broad sense - this is a study of the fulfillment of the obligation of taxpayers to pay legally established taxes and fees;
- in a narrow sense - this is the identification and study of the facts of unreliable reflection of business transactions in tax, accounting, reporting documents, evasion of paying various levels of taxes, fees, and other payments to the budgets that have become the subject of legal proceedings and regarding which the expert conducts research on the basis of the set before him questions by established persons (investigator, court, etc.).

More often, the authors define the subject of expertise in a narrow sense, so V.A. Timchenko believes that the subject of a forensic tax examination is "factual data (circumstances of the case being investigated or being considered in court) on the size of the taxable base, on the amount of taxes to be calculated and paid to the budget for a certain period, on taxes actually paid to the budget and some others" (Timchenko, 2018).

V.V. interprets the subject of tax expertise in the same narrow sense. Golikov as "factual data (circumstances of the case), investigated and established in legal proceedings using special knowledge in the field of accounting and tax legislation, based on the study of the patterns of

subjects and elements of taxation, the amounts of calculated, paid and payable taxes (fees) and their compliance correctness and completeness of the calculation to the requirements of the tax legislation" (Golikova, 2011). Note that V.V. Golikova rightly notes the close connection between tax expertise and accounting. Currently, these two types of accounting are organically linked, with the expansion of digitalization, the development of tax legislation, etc. tax accounting is separated from accounting, their relationship is weakening,

The professional training of an expert, his education, practical skills and other competence characteristics are interconnected with the specification of the subject of tax expertise. Consolidation of tax expertise as a separate type of economic expertise will allow training specialists to be more focused on the existing needs of practice, satisfying to a greater extent the demands of law enforcement and judicial authorities.

This list in the Tax Code of the Russian Federation is closed. In the scientific and special literature, the vast majority of cases are considered when tax examinations are initiated in relation to taxpayers. Payers of fees and insurance premiums close to this category, tax agents do not constitute an alternative category or a category that differs significantly from taxpayers. Practice shows that in relation to officials of tax and customs authorities, examinations are also initiated, which are tax ones. It seems appropriate to single out groups of entities regulated by the legislation on taxes and fees, in respect of which tax examinations can be initiated:

- taxpayers, payers of fees and insurance premiums, tax agents;
- officials of tax and customs authorities.

Consideration of examinations expands the list of objects that can be singled out in a separate group, as having a specific subject composition. The development of the methodology of tax expertise makes it possible to expand the list of documents and other materials that may become objects of expertise, as such objects in relation to taxpayers, payers of fees and insurance premiums, tax agents are:

- primary tax and accounting documents;
- supporting documents of the taxpayer (for example, cashier's checks, etc. in advance reports);
- copies of primary and supporting documents of the counterparty of the taxpayer;
- registers of accounting and tax accounting;
- other documents closely related to operations for the calculation and payment of taxes and fees;

- technical, production documentation (for example, documentation that allows you to determine performance indicators, production capacity);
- business contracts;
- tax (tax declarations) and accounting (financial) statements, production reports;
- documents and records of managerial or informal accounting;
- protocols of inspection of premises, territories and things and documents located there belonging to a legal entity or an individual entrepreneur;
- materials of cameral and field tax audits;
- documents (for example, certificates) on additional tax control measures taken.

The list of documents, other materials that may become objects of tax expertise in relation to officials of tax and customs authorities are:

- objects of expertise, listed as such, for taxpayers, payers of fees and insurance premiums, tax agents;
- acts of surveys of taxpayers, payers of fees and insurance premiums, tax agents, contractors;
- official regulations for employees of customs and tax authorities;
- personnel documents, etc.

The objects of tax examinations are not all documents containing information on taxes and fees, but those of them that contain facts of economic life that have become the objects of legal proceedings and in respect of which the expert gives an opinion on the basis of questions put before him for resolution by established persons. Established persons are persons who have the right to appoint examinations, such as investigators, interrogators, prosecutors, judges.

In the context of the increasing isolation of documents reflecting tax relations from other relations characterizing the activities of an organization, other taxpayers (individual entrepreneurs, self-employed persons, etc.), there are more and more arguments for recognizing tax expertise as a separate type of expertise.

We highlight the features of judicial tax examination:

- basic normative acts, as sources of information for tax examination are acts of legislation on taxes and fees; regulations governing related disciplines accounting, controlling, financial management, auditing, civil, labor law, economic analysis, etc. play a significant, but not primary role in tax examinations;

- the subject of judicial tax examination can be defined in a broad and narrow sense. In a broad sense, this is a study of the fulfillment of the obligation of taxpayers to pay legally established taxes and fees; in a narrow sense - this is the identification and study of unreliable reflection of the facts of economic life in tax, accounting, reporting documents, evasion of paying various levels of taxes, fees, and other payments to the budgets, violation by officials of customs and tax authorities of official duties that have become the object of legal proceedings;
- the object of tax expertise are documents containing information on taxes and fees that have become the objects of legal proceedings and in respect of which the expert gives an opinion on the basis of questions put before him for resolution by identified persons.

The quality of tax examinations depends to a certain extent on the persons who appoint the examination. A feature of not only tax, but also other examinations is the fact that the appointment and evaluation of the expert's opinion is carried out by law enforcement agencies, courts, and research is allowed only by independent experts.

Consequently, the quality of examinations is influenced by the selection of documents provided to the expert for the study, their completeness and quality, as well as the formulation of questions, the accuracy of wording, etc. In accordance with the law, the expert does not have the right to independently select or collect documents for examination.

The procedural legislation makes it possible to involve specialists at different stages of the process (pre-trial and in court). It is specialists who can supplement the capabilities of investigators and other persons in the selection of documents for examination and the formulation of questions.

The expert conducts a tax examination in accordance with the requirements of procedural law, the norms of the law "On State Forensic Activities in the Russian Federation", guidelines, etc (No. 73-FZ, 2001). These questions are often raised by various authors, and the topic of morality is rarely revealed. One of the first to consider morality in the administration of justice was A.F. Koni, who pointed out the need to put "moral requirements and tasks in the first place" in the administration of justice. He wrote: "along with the official duty of a judicial figure, his moral duty grows" (Koni, 1967). It seems that in the analysis of moral principles in legal proceedings, the expert can be considered the subject of such principles. Modern experts must adhere to

ethical principles in the production of economic expertise,

The requirements for the examination and the expert opinion are quite often considered by domestic authors. The insufficiently considered issues include the use of digital technologies and tools in the work of an expert and documenting the study and its results. The expansion of the scale of digitalization is having an increasing impact on all kinds of areas of human activity, including expert activity, digital technologies should become an impetus for expanding the range of expertise tools and formalizing its results. The widespread introduction of information technologies in modern life has created the prerequisites for the formation of new approaches to control using information systems, the legislator has set tasks, the solution of which will bring not only control, but also the entire business environment to building an information economy. Work on informatization is actively carried out by the tax authorities, for example, an information resource "Risks" has been created, containing background information for decision-making by officials of the tax authorities "on the advisability of tax control measures in relation to specific legal entities" (N ED-4-2, 2018). It seems that similar resources should be created among professional experts conducting research on tax expertise.

The direction of improving forensic tax expertise as a method of tax control is the use of digital technologies in conducting research and presenting the results of such research.

Strengthening the evidentiary characteristics of the expert's opinion, presented to the persons who appointed the examination, may be the visualization of the expert's conclusions by infographics. The use of infographics by experts will improve the perception and understanding of the expert's conclusions through a better understanding of complex economic information. The formation of an integral conclusion in combination with animated or interactive information from experts will enhance the interaction of all interested parties in the process, first of all, experts and persons for whom this conclusion is intended: investigators, judges, etc.

Note that the use of infographics is proposed to be implemented in the audit and is disclosed by such authors as E.A. Rybalka, L.N. Kuznetsov, who believe that the use of infographics should be fixed at the regulatory level (Rybalka, 2018).

Improving the organization and methods of conducting tax expertise should be carried out continuously. An important area of such improvement should be the exchange of experience

using benchmarking tools. In its most general terms, "benchmarking is best practice, any practice that works best" (Kuznetsova, 2013). Each expert has a unique experience that should be shared with other experts. There is no practice of using benchmarking in economic expertise, its use will help to increase the efficiency of expertise.

### 3 CONCLUSIONS

Thus, it is expedient to separate tax expertise into a separate classification type, since it has a number of specific features, has its own subject and objects.

When conducting a tax examination, an expert must comply with moral principles, the study and consideration of which should be carried out in the educational process.

The direction of increasing the efficiency of tax examinations is the use of digital technologies in conducting research and presenting the results of such a study. Improving the quality of the expert's conclusion (its probative value) can be the visualization of the expert's conclusions based on infographics.

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