Research on Tax Compliance and Its Application in Tax Administration

## 税收遵从的 理论研究及其 在税收管理中的应用

杨得前◎著

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如何提高纳税人的税收遵从程度是长期以来一直困扰着世界各国政府的一道难题。作为税收理论研究中的一个重大问题,税收遵从同样得到了学者们的广泛关注。为了揭开税收遵从之谜,各国学者对税收遵从问题进行了大量艰苦卓绝而富有创造性的研究。然而迄今为止,人们仍然不能给出令人信服的答案。该书以税收遵从为核心内容展开系统研究,选题无疑具有重要的理论意义与实际意义。

该书在对前人的研究成果进行充分述评的基础上,借鉴西方主流研究方法,综合运用博弈论、信息经济学、新制度经济学、犯罪经济学、财政学等理论和方法,采用定性分析与定量分析相结合、规范分析与实证分析相结合的研究模式对税收遵从进行了较为系统的研究。

该书首先对国内外关于税收遵从的研究作了较为全面的回顾,并指出了现有研究过程中存在的一些不足之处以及需要进一步研究的问题。从中可以看出作者对国内外税收遵从的研究现状有着深刻的理解与把握。

值得注意的是博弈论的兴起为研究税收遵从问题提供了新的、强有力的工具。近年来,国内一些学者尝试将经典博弈论引入税收遵从的研究中,并取得了可喜的进展。但经典博弈论以参与者具有完全理性为基础,这个假设很难与现实相吻合。而与经典博弈论相比,进化博弈并不要求参与者具有完全的理性,它所强调的是有限

理性的参与者虽然在参与博弈时往往并不知道什么样策略对自己最为有利,但是他们会在博弈过程中学习博弈,并通过不断试错寻找到较好的策略,因而进化博弈论将博弈看成是一个进化的过程。因而该书不仅从经典博弈论的角度针对纳税人与税务机关之间的博弈进行了分析,而且率先将进化博弈论引入税收遵从的研究中,这为我们研究税收遵从提供了一条新的可资借鉴的思路。

税收刑事威慑是许多国家赖以提高税收遵从的一种重要政策工具。我们不禁要思考这样一个问题,什么样的税收刑事威慑政策才能取得良好的效果?作者在该书中详细讨论了威慑与税收遵从的关系以及税收刑事威慑的局限性,指出了税收刑事威慑政策高度有效的条件。并以中国为例,说明了在目前的条件下,中国实施有效的税收刑事政策存在诸多困难,并且提出了一些改进的对策与建议。该书使我们对税收刑事威慑获得了更加全面、深刻的认识。

税收遵从的根本性问题是公民为什么会纳税。一种解释是政府运用威慑政策来迫使纳税人纳税。然而有充分的证据表明仅仅考虑威慑因素并不能令人满意地解释税收遵从行为。一些学者意识到必须引入非经济因素以便在更真实的环境中研究税收遵从问题,以期获得对税收遵从更深层次的认识。于是一些研究者开始引入税收道德来解释目前的税收遵从程度。那么税收道德是如何产生的?它又是如何得以维持的?作者在该书中初步阐明了税收道德与税收遵从之间的关系以及税收道德的形成机理。该书关于税收道德的论述令人耳目一新,并为提高我国公民的税收道德提供了重要的理论基础。

最后,本书以信息经济学为基础分析了纳税人与税务机关间的信息不对称以及上下级税务机关之间的信息不对称对税收遵从造成的影响,并在基础上提出了一些政策建议。

该书思路清晰,结构严谨,论证充分,内容翔实,重点突出,研究方法得当,所得结论说服力强,可读性强,创新性强。该书始

终围绕着纳税人与税务机关之间的博弈分析、税收刑事威慑与税收遵从、税收道德与税收遵从、信息不对称与税收遵从为主线展开分析, 书中的诸多论述均闪耀着作者的真知灼见。其研究成果不仅具有较高的学术价值, 而且对于各级税务机关也具有重要的实践指导意义。

该书是作者在其博士学位论文的基础上发展而来的。在由上海市教育考试院组织的研究生学位论文双盲评审中,其博士论文在选题、创新性、学术性、应用性和准确性 5 大指标的评价结果均为A,总成绩为94 分,是上海理工大学博士研究生在当年的论文双盲评审中取得的最好成绩之一。在论文答辩中杨得前同志的博士论文同样得到了所有答辩委员的一致好评。

在攻读博士学位的近三年时间中,杨得前同志克服各种困难, 将全部精力用于学习与研究中。三年来杨得前同志勤勉向上、锲而 不舍、精益求精的精神给我留下了深刻的印象。作为他的导师,我 为拥有这样的学生而感到无比的欣慰!

相信本书的出版对于促进我国税收遵从的研究会起到积极的作用。

上海理工大学管理学院教授 严广乐 2007 年 3 月于上海 如何提高纳税人的税收遵从程度是一道困扰着世界各国政府的难题,为了揭开税收遵从之谜,学者们进行了大量艰苦卓绝而富有创造性的研究。然而迄今为止,人们并不能令人满意地解释税收遵从行为,本书以博弈论、信息经济学、新制度经济学、犯罪经济学及财政学等为主要理论基础对税收遵从进行了一个较为系统的研究。

本书的主要研究内容如下:

### 1. 纳税人与税务机关之间的博弈分析

本书分别从经典博弈论和进化博弈论的角度分析了纳税人与税 务机关之间的博弈。结果显示,税务审计以及对税收不遵从行为的 惩罚是提高税收遵从的有效政策工具。在税款的征收过程中,大额 逃税的纳税人少,小额逃税的纳税人多。以进化博弈论为主要工具 分析了税务机关和纳税人之间博弈的动态演化过程,结果表明税收 遵从具有鲜明的路径依赖与周期性特征。

在上述分析的基础上,本书对提高税收遵从的政策进行了一些讨论。其一,出于成本收益的考虑,消除逃税目标应该设置在使消除逃税所带来的边际收益与消除逃税所产生的边际成本相等时为止。其二,为使惩罚有效,对税收不遵从行为的惩罚,必须保持一个合理的边际威慑。其三,内生性审计与随机审计相结合的方式可以更有效地提高税收遵从程度。

### 2. 关于税收刑事威慑的研究

本书首先分析了威慑与税收遵从的关系以及税收刑事威慑的局限性:其一,刑事处罚会在相当程度上降低制裁实施的速度;其二,对违反税法者进行定罪非常困难;其三,与其他惩罚形式相比,刑事惩罚耗费了大量的社会资源。

然后分析了税收刑事威慑高度有效的条件。它要求有较高的查获率和较高的定罪率。尽管面临刑事威慑,由于违法者的风险偏好特性,没有足够高的查获率,刑事威慑对于提高税收遵从程度不会有显著的效果。

最后分析了中国的税收刑事政策未能取得良好的威慑效果的原因:一是由于缺乏统一而明确的起诉政策;二是由于缺乏相关的人力资产;三是由于制度上的缺陷。

### 3. 关于税收道德的研究

首先对税收道德与税收遵从的关系进行了研究,结果表明税收 道德与税收遵从之间存在着显著的正相关关系。

然后从关系契约的角度出发对税收道德的影响因素进行了分析。结果表明:第一,腐败,尤其是司法腐败将严重损害公民的税收道德,随着严重犯罪的增加,公民的税收道德也随之下降;第二,如果税务机关以一种官僚主义的方式对待纳税人,纳税人将产生一种失望的感觉,进而觉得他们没有被税务机关认真地对待,于是纳税人自愿支付税款的意愿将下降;反之,如果税务机关以尊重的方式对待纳税人,这将可以提高纳税人的税收道德水平。第三,一个非线性结构的处罚结构有助于纳税人税收道德的形成。第四,纳税人在做出是否遵从税法的决策时是相互依赖、相互影响的。

最后用单因素方差分析研究了性别、年龄、婚姻状况、收入水平、教育程度与税收道德的关系。结果显示性别、年龄及婚姻状况

对税收道德有显著影响,而收入水平和接受教育的程度对公民的税 收道德没有显著影响。

### 4. 关于不对称信息与税收遵从的研究

- (1) 税务机关与纳税人之间的信息不对称问题。首先研究了征 纳双方的信息不对称浩成的影响,第一、浩成了纳税人的逆向选 择:第二,造成了税制的扭曲;第三,加大了税收的征收成本。其 次,研究了减少纳税人与税务机关之间的信息不对称的政策:一是 限制现金交易;二是严格发票管理;三是建立以税务机关为主导的 社会化税源监控系统。最后、对在信息不对称条件下如何激励纳税 人诚实纳税进行了研究。结果显示纳税人与相关主体间的关联博弈 和重复博弈加大了对不诚实的纳税人的惩罚力度,从而可以极大地 激励纳税人选择诚实纳税。
- (2) 税务机关间的交易成本与契约选择。首先对上下税务机关 之间出现交易成本的原因进行了研究。研究表明上下级税务机关之 间的信息不对称、上下级税务机关之间的效用函数不一致以及下级 税务机关的机会主义行为是导致上下级税务机关之间出现了高昂的 交易成本的根本原因。然后对几种税收契约进行了比较研究。结果 显示能显著降低交易成本的税收计划契约是在目前条件下税务机关 能做的一个理性选择。

### 本书的主要创新点如下:

- (1) 基干进化博弈论分析了税务机关和纳税人之间的博弈的动 态演化过程,结果表明税收遵从具有鲜明的路径依赖与周期性 特征。
- (2) 阐明了威慑与税收遵从的关系以及税收刑事威慑的局限 性, 给出了税收刑事政策高度有效的条件。
  - (3) 初步阐明了税收道德的影响因素。

首先从关系契约的角度出发对税收道德的影响因素进行了分 析。本书以OECD成员国中的17个国家为样本进行了研究、得出 了两个重要结论:第一、政府愈是廉洁,公民的税收道德水平愈 高。第二、一个国家的严重犯罪愈少、公民的税收道德水平愈高。

最后用单因素方差分析法分析了性别、年龄、婚姻状况、收入 水平、教育程度与税收道德的关系。结果显示性别、年龄及婚姻状 况对税收道德有显著影响,而收入水平和接受教育的程度对公民的 税收道德没有显著影响。

(4) 关于不对称信息与税收遵从的研究。

本书首先指出征纳双方之间信息不对称造成的后果之一是纳税 人的逆向选择、即诚实的纳税人在竞争中被不断地逐出市场、阐明 了产生这一后果的机理。指出纳税人与相关主体的重复博弈和关联 博弈可以有效地驱使纳税人诚实纳税。

然后分析了上下级税务机关之间出现交易成本的原因。并对固 定工斋契约、分成契约以及税收计划契约进行了比较研究。结果显 示能显著降低交易成本的税收计划契约是在目前条件下税务机关能 做的一个理性选择。

How to effectively promote tax compliance is a difficult problem which all countries confront with. In order to reveal riddle of tax compliance, lots of hardy, creative researches have been done. But we can not still explain tax compliance behavior satisfactorily. A comparatively systemic research was done in the book on the basis of Game Theory, Information Economics, New Institutional Economics, Crime Economics, and Finance.

The primary content of the book is as follows:

### Section 1 is an analysis of game between taxpayers and tax authorities

The Section analyzes the game between taxpayers and tax authorities from the perspective of classical game theory and evolutionary game theory, respectively. The results indicate that tax audit and fine are effective measures for facilitating tax compliance, and the tax evaders who evade large amount of tax is relatively less, the tax evaders who evade small amount of tax is relatively more. The dynamic evolutionary process of game between tax authorities and tax – payers was also analyzed in the Section. The results show that the process of evolution presents the characteristics of periodicity and path dependence.

On the basis of foregoing analysis, the policy for improving tax

compliance was discussed. Firstly, the objective of reducing tax evasion should be placed the point where the marginal return eliminating tax evasion produces is equal to its marginal cost. Secondly, to make punishment effective, the structure of punishment for tax noncompliance should be nonlinear. Lastly, the combination of endogenous audit rules and random audit rules can generate substantially more compliance than an endogenous audit rules or random audit rules alone.

#### Section 2 is on tax criminal deterrence

The relationship between deterrence and tax compliance and the limits of criminal deterrence were firstly analyzed. The main limits of tax criminal deterrence is that criminal punishment slower greatly the speed of sanction, that it is also greatly difficult to convict the taxpayers who offend tax law of sin, and that criminal punishment expends plentiful resources when compared with other forms of punishment.

Secondly, the conditions which the effective criminal deterrence should have were pointed out in the section. It requires a high detection probability and conviction probability. Criminal deterrence can not achieve significant effect in absence of high probability of detection, because of the nature of risk – seeking the people who offend law usually have.

Finally, the section points out that it is because of lack of uniform and clear policy for prosecution, pertinent human asset and disadvantages of institution that China's tax criminal policy can not achieve favorable deterrent effect.

#### Section 3 is a study on tax morale

The relationship between tax morale and tax compliance was firstly

studied. The results show that tax morale has significant, positive effect on tax compliance.

Secondly, the determinants of tax morale were analyzed from the perspective of relation contract. The results indicate that corruption, especially judicial corruption undermines tax morale badly, that tax morale decrease with the increase of the number of serious crimes, that the taxpayer's tax morale fall if they were bureaucratically treated by tax authorities and tax morale increase if they were respectfully treated by tax authorities, that a structure of nonlinear punishment is conducive to the emergence of tax morale, that the taxpayers strongly depend on each other when they make decision to comply with tax law or not to.

Lastly, the relationship between gender, age, martial status, income, and education level and tax morale were analyzed through one – way analysis of variance, respectively. The results show that the gender, age and martial status of citizens have significant effect on tax morale, but the income level and education level have not significant effect on tax morale.

### Section 4 is a study on asymmetric information and tax compliance

The section consists of two parts. Part 1 concentrates on symmetric information between taxpayers and the tax authority. The part firstly analyzes the influence which asymmetric information between taxpayers and the tax authorities produces. It results in adverse selection, distortion of the tax system and increase of tax collection cost. Secondly, the policy tools for decreasing asymmetric information between taxpayers and the tax authorities were put forward. Lastly, the section points out that associated game and repeated game can greatly propel the taxpayers

to pay taxes honestly.

Part 2 discusses the transaction cost between higher and lower tax authorities and tax contract choice. The causes of emergence of transaction costs between higher and lower tax authorities were firstly analyzed in the part. Owing to information asymmetry, the conflict of utility function and opportunism, the transaction costs between higher and lower tax authorities come into being. At the same time, a comparative study between fixed wage contract, share contract and revenue task contract was done in the part and comes to the conclusion that revenue task contract is a rational choice at present because the contract can effectively save transaction costs.

### The book's primary innovations are as follows:

- (1) The dynamic evolutionary process of game between tax authorities and tax payers was analyzed in the book, based on evolutionary game theory. The results show that the process of evolution presents the characteristics of periodicity and path dependence.
- (2) The book analyzed that the relationship between deterrence and tax compliance and the limits of criminal deterrence, and points out that tax criminal deterrence can not always promote tax compliance. At the same time, the conditions which the effective criminal deterrence should have were pointed out in the book.
  - (3) An elementary analysis on the determinants of tax morale

The determinants of tax morale were analyzed from the perspective of relation contract, based on data from OECD countries. The results indicate that corruption undermines tax morale badly, and that tax morale decrease with the increase of the number of serious crimes.

The relationship between gender, age, martial status, income, and

education level and tax morale were analyzed through one – way analysis of variance, respectively. The results show that the gender, age and martial status of citizens have significant effect on tax morale, but the income level and education level have not significant effect on tax morale.

### (4) A study on asymmetric information and tax compliance

The book firstly points out symmetric information between taxpayers and the tax authority result in taxpayers' adverse selection. The mechanism of taxpayers' adverse selection was illustrated. At the same time, the book points out that associated game and repeated game can greatly propel the taxpayers to pay taxes honestly.

Secondly, the causes of emergence of transaction costs between higher and lower tax authorities were analyzed. Furthermore, a comparative study between fixed wage contract, share contract and revenue task contract was done in the part and comes to the conclusion that revenue task contract is a rational choice at present because the contract can effectively save transaction costs.

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