

THEORETICAL ASPECTS RELATED TO TAX EVASION, CORUPTION AND ILLEGAL WORK-ELEMENTS OF THE ARCHITECTURE OF THE UNDERGROUND ECONOMY

Marian Cioboata Ph. D Student
Răzvan Șerban Ph.D
University of Craiova
Faculty of Economics and Business Administration
Craiova, Romania

Abstract: As different as the official economy, the sphere of unofficial activities escaping the statistical registration, avoiding the control of the public power is present in a more or a less extent in all the countries of the world enjoying a perennial existence. The underground economy is present where market restrictions exist. The underground economy does not have to be understood as a deviation from the overall economy, but also as its component, the activities which are not under the governmental regulation being considered underground. The article includes both a revision of the reference literature but also of the effects on the entire society. This papers aims to outline a synthesis of the theoretical and practical approaches regarding the phenomena associated with the underground economy, in the first part, and in the second it outlines some of the component activities of the underground phenomenon among which: fiscal evasion, illegalwork and corruption.

JEL classification:E24,E71,O15,O23

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1. INTRODUCTION

The underground/informal economy is an answer of the economic system for the governmental management, institutional – legal. The larger the underground economy, the more profound the deficiencies of the government. An efficient management will be able to notice the signals pointing out the existence of the underground economy and based on them, it will react with intelligence determining its restriction ”to a certain limit” under which (such as the macroeconomic variables as the inflation rate or the unemployment rate) we can consider that it does not exist, and it can be controlled.

This research addresses the premises underlining that the underground economy represents an integrant part of the economic development, it is not on the verge of extinction, moreover it is developing; it cannot be ignored by the decisive factors, governments, specialists, activists. According to Chen M. A. (2006) a well-founded and informed political approach has to realise that the informal economy is very diversified, covers a wide range of activities (from survival strategies to dynamic enterprises), it is caused by several factors, might contribute to the

reduction of poverty and it is affected by the public policies and by the legislation in force, but it is affected in a different way than the formal economy.

The formal/informal dichotomy on the level of the economy was used for the first time in 1973 by Keith Hart (1973) within a study on unemployment in Ghana. The classification was made based on the division of the economic activities in traditional and modern, the first including the pre-capitalist economic activities and the others, those activities which use modern technology, professional planning and governmental regulations. K.Hart makes the distinction between the two economic sectors by the way in which the individual earn their existence elaborating a classification of the formal and informal occupations, the last ones including activities on a primary, secondary and tertiary level.

In 1972, the International Labour Organisation (ILO) made the distinction between the formal and the informal sector under the perspective of the enterprise. In this perspective, the informal sector is in a direct relation with the poverty, and there is a definition according to which the informal activity is not registered in the institutions of the state, including income generating activities, not regulated by the state in social environments where similar activities are regulated. The underground economy might become legal for example in the case of trade with alcohol during the prohibition period in USA became an illicit activity (French R.E., Bălăița M., Ticsa M., 1999:98).

2. LITERATURE REVIEW

Rădulescu D.L. (2007:77) considers that the underground economy is only associated with legal economic activities which are not reported to the revenue office and do not evade taxation, but other authors take into account also illegal activities: trade with stolen goods, production and drug traffic, robberies, scams, exchanges in nature with drugs or stolen goods, traffic with weapons, smuggling with alcohol and cigarettes.

In our opinion, although it is easier to outline the components rather than define this phenomenon, we consider that the underground economy represents a total number of economic-financial illegal activities, delicts and legal activities declared or unregistered, producing illicit incomes, carried out on worldwide including the totality of the goods and services which normally should be included in the assessment of the national gross domestic product, but because of their occult character cannot be taken into consideration.

In another definition, the underground economy includes all the production activities (which add value) unregistered and which should be found in the national gross domestic product. This definition excludes two major categories of activities:

Production which by means of the convention it is not part of the national gross domestic product, referring especially to the household activities being evaluated to 30-50% of the national gross domestic product;

Fiscal evasion does not add value and it is not included in the above-mentioned definition.

However, the underground activities which add value are not generally fiscalised so that between the phenomenon of fiscal taxation and that of the underground economy there is a strong connection without overlapping (Băcescu M., Băcescu A., Cărbunaru, 1997 : 123-124).

The most comprehensive definition given to the underground economy belongs to Pierre Pestieau (1989:36), considering that the underground economy represents „the overall business activities which take place at the limit of the criminal, social or fiscal laws or which evade the inventory of the national accounts”.

Under a national context we can practice a variety of definitions of the underground economy, but on an international scale we are looking for the acceptance of a universal definition. In this sense, we agreed that the definition of underground economy should include two aspects (Rădulescu S.A.,2006:140) :

The underground economy is the one ”escaping” the statistical registrations and the precise quantification;

The activities in the underground economy should be expressed in terms of the Gross Domestic Product (GDP) this allowing for the comparison as a size of the underground economy with the officially measured GDP.

According to the definition circulating internationally, definition generally adopted by the countries in the European Union, the activities related to the underground economy are classified in (Craiu N., 2004: 23):

Productive legal activities undeclared (illegal economy), including activities which are not registered on the level of the state through the system of national accounting (household activities, voluntary work, for the community), financial activities (fraud and tax evasion, illegal work, tips etc.);

Productive illicit activities (illegal)of goods and service (production and trade with drugs, weapon traffic, etc.) and of course the undeclared ones.

Another typology of the activities belonging to the underground economy is proposed by Rosanvallon (1996), distinguishing between:

Autonomous economy, including non-commercial activities, as work in the family, services to help neighbours and friends, voluntary work for people or community. Rosanvallon mentions that these types of activities which escape the public regulations do not compete and are not parasitic for the official, but represent its alternatives. Rosanvallon state that these types of activities which evade the public regulations do not compete and are not parasitic for the official economy but are its alternatives. The autonomous economy is the positiveside of the underground economy by the fact that it can produce goods and services in a more economical way, more adapted, less standardized than the ones on the market;

The occult economy, refers to activities on the underground economy with commercial character, as for example the legalnot declared activities (production of the clandestineenterprises, production reports for the official enterprises, undeclared paid salaries), illegal activities (prostitution, proxenetism, gambling, insurance frauds, money forgery), and illegal activities (illegal work, fiscal fraud, clandestine immigration).

The System of National Accounts 1993 and the European System of Accounts 1995 ESA include the following concepts regarding the ”invisible” economy (Craiu N, 2004 : 25):

1. Illegal production – this being defined by SNA and ESA as including the production of goods and services whose sale, distribution and possession is forbidden by law and the legal production became illegal, when it is carried out by unauthorised producers. ”Illegal production” includes the production and the sale

of drugs, prostitution, pornography, gambling without licence, books and software without copyright, activities without a licence, smuggling, theft, bribery and blackmail;

2. Underground economy - from activities deliberately hidden from the public authorities.

According to SNA and ESA the underground economy consists of:

Deliberately hidden activities with the purpose of reducing costs (the economic part of the "underground");

Activities which are not included statistically although there are deficiencies in the statistical system (the statistical part of the „underground”);

3. The informal sector -this consists of units belonging to the sector of housekeeping, containing activities which are generally carried out by the members of the same family, handicrafts, artisans. The owners of these units are totally responsible for the relative financial obligations related to the production process. The activity of these units is deliberately hidden being in the sphere of the underground activity.

The informal sector is divided in its turn in:

The sector of commercial underground activities, including on one hand the activities allowed by law, but hidden in order to evade the payment of taxes, becoming thus illicit: hiring on the black market, fraud and tax evasion, and on the other hand, hidden activities due to their illegality respectively those criminal activities, as for example the trade with drugs, guns, children traffic, organised prostitution;

The sector of underground non-commercial activities, these including householding, voluntary activities.

In the last period there was a significant rethinking of the concept of informal economy. This new approach is focused on the nature of employment, completing the characteristics of the enterprises. We would like to expand the concept of informal economy, in order to include not only the enterprises which are not regulated from a legal point of view but also the employment relations which are not legally regulated or protected. In this sense, a group of researchers working with the International Labour Organisation with the purpose of expanding the concept and the definition of the "informal sector" consider that the informal economy includes all the forms of "informal employment" (Nedelcu M.V., 2009:11), in other words the employment without any social protection or labour protection both within and without the informal enterprises, includes the self-employment in small unregistered enterprises and the employment on unprotected jobs.

Alm, Schneider and Martinez-Vazquez (2004) consider the informal economy as being the total number of economic activities which should contribute to the calculation of the official GDP and which are not registered in the official statistics. Dell'Anno and Schneider (2007) define informal economy as representing the total of goods and services (legal or illegal) which evade the registration in official statistics.

In different studies, Schneider together with its collaborators aimed at measuring periodically the level of the underground economy in various states of the world and their initiatives are remarkable (Schneider & Buehn, 2013). In order to measure the level of the underground economy, Schneider and its collaborators used the following definition of the underground economy: "The underground

economy includes those productive and legal activities, but which are deliberately hidden by public authorities, with the purpose of avoiding: (a) the payment of incomes, added value or other taxes, (b) payment of the contributions for the social insurances, (c) the requirements to meet certain legal standards of the labour market as the minimum wage, the maximum working hours, the safety standards or health standards etc.. (d) complying with certain administrative procedures, as filling in statistical questionnaires and other administrative forms”.

Taking into account that the broad definition of ”unobserved” economy proposed by OECD (2002, 2008) and Eurostat (2014), we notice that Schneider adopts a narrower definition for the underground economy, keeping only the first category of activities from the underground economy that is the underground activities. In consequence, in order to measure the underground economy, Schneider does not include illegal activities (for example, drug traffic, smuggling, money laundry and embezzlement), production carried out by households for their own use or any other informal activities which are part of the formal sector. All these activities are hard to measure and that is why Schneider does not take into consideration the assessment of the level of underground economy (Achim M.V., 2017:23).

Therefore, the larger the fiscal burden, and the labour costs, the more motivated will be the individuals to avoid these costs working in the unofficial sector. The detection probability depends on the actions taken by the fiscal body and the activities to facilitate carried out by natural persons in order to reduce the detection of the unofficial economic activities.

In consequence, the economic activities from the informal area can be defined as those economic activities and incomes which evade regulation, taxation and governmental supervision. We might say that the hidden economy includes money transactions and non-monetary transactions of legal matter, in consequence all the productive economic activities should be reported to the fiscal authorities. But these activities are deliberately for the public authorities in order to avoid the payment of the taxes. Therefore, the hidden economy is focused on productive economic activities which would be normally included in the national accounts, but which are in underground because of the fiscal burden or of the regulations.

3. TAX EVASION

According to the studies from the reference literature, one of the most important and significant causes of the existence and the growth of the informal economy is the growth of the fiscal burden and of the social contributions (Tanzi, 1999; Dell’Anno, 2007).

The higher the taxation rate the lower the fiscal morality or the attitude of the people towards the payment of the taxes encouraging the people to work in the informal economy in order to evade taxes.

The tax evasion represents the key component of the underground economy, along with the black labour, the drug traffic, terrorism, money laundry. Tax evasion is the main cause of reducing the receipts from taxes on the level of the budget. It is a negative economic phenomenon, which can be found in all the world economies, in variable proportions, but high, determined by a multitude of factors, including psychological one.

The first is tax evasion associated with the activity carried out within the underground economy, involving the production of goods and services. This involved the use of the labour force, of the entrepreneurial and managerial abilities, as well as of some tangible capital sources in order to be used within the underground productive activities.

The second form of tax evasion is not associated with the underground economy and does not involve using the workforce and other services. This "pure fiscal evasion" usually refers to the "financial engineering", hiding the capital and the income or the overvaluation of the fiscal deduction.

In the opinion of some specialists in the field (Coșea, 2004) the tax evasion has the first place in the hierarchy of the underground economy, its types being extremely varied and ingenious:

- Clandestine goods production;
- False balance sheet and ledgers;
- Buying companies in debt;
- Accelerated multiplication of the forms and procedures used for money laundry etc.

- Most often in legal practice, the tax evasion can be found under the form of non-registration in the accounting, the non-declaration of the taxable incomes or declaring some unreal amounts of selling goods.

Evading the payment of the taxes leads to a negative impact on the economy leading to the reduction of the state revenues. The state needs these incomes to support public investments, other necessary expenses for the state institutions, supporting the national economy and ensuring the health, education, protection and safety of the citizens. A reduction of the incomes of the state will lead to a reduction of its financial power needed in order to provide the normal functioning of the institutions and state authorities. The effects of taxation will be also felt by the tax-payers paying honestly their obligations and also by those evading them.

4. ILLEGAL WORK

The motivation of practising the illegal work, another element of the underground economy is highly diverse and usually has a strong economic character. The economic specificity of some periods, the tradition, the legislation are elements determining the behaviour of the citizens. The clandestine work allows the person doing it to increase the resources and that who uses it to reduce expenses and to avoid fiscal and social expenses.

Poverty associated with the lack of legal employment opportunities determined the people to look for alternative survival strategies, although in the so-called informal employment (without legal employment forms or "illegal work") refers to the work done outside the legal framework because these do not fall under the legislation of labour, social protection, taxation or legal services related to employment (Mănăilă I.).

Based on this definition there were identified the following group of workers:

- Self-employed people and employees from informal enterprises;
- Family workers which are not paid;

- Illegal workers (within the formal or informal societies).

The reasons for the existence of work within the informal sector can be related to: not declaring the jobs by the employers in order to avoid the taxes, random employment or short term employment, avoiding paying the minimum wage on economy, positioning the job outside the perimeter of the employing enterprise without concluding a labour contract (Avram s.a., 2007).

The current economic situation requires for a certain moment that the citizens should have a fast reaction in order to survive, but certain traditions still have strong influences. In spite of that, legal regulations which prevail in society determine the limit between what it is accepted, the conditions of acceptance and what the society rejects.

The labour outside the legal frame is present and it is manifested under various forms among which:

- Non-standardized activity, without any evidence and non-fiscal, outside the individual employment contract or the civil convention, without a payroll and the payment of the taxes for the state budget, without timesheets to monitor the working hours, without documents regarding the production norm and the type of activity and without nominating the person who is working;

- Partially non-standardized and non-fiscal activity within the double bookkeeping and the so-called payment "in hand";

- The incorrect bookkeeping of the production carried out in exhausting times, higher than 8 hours, the worker being abused and being at the mercy of the owner;

- The convention agreement, 3 hours a day which in reality is at least 8-12 hours a day;

- Speculation, illicit trade and smuggling;

- Occasional work, in season;

- Household activity in the household of the population;

- Labour in the so-called "trial periods", without evidence in documents (www.inspectmun.ro).

"Black" labour is favoured in all the sectors of the economy dealing with cash, context where the commercial activity is the manifestation area.

The causes of the undeclared work are extremely varied with a multifactorial determination and are related to the economic situation of the employer and of the employee at a given moment, their level of training and finally to the legal framework and the sanction system (Pîrvu Gh. s.a., 2011). The following causes are significant:

- The imbalance between the demand and the offer of jobs on the labour market due to the disappearance of the large industrial units and of their restructuring;

- High taxation of most of the operators from the labour market;

- The underground economy;

- The fact that most of the employers are in favour of obtaining significant profits on a short term to the disadvantage of the development strategies on a medium and long term;

- The economic-financial instability of some private enterprises from the category of the SMEs;

- Vulnerability of large socio-professional categories resulted from the fact that they can hardly find a job according to their education and experience in the field;
- Low level of professional reconversion;
- Low incomes for significant parts of the active population and very low for pensioners, as well as the need to complete them until the acceptability level of the individual;
- High number of graduates from various types of education looking for jobs, as a result of some school numbers which do not consider the demand on the labour market but are either dictated by the desire to keep the school, either for commercial reasons;

The sanction system not only for the employer but also for the employee.

5. THE RELATION BETWEEN CORRUPTION AND UNDERGROUND ECONOMY

Corruption is a complex phenomenon, multi-structural and multidimensional, a economic, social and political phenomenon where the complexity is determined by various causes which can be grouped in: economic, institutional, legal, political, social and moral.

Economic causes residing in: the high living cost, with a trend of continuous growth; the degradation of economy and as an effect, the impoverishment of the population; low salaries, paid with delay; non-viable state budget; over-regulation in the private sector.

Institutional causes include: promoting incompetent people and corrupt people for jobs with a high responsibility degree; lack of transparency in the public and local administration, in legal bodies; the lack of transparency in the public and central administration; the excessive liberty given for the decisive factors; the low possibility to reveal the corrupt persons.

Legal causes reside in the lack of the legislation, the lack of some efficient mechanisms to put them in practice.

Political causes represent: lack of will and political responsibility; the existence of some internal and external factors involving group interests in taking decisions; the errors committed in the process of carrying out the economic and social reforms; the non-loyal political competition; the influence traffic on the mass-media and the legal bodies.

The social and the moral causes related to culture, mentality, traditions of corruption activity represent: the disintegration and the demoralisation of society; the erosion of the ethical values; the lack of information for the civil society; the apathy and the civic passivity; the public tolerance; the social polarisation; the dependence of the means of mass information.

The multitude of the causes of corruption determine the diversity of the affected spheres and the complexity of the actions required for the prevention and fighting against this phenomenon.

The studies related to corruption outline the existence of multiple determinations of this phenomenon which became global, with an international, national, regional and local character, which is integrated in the lack of performance on the competitive market and the political market, the anachronic imbalances on the labor market, the goods and services market and the

information market, the systemic poverty and the excessive polarisation of the incomes, institutional powers without the power to act (Buziernescu s.a., 2009).

Both corruption and underground economy represent a common element that is the evasion from regulations and payment of the taxes and in consequence they both lead to the reduction of the fiscal incomes, the growth of the public expenses and the prevention of the economic growth. After consulting the reference literature in the field of corruption and of the underground economy, we notice that the relation between corruption and the underground economy is not clearly determined, being identified both in positive and negative relations (Dreher și Schneider, 2010).

Corruption represents the abusive use of the public power in order to obtain illegal earnings under the following forms:

- Abuse of power in exerting the work attributions;
- Fraud;
- Using illicit funds to fund the political parties or the electoral campaigns;
- Favouritism;
- Setting up an arbitrary mechanism of exerting power in the field of privatisation or of public acquisitions;
- Conflict of interests.

Corruption, irrespective of its types, is prosperous where governments do not have the power to check its own bureaucracy, to guarantee property and to control rights, to supply with the necessary information which support the control of putting the laws into practice.

We can identify the following types of corruption according to the influence of the normative acts during their elaboration or their application.

- state capture – represents the action of some groups, persons or companies from the public or private sector, carried out in order to influence for one's own use the content of some laws, regulations or some other types or governmental acts, by offering personal advantages for some public people, on illicit ways or through some other non-transparent mechanisms;
- administrative corruption – involves the intentional distortion of the application of the laws, norms and regulations in order to create advantages for some public or private actors, by giving personal earnings for some official bodies, on illicit ways or other non-transparent mechanisms.

Generally speaking the phenomenon "state capture" is associated with "high corruption", and recently there were more cases when certain normative acts, especially government decisions were elaborated and adopted in order to create benefits for certain people or groups of people, going up to forging the content of some normative acts, by removing or illegal adding of some texts.

Such trends were also manifested within some court orders acting as guidance as well as in the case of some interpretative normative acts (methodologies, administrative acts with normative acts), by changing their content and distorting the principles imposed through the primary normative actives.

The relation between corruption and underground economy seems to be controversial in the reference literature and from the perspective of the causality direction, not only from the perspective of the sign (direct or indirect). On an

intuitive level it is obvious that the phenomenon of corruption influences the underground economy, through simple logical mechanisms which is that in order to survive in an underground area, one has to pay the corrupted representatives of the power, so that they can allow the uninterrupted activity of the underground business. On the other hand, some researches (Schneider and Buehn, 2013, p. 22) point out that the influence of the underground economy on corruption is considered more intense than the reverse influence. They underline that practice shows that corruption is the most profitable business of the quasi-democratic powers. The taxpayers have to use a considerable part of the taxes avoided for the corruption of the exponents of the powers, meaning that in order to survive in an underground economy they have to pay grey taxes (corruption book).

6.CONCLUSIONS

In consequence, the economic activities from the informal area can be defined as those economic activities and incomes which evade regulation, taxation and governmental supervision. We can say that the hidden economy includes money transactions and non-monetary transactions of legal nature, in consequence all the productive economic activities which would be generally taxable should be reported to the fiscal authorities. But these activities are hidden deliberately from the public authorities in order to avoid the payment of the taxes. Therefore, the hidden economy is focused on productive economic activities which would normally be included in the national accounts, but which stay in underground due to the fiscal burden or to the regulations.

Understanding the mechanisms governing the informal economy has strong political implications from the perspective of creating an environment where the economic activity should be easily made formal, from the perspective of the need to educate the individuals regarding the purpose of taxation and to improve the fiscal morality and the fiscal conformity.

There is a vicious circle between the informal economy and the level of taxation; if the taxes growth we might obtain more income in the sphere of the informal, lower fiscal incomes and then higher taxation rates so that the government should try to increase the incomes in a lower taxation base. This shall lead to the development of the informal economy and so on.

Another factor influencing the dimension of the informal economy is the fiscal morality. If some people consider that the fiscal system became incorrect and their neighbours evade taxes, then there is a higher probability that they work in the unofficial sector. And this factor contributes to this vicious circle (Davidescu A.A, 2015).

Understanding the dynamics of the underground economy cannot be made in the absence of understanding the labour market and the informal workforce. The indirect taxation and the fiscal burden on the personal income can be influenced by the government through a set of fiscal policy measures. At the same time, the government might influence unemployment (even through economic policy Keynesian measures), might try to improve the competitiveness of the country and to increase the external demand. All these measures act for a higher involvement of the government, with the purpose of stimulating the official economy, the development of the entrepreneurship, the reduction of the

unemployment and last but not least, in order to reduce the dimension of the underground economy by reducing the undeclared labour.

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