

Tax Policies and Social Justice in Jordan

Prepared by:

Ahmad Awad

Phenix Center for Economics & Informatics Studies

Introduction

The present study is designed to analyze the tax policy and tax system in Jordan and their impact on social justice as one of the most important mechanisms related to the redistribution of income and wealth among individuals, thus improving its ability to achieve social justice and combating social inequality;this recongnizes how the tax system may control social and economic differences through the provision of equitable services and opportunities by directing public spending.

The study includes a theoretical framework related to the tax concept, types and importance, and then addresses tax policies and social justice, and identifies the features of tax systems in general, and the characteristics of the tax system and management in Jordan.

The study aims to analyze the types of taxes in Jordan and examine the relationship between these types and indicators of tax justice. It also analyzes the relationship between tax exemptions, tax evasion, social justice, social inequality and the expansion of the informal sector.

The study's methodology will be based on the use of desk research, which includes the review of studies related to tax policy, the use of a qualitative research tool through in-depth interviews and focused working groups with legal and financial specialists on tax issues to examine tax policies, privileges and exemptions, and the extent of stakeholders' participation in developing tax policies and control, from the private sector, the civil society, the Parliament and trade unions.

The study will present a set of alternative recommendations and policies that would improve the fairness and efficiency of the tax system and policies in Jordan.

Part one

Introduction:

The Jordanian economy suffers from many structural imbalances expressing themselves by the chronic and persistent deficit in the public budget, in addition to the general indebtedness of the State, along with the high levels of poverty and unemployment. This resulted from the adoption of economic and financial options, which led to the development and implementation of non-social economic policies, which were part of the restructuring programs with the International Monetary Fund since 1989. These policies focused on a number of levels reflected by the deregulation of the Jordanian economy based on the philosophy of free market, the privatization of State-owned companies, the liberalization of foreign trade, the liberalization of prices, the lifting of subsidies on goods, including basic commodities, and the application of austerity policies on education, health, employment and social welfare. This led to deepening social imbalances, reflected by the spread of poverty, high unemployment, pressure on working conditions, especially wages, and widening social inequality. This was expressed by thousands of social and political protests over the past two and a half decades.

Over the past five years, security crises in both Syria and Iraq have deepened, borders have been closed, and the movement of goods and people has been strained by the economic crisis. It is known that Iraq and Syria are the main economic partners of Jordan. The large waves of refugees who entered Jordan from Syria over the past five years have also contributed to the pressure on the Jordanian economy, which has led to increased pressure on services and various sectors such as education, health, labor market and transportation, etc.

These factors led to a decline in GDP growth at constant prices of 1.9% in the third quarter of 2016, compared to 2.4% in 2015, and 2.8% in 2014.

As part of the restructuring programs of the Jordanian economy that Jordan has been implementing since 1989, these programs included plans and policies for what was called "tax reform". The indirect tax, the General Sales Tax, and the special tax were increased, whereas the consumption tax was replaced by the General Sales Tax. Various amendments were introduced on the substance of tax policies, as progressive tax policies were not adopted effectively, and no tools to collect taxes from taxpayers and tax evaders were developed. The features of the tax system remained in place without any reforms to achieve social justice and alleviate social inequalities. These are the most important tools for the redistribution of wealth and achieving social justice.

Problem of the study:

Although successive Jordanian governments have announced more than once their intention to reform the tax system in order to increase its efficiency, most of these (reform) measures have not contributed to increasing the basic distortions of the system. Tax burden rates are very high and reach about 25% of the GDP; tax evasion levels are still very high, coupled with income tax revenues that are not more than 4% of the GDP. The expansion of indirect taxes also deepened social inequality and aggravated poverty levels. In this context, the study will analyze and examine the tax codes in Jordan from the perspective of achieving social justice. A number of dimensions will be tackled by analyzing the types of taxes applied in Jordan, tax exemptions, tax evasion, and the tax system management, in addition to analyzing the impact of these tax policies on the different social classes.

Importance of the study:

The importance of preparing this study comes from the importance of tax policies as one of the tools of wealth distribution and achieving social justice among the various components of the society, in addition to its developmental role in advancing the economy. The Arab region, including Jordan, is in a state of economic, social and political instability resulting from the application of unfair economic policies that have deepened social inequalities. Therefore, it is important to develop a study that focuses on the system's shortcomings and tax policies applied in Jordan, their impact on the lives of society members, and the development of alternative tax policies that contribute to achieving social justice, alleviating social inequalities, and driving economic development in Jordan. Alternative policies are expected to provide policy options for all stakeholders from the Government, the Parliament, trade unions, employers' organizations and others.

Objectives of the study:

The purpose of this study is to identify the tax concept, importance, types and objectives, as well as the characteristics of the tax system in Jordan in terms of: managing the tax system, tax types, tax exemptions, tax evasion, and the relation between these tax policies and social justice and social inequality, in addition to the participation of the different sectors such as the private sector and workers of different types and unions in the formulation and control of tax policies.

Methodology of the study:

In order to achieve the objectives of the study, the previous relevant literature will be reviewed and analyzed to identify the concept of tax and its development at the global and local levels, as well as to identify the characteristics of the tax system in Jordan. Moreover, numerous indepth interviews will be conducted with some experts in the field of economic and financial policies, and current and former public sector experts as well as independent experts will be chosen. In addition, focused discussions with stakeholders (the private sector, civil society organizations, and trade and professional unions) on the tax system and policies pursued by the Government will be held.

Part two

Tax concept and importance:

Tax is defined as: a compulsory amount imposed by the State or one of its local bodies on individuals and collected from the taxpayer with no charges, in accordance with a specific law or legislation aimed at subsidizing the Treasury and financing government expenditure, to achieve economic and social objectives sought by the State.³³ Tax is also defined as a mandatory financial obligation imposed by the State under the applicable law on taxpayers without a direct charge, so that the State can improve its public services ³⁴. Therefore, the tax is a burden on the income of taxpayers under the law, and they pay it compulsorily, freely and without direct interest to them, but as a contribution to the State's expenses to be able to achieve its development and investment objectives and plans ³⁵.

Tax has many characteristics: compulsory by law, non-refundable, a monetary obligation by individuals to the State, with no direct remuneration but with benefits to the society in general, imposed, repealed and amended according to laws. Tax is collected from individuals and institutions through bodies and institutions involved in managing the process of tax collection, is used to finance the State expenses, and some types of taxes are paid periodically whereas others are paid once.

³³ Abou Nassar.Mohammed,Tax Accounting Income and Sales Tax, 1st edition, National Library Department, Amman-Jordan, 2011, p,33

³⁴ Dais, Faez Abdallah Naji, Role of Accounting Information System in Reducing Tax Evasion in the Tax Authority of the Republic of Yemen, Master Thesis, Al-Bayt University, Mafraq, Jordan, 2008, p.22

³⁵ Al-Zu bi, Abdullah and others., Methods of Avoidance and Tax Evasion and the Absence of Jordanian Income Tax Law in Facing it, from the Income Tax Estimate, Al-Manara Journal, Vol 19, No. 2013, 4, p.15

Objectives of taxation:

Taxation is usually aimed at achieving many goals related to the economic and social interests of the State and the society. The most important of these goals is to contribute to achieving social justice through the redistribution of wealth in the society, in addition to contributing to achieving development and reducing inequality among social groups.

There are some specific goals and purposes that can be summarized as follows:

- **1. Financial objectives:** These are among the main objectives of any State in securing permanent revenues from domestic sources to the Treasury ³⁶, and maximizing domestic revenues to meet the increasing State expenditures arising from the increasing services and their expansion in supporting local development projects ³⁷.
- **2. Social objectives:** Taxation affects the redistribution of income among the different categories of the society and contributes to eliminating the concentration of wealth in the hands of a few groups, to redistribute incomes from the high-income classes to poor and low-income groups ³⁸.
- **3. Economic objectives:** Taxation is very important in improving the levels of growth of the national economy and minimizing structural imbalances. It is capable of stimulating investment, maximizing communities development, improving individuals' incomes, encouraging local industries, directing local investments to the economic sectors that are under attention and development, supporting investment projects, and improving the State's development situation ³⁹.

Types of taxes:

The types of taxes are as follows 40:

- **1. Income tax:** It is imposed on all types of income and its sources and the persons who receive it. It is considered a personal tax because it takes into account the social conditions of taxpayers. It may be in kind because it is imposed on income and regardless of the persons (corporate income).
- **2. Customs duties:** A tax levied on goods imported from other countries. It is added to the cost of goods and generates large revenues for the State. It is used to protect local production, and varies according to the type and source of the commodity and is usually subject to inter-State agreements.
- **3. Sales tax:** It is a tax imposed on goods according to the selling price, and takes the form of a percentage. It represents the consumer's responsibility for the goods; it is borne once the goods are bought. It can be imposed on all goods without discrimination (comprehensive sales tax) or on some commodities like luxury goods.

³⁶ Al-Khatib, Khaled Shehadeh, Scientific and Practical Principles in Tax Accounting, 1st Edition, Hamed Press, Amman, Jordan, 2008, p.24

³⁷ Abu-Hashish, Khalil Mohammed, Tax Accounting, Al-Ithraa Press, Amman, Jordan, 2008, p.64

³⁸ Al-Omar, Mohammed, Types of Tax Systems, http://www.cba.edu.kw/reyadh/330/alomar_Taxes_MOF.doc

⁴⁰ Introduction to taxes: Taxes accounting, site.iugaza.edu.ps/shawareb/files/02/2010/Introduction_to_Taxes. doc

- **4. Value Added Tax:** It is levied on the basis of expenditure on goods and services at all stages of production. It is called so because it is imposed on the total value of sales after putting up purchases for the same period.
- **5. Wealth tax:** A tax imposed on the basis of wealth or capital in order to narrow the gap between society members and not to allow wealth concentration in certain categories. It may be imposed once or periodically and annually.

In Jordan, various taxes are applied and include: income tax, General Sales Tax, customs duties, social tax, additional taxes, licenses, fees, mail and telephone, building tax, fuel revenues, profession fees, and dozens of fees and licenses, etc.

Tax policies and social justice:

Tax policies are one of the most important mechanisms to redistribute income and wealth among individuals, and thus to achieve social justice and reduce social inequality, for that the tax system controls social and economic disparities by providing equitable services and opportunities through public spending.

One of the most important rules that decision-makers must adopt when formulating the State's tax policies is the rule of justice, which is one of the most important principles of the effective tax system. It means that all society members contribute to the State's expenses in proportion to their income. A good tax is also clearly defined and stated, with clear collection dates, so that the taxpayer has prior knowledge of its obligations, and the capacity to defend his rights against any abuse of power.

The work on finding a fair tax system is of great benefit to the national economy and to achieve development in all fields. This also helps decision-makers determine the value of the tax and the cost that the person will bear according to his ability, besides identifying the categories that will be granted tax exemptions, and the increase of investment rates and productive projects that serve all that. Tax policies are therefore an important means to achieve social justice among individuals by redistributing the income, reducing social inequality, through the value and types of the imposed taxes, and determining the factors that are necessary to distribute income among them ⁴.

Various social economics studies confirm that the emphasis on the principle of direct income tax, based on its progressive form, according to the diversity and multiplicity of social categories' income, is one of the most equitable tax systems that reduce social inequality, and a means to achieve economic development, attract investments and create greater employment opportunities for a large group of individuals and citizens.

⁴¹ Mayala, Moaied, The Tax System and Economic Social and Political Systems in Palestine, Al-Najah National University, Nablus, Palestine, 2006

One of the fundamentals of the tax system is to take account of the taxpayers' ability to pay, not to impose the tax burden on them, the necessity not to increase its imposition, take into account the personal circumstances of taxpayers, and impose taxes consistent with their financial means to avoid the problem of tax evasion. Moreover, the increasing value of the tax will affect the taxpayer's capital and its gradual depletion, until this affects the activity of the taxpayer, and thus blocks economic growth.

The main problems facing social justice and the reduction of social inequality as a result of the tax system in Jordan are:

1. Lack of clarity of tax legislations

One of the most important reasons for tax evasion is the fact that businessmen believe that the Government's adoption of tax increases will reduce their expected profit margin, which increases the likelihood of seeing people resort to finding technical and legal gaps to help them evade taxes. There are many reasons that lead to tax evasion, including legal, political, economic and social reasons. These can be classified as follows⁴²:

<u>Technical and legal reasons:</u> Many amendments to the tax law are complex and unclear for non-specialists, in addition to the instability of tax legislations.

The increase in the activity of the informal sector and the absence of legislations to collect taxes have contributed to the high rate of tax evasion, since the institutions responsible for tax management are unable to determine the number and quality of taxpayers.

<u>Economic and social reasons</u>, including: The inefficiency of public expenditure, the person's sense of not getting the desired benefit from paying taxes, in addition to the high level of prices and the high cost of living, apart from the lack of the sense of justice and the lack of public awareness of the importance of taxation. All these factors led to this evasion and aggravated it in the past years.

2. Expansion of indirect taxes:

The tax system in Jordan is based mainly on indirect taxes, and there is a general sense that it is biased to these taxes. Data indicate that indirect taxes, especially the General Sales Tax, have become the main source of government revenues. Their relative importance increased from 10.6% in 1985-1988 to 45.8% in 2009-2012. The proportion of indirect taxes increased from 61% in 2009 to 69% in 2012 of total tax and non-tax revenues, while the relative importance of income taxes decreased from 4.5% to 3.6% in the same period. This affects the principle of justice among individuals due to the difference of social categories regardless of their income levels and ability to pay their dues from those taxes ⁴³.

⁴² Tax Evasion in Jordan, Study by Jordanian Economic and Social Council, 2014, pp.25-23

⁴³ Ministry of Finance, public finance reports, various numbers, 1990-2005

3. Punishing those who are committed and tolerant of tax evaders:

A careful reading of the various amendments that have been made to the Jordanian tax system over the past years show that it has not developed any tools to activate the ways and methods of tax collection for taxpayers and tax evaders, whether it is an income tax or the General Sales Tax. Therefore, the rates of tax evasion continue, according to the statements of many Government officials and reach about (800 - 1000) million Dinars annually. At the same time, these amendments focused on increasing tax deductions on the groups that are committed to payment from companies of all types and individuals.

4. Multiple social groups exempt from tax:

The tax system currently in force under the Income Tax Law and the General Sales Tax Act of 2014 is characterized by multiple categories that are exempt from the income, which is considered the most effective way to reduce the tax burden on citizens if these categories were reduced, particularly entities, institutions, and companies. The State Treasury and revenues are supported by funds that contribute to reducing the size of the budget deficit and consequently to implementing development projects that reduce the size of the economic and social challenges in the Kingdom. The Government can therefore re-spend these revenues to enable citizens to enjoy their economic and social rights, and particularly education, health, labor and infrastructure. These exemptions have expanded remarkably during the recent amendments. They include, 44 the King's allocations, the income of official institutions, public establishments, and municipalities from inside the Kingdom, with the exception of the profits of any investment activity or the surplus of annual revenues decided by the Council of Ministers at the discretion of the relevant ministers, the profits of foreign companies that do not operate in the Kingdom, such as headquarters companies and representative offices abroad, the income of charitable endowments and of the Orphans Fund Development Foundation, the dividends distributed by residents except for the distribution of the profits of mutual funds to banks, basic telecommunications and mining companies, insurance companies, reinsurance companies, brokerage firms, financial companies, legal persons engaged in financial leasing activities, capital gains from within the Kingdom except for the profits realized on assets covered by the provisions of depreciation in this law, the income from within the Kingdom from trading in shares, stocks, bonds, lending bonds, Islamic finance instruments, treasury bonds, mutual funds, future and option contracts related to any of them, with the exception of what is realized for banks, basic telecommunications and mining companies, insurance companies, reinsurance companies, brokerage firms, financial companies, legal persons engaged in financial leasing activities, the income earned by resident non-Jordanian investors from sources outside the Kingdom arising from the investment of their foreign capital, revenues, profits and the proceeds of liquidating their investments or selling their project or shares after being taken out of the Kingdom in accordance with the provisions of the Investment Law or any other law, compensations paid by insurance companies except for the payment of the allowance for loss of income from employment or business, the income of jobs paid to members of the non-Jordanian diplomatic or consular corps representing other countries in the Kingdom based on reciprocity, the income resulting from the distribution of inheritance to

heirs recommended to them in accordance with the provisions of the legislation in force, end of service benefits due to employees under the legislation in force or any collective arrangements approved by the relevant ministers: (100%) for employees' services prior to 31/12/2009, and subjecting the amounts exceeding (5000) Dinars of the end of service benefits due to the employees as of 1/1/2010, and the first (3500) Dinars of the total monthly pension including illness, the income of blind people and those who suffer from total disability, the revenues made by banks and financial companies not operating in the Kingdom resulting from deposits, commissions, the profits of deposits in the investments of banks and financial companies that do not receive interests, the profits of reinsurance companies not operating in the Kingdom resulting from insurance contracts entered into by insurance companies operating in the Kingdom, the income covered by double taxation agreements concluded by the Government and to the extent provided for in these agreements. Moreover, the following are exempted from the income tax: appropriations and additional allowances paid by virtue of working abroad for members of the Jordanian diplomatic and consular corps in accordance with the provisions of the diplomatic service regulation, government employees, public official institutions, public establishments and employees of any of them, meals provided to employees at the workplace, accommodation services provided to staff at the workplace, equipment and clothing necessary for the performance of the work provided by the employer to the employee. The following persons and parties are exempted from the income tax, provided that the terms and conditions related to this exemption are specified by a special regulation issued for this purpose: parties, unions and professional bodies, including chambers of commerce and industry, cooperatives and other associations registered and legally licensed from non-profit work, religious, charitable, cultural, educational, sporting or non-profit health institutions, exempted companies registered under the Companies Law, which are entitled to perform their business outside the Kingdom except for the income derived from the sources of income subject to tax under the provisions of this law, non-profit companies registered under the Companies Act, the income of public pension funds, private pension funds, saving funds and other funds approved by the relevant ministers from the contributions of subscribers and employers. It is also possible to exempt wholly or partially the profits of specific types of exported goods and services of domestic origin outside the Kingdom, provided that the basis for the exemption and the types of covered goods and services and their percentage and duration are determined by a regulation issued for this purpose. Subject to paragraph (17) of paragraph (a) of this article, the exemptions stated in this article shall not apply to the income subjected to the tax in accordance with the provisions of paragraph (c) of article (3) of this Law.

The total income derived from an agricultural activity within the Kingdom shall also be exempt from tax. The same applies to the total income of the resident natural person by a maximum of 12,000 Dinars for the taxpayer and 12,000 Dinars for the dependents regardless of their number. Natural persons and dependents shall be granted exemptions in return for the expenses of treatment, education, and rent, the interest of housing loans and Murabaha on housing, technical, engineering and legal services up to a maximum of 4,000 Dinars based on supporting bills or documents. The taxpayer or his wife may benefit from the difference of exemptions granted under the provisions of paragraph (a) of this article, provided that the exemption granted in all cases does not exceed 28,000 Dinars for the taxpayer, his wife and dependents.

The joint declaration may be submitted only with the consent of the spouses. A non-resident Jordanian natural person may benefit from the exemptions for dependents residing in the Kingdom if he is in charge of them.

5. Tax system and progression:

The rule of justice in imposing a tax appropriate to the level of income of the taxpayer is subject to change and modification, depending on the change in economic and social conditions, which made public finance experts develop theories according to those changes depending on the type of the used tax, and focus on the progressive tax.

Accordingly, the theory of social solidarity emerged; it states that the amount of tax payable must be according to the value of income. For high income earners, the tax rate is high but is not applicable to poor classes who must benefit from tax revenues. The progressive tax is more equitable than other type of taxes, such as relative tax, and thus meets the purpose of supporting the poor and reduces disparities between social classes. It also takes into consideration the social situation of taxpayers because it reduces the tax burden on married people more than on singles.⁴⁵

Accordingly, in light of the analysis of the Jordanian Tax Law, we find that the categories adopting the progressive taxes are limited and restricted in three close segments represented in: 7% for the first 10,000 Dinars and 14% for the next 10,000 Dinars and 20% for all exceeding amounts. As for the legal persons, they are the following: industry 14%, telecommunications, electricity generation, basic mining companies, insurance and reinsurance companies, brokerage firms, financial companies, and legal persons engaged in financial leasing activities (24%), the banking sector (35%) and 20% for all other legal entities (commercial, services, professional ... etc.) which are not mentioned in the above items exclusively.⁴⁶

6. Tax evasion

Tax evasion is defined as an attempt by the taxpayer not to pay the tax due wholly or partially, through ways and methods contrary to the provisions of the tax regulation, and by means of fraud ⁴⁷. It is also defined as: an act that contradicts the law, namely, the taxpayer's failure to pay or reduce the tax for a value that is less than the value to be complied with ⁴⁸. Tax evasion has reached about 800-1000 million Dinars annually, according to official statements. The main causes of tax evasion, as noted elsewhere in this study, are due to legal, political, economic and social reasons. The weakness of law enforcement due to the weakness of political reform plays a key role in the creation of centers of influence that Government institutions cannot approach and subject to laws.

⁴⁵ Al-Qaisi, Aad, Public Finance and Tax Legislation, First Edition, Dar Al-Thaqafa for Publishing and Distribution, Amman, 2008, p. 129

⁴⁶ Income tax law and the General Sales Tax number (34) of 2014, ISTD: http://www.istd.gov.jo/ISTD/Arabic/Legislations/LatestLaws/

⁴⁷ Al-Khatib 2008, op. cit., p.24

⁴⁸ Mclaren, J., The Distinction between tax Avoidance and tax Evasion has become blurred in Australia: why has it happened? Journal of the Australasian Tax Teachers Association 2008, Vol.3 No.2, PP 141-163



Part three

Conclusion and recommendations

In light of the previous analysis of the tax system and policies in Jordan, it is clear that the tax system in Jordan depends mainly on indirect taxes, especially the General Sales Tax and special taxes, which resulted in an imbalance in the fairness of the tax system. This type of taxes does not distinguish between the poor and the rich, and has contributed to deepening social inequality due to its fundamental contribution to raising prices in general, creating pressure on the poor and middle classes. The system is also characterized by a lack of real progressive trait, and therefore is a system lacking social justice. Furthermore, the tax system in Jordan is inefficient due to its inability to collect taxes from taxpayers, and indicators of tax evasion are increasing dramatically.

In the light of these conclusions, the following recommendations can be made:

- Expand the income bracket to which the progressive tax is applied so that it becomes between 5 to 7 categories, to be more equitable and representative of income levels in Jordan;
- Reduce the General Sales Tax levels to 10% instead of 16%;
- Cancel special and very high taxes, especially on the sectors of communications and fuel;
- Develop monitoring and collection tools for business sectors to stop the bleeding of tax evasion, and strengthen law enforcement in this regard;
- Enhance the participation of stakeholders in tax policy-making and control (the private sector, workers, the civil society, and trade unions);
- Raise the awareness of policy makers, their implementers and the society (taxpayers) in terms of the role of tax policy in achieving social justice and combating social inequalities;
- Raise the awareness of policy makers, their implementers and the society (taxpayers) in terms of the role of tax policy in promoting development under all its dimensions.

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