Análisis del recaudo del impuesto de renta personas naturales en Colombia, periodo 2018-2021

Analysis of income tax collection in Colombia, period 2018–2021

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Abstract
The present research study aims to analyze the evolution of income tax collection from individuals in the periods 2018-2021 based on the changes of the tax reform. To develop the research, information was originally reviewed from Articles in digital databases and official websites of entities such as Dian, public function, National Planning Department (DNP), GENERAL DIRECTION OF MACROECONOMIC POLICY (DGPM), it was obtained the income tax collection for individuals for the taxable year 2018 was 1.2 billion, 2019 was 2.4 billion, 2020 was 2.49 billion and for 2021 2.79 billion; in the period 2020 a fall in the income of companies and households was evidenced due to post pandemic effects, and in the period 2021 second year of pandemic, the tax collection increased. Therefore, it is necessary to highlight the tax collection carried out in Colombia at the end of 2021, when the country granted benefits to face the economic crisis initiated by the epidemic, concluding that Colombia is catalogued as an unstable country in fiscal matters, because the purpose of each government has been to correct the budget deficit and obtain more resources for state financing. Due to constantly changing regulations, tax planning actually suffers and ultimately leads to paying higher taxes to individuals or wasting the tax benefits created by the system. The Colombian tax system year after year aims to achieve more tax collection in order to clarify and facilitate the tax system, as well as create a mechanism to combat tax evasion, in order to have an efficient system. Fair taxes promote economic growth and recognize companies as entities that generate employment, competitiveness and welfare.

Keywords: nbvTax, Income, Tributary.

Resumen
El estudio investigativo presente tiene como objetivo analizar la evolución del recaudo del impuesto de renta de las personas naturales en los periodos 2018-2021 en base a los cambios de la reforma tributaria. Para desarrollar la investigación se revisó originalmente información de Artículos en bases de datos digitales y sitios web oficiales de entidades como Dian, función pública, Departamento Nacional de Planeación (DNP), Dirección General De Política Macroeconómica (DGPM), se obtuvo el recaudo de impuesto de renta para personas naturales para el año gravable 2018 fue de 1.2 billones, 2019 fue de 2.4 billones, 2020 fue de 2.49 billones y para el 2021 2.79 billones; en el periodo 2020 se evidencio una caída de los ingresos de las empresas y de los hogares por efectos post pandemia, y en el periodo 2021 segundo año de pandemia, el recaudo de impuestos se incrementó Por ello, es necesario resaltar la recaudación de impuestos que se realiza en Colombia a finales de 2021, cuando el país otorgo beneficios para afrontar la crisis económica iniciada por la epidemia, concluyendo que Colombia es catalogada como un país inestable en materia fiscal, porque el propósito de cada gobierno ha sido para corregir el déficit presupuestario y obtener más recursos para la financiación estatal. Debido a las regulaciones en constante cambio, la planificación fiscal en realidad sufre y, en última instancia, conduce a pagar impuestos más altos a las personas naturales o a desperdiciar los beneficios fiscales creados por el sistema. El sistema fiscal colombiano año tras año se orienta a conseguir más recaudo tributario con el fin de clarificar y facilitar el sistema tributario, así como crear un mecanismo para combatir la evasión fiscal, con el fin de tener un sistema eficiente. Los impuestos justos promueven el crecimiento económico y reconocen a las empresas como entidades generadoras de empleo, competitividad y bienestar.

Palabras Claves: Impuesto, Renta, Tributaria.
Introduction

Taxes or tributes have origin and are ancient as the creation of man and humanity, in the religious origin is the oldest where the motivations of man were the need to fulfill their gods based on their gratitude, give them a present represented in sacrifices, as a clear example in ancient times way of tribute is the offering that makes people or the people in the priestly part, according to (Torres & Acevedo, 2016).

The tribute is representation of value that the state or governments require as a consequence of law to cover expenses and are classified into "taxes, rates and contributions, the tax is the tribute and its type are objective; direct and indirect; National, departmental and municipal taxes, with rate for water use, Tolls, Airport tax. The tax law are rules related to a tax study" according to (Torres Tovar, 2019).

The income tax came into being in 1797 in England, where it was always called income tax in order to raise funds for France for its war. But not because the British financial institutions that were in place in the early days when the taxes appeared were the most suitable to lead such a reform, but out of necessity and common sense of reality. British statesmen who succeeded in imposing. In the Magna Carta, the origin of the income tax is found as a beginning in that the royalty who had dealings with the king and mistreating the population, believed that the king appropriated most of the products. The vassals, leaving them minimal quotas, decided to rebel, at first refusing to accompany the king in hostilities, and then were reluctant to pay the new taxes necessary for the cost of the war according to (Fajardo Calderón & Suárez Amaya, 2017).

In countries included in Latin America comprehensive analytical information on such establish their own revenue collection policies and engage in public spending and other expectations to meet social needs according to (Gonzalez, 2016) The tax system is fundamental because it is through it that rules are collected and made available so that taxpayers know precisely and clearly what their obligations are and how they should contribute and declare each type of tax according to (Pastrana Castillo & Ramírez Cifuentes, 2020). "The country with the highest tax rate in Latin America is Argentina, which reaches 106%, followed by Bolivia, with 83.7%, and Colombia, with 71.9% " according to (Montes, 2018) (Pastrana Castillo & Ramírez Cifuentes, 2020) (Clavijo, 2020) (Espinosa Sepúlveda, 2014).

"The covid-19 pandemic has generated serious problems in economic matters and difficulties in tax collection, it has caused the worst economic crisis in more than one hundred years in the history of the Colombian country" according to Fedesarrollo, (2021). "The Latin American region has not been immune to this reality, and has even been one of the most vulnerable areas to the economic recession" according to Cabrera, (2021).

This paper aims to analyze the behavior of income tax collection for individuals in Colombia, in addition to identifying the tax reforms in Colombia adopted for the period 2018-2021, to know or describe the applicable regulatory frameworks for income taxpayers for the period 2018-2021 and to describe the behavior of collection for the period 2018-2021.

Theoretical foundation

"Taxes in Colombia have their origin in Article 95 under the political constitution of 91" which obliges all citizens to contribute financing of state expenditures and investments within the framework of concepts of justice and honest, Income tax for Colombia under President
Marco Fidel Suarez enacted Law No. 56 in 1918 to encourage donations directly from individuals and legal entities according to (Ortega & Mejia, 2017).

According to (Cristina Bonilla, 2014) Taxation is as a culture of mechanisms to the integrality of the tax system in Colombia, so companies must have employees in line with ethics to properly process accounting information, so that it is carried out at the time of filing tax returns. Existing on the basis of the amounts and conditions established by law, the tax culture is one of the pillars of taxation in Colombia and those who are immersed in it now depend on an adequate development and proper payment of taxes.

Citizens are taxpayers of the state, that is why it is important that they are aware of all the responsibilities entrusted to them as taxpayers and carry their financial statements according to (Garcia, 2018), of the origin of their tax obligations and the importance, where that taxes are the tool where the government collects revenue and that these subsidies to various costs work well thanks to these resources. The government also provides education, education, health, security, public goods and services that society needs, allowing cultural, economic and social growth., according to (Camacho et al., n.d.).

According to Llorente, Ramirez & Acosta (2017) "Tax evasion is an indicator that affects all countries in the world, but more widely to emerging countries due to a variety of factors such as institutional weakness, censorship ". Tax evasion is the non-compliance and violation of the law to evade payment of the tax system and formulation of government tax policy according to (Escobar et al., 2002) "Tax evasion has been and continues to be a major fiscal obstacle for the countries of Latin America and the Caribbean, the countries of the region are advancing in a series of reforms and administrative procedures in tax matters focused on combating tax evasion and avoidance" according to Morán, (2020).

In Colombia, according to Borja & Ortega, (2020) "The amount of tax evasion compared to some Latin American countries is about average for corporate tax and value added tax, but higher for income tax officials" according to Gonzalez, (2016). "Distributional impact of low-income tax compared to other countries in the region: there is a large disparity in corporate taxes between industries, both vertical and horizontal" according to Gonzalez, (2016); "Found a decrease in value added tax. Improves collection, reduces fraud, facilitates the use of the system, improves equity and identifies reforms that indicate the need to increase direct taxes and reduce the detail of income and corporate tax; In addition to promoting the simplification of the system, eliminating several processing methods" according to (Concha Llorente, Tomás - Ramírez Jaramillo, Juan Carlos - Acosta, 2017) (Borja Borja & Ortega Pereira, 2020)(SRI, 2017).

Evasion is a macroeconomic problem that eventually becomes a major economic condition, which generates serious problems such as social inequality, high unemployment and slow economic growth according to (Martinez Luna, 2020). Income evasion limits economic growth by reducing public spending, because it does not include the real value to be paid in the income tax generated according to (Escobar et al., 2002) (Borja Borja & Ortega Pereira, 2020)(Fedesarrollo, 2021) (Ramos & Usaquén, 2019).
The tax system in Colombia manages some national taxes such as the "(VAT) is applied to the consumption of goods and services that are taxed(19%) differential(5%), exempt or excluded(0%), those responsible are the taxpayers such as producers, marketers and distributors who are of the common or simplified regime and are obliged to declare"(Muñoz Cárdenas, 2017)(Trigos & Hugo Marín Beltrán Amaya, 2021); The Income Tax of Natural and Legal Persons is "a national tax that is paid annually and is settled in a percentage determined by the Dian on the value of the profits" according to PÉREZ, (2021). This period is called taxable period. "It is a declaration in which you list all your income, expenses, liabilities, assets and, in short, all your wealth" according to KPMG, (2018). For legal entities the liquidation percentage is established, for this year 2020 corresponds to 32%, 31% for 2021, 30% for 2022 according to (PROCOLOMBIA, 2020), and for natural persons this must be done through a schedule system where the taxable base is established and rates are used for income classifications such as work, pension, capital, non-working, dividends and participation" (Fajardo Calderón & Suárez Amaya, 2017)(Fedesarrollo, 2021); According to PROCOLOMBIA, (2020) "Retefuente is a mechanism as an advance payment of the income tax corresponding to the taxpayer and is paid before its taxable period expires, there are some components that are the withholding agent and the taxpayer" and when a good and service is provided the retefuente uses a minimum base in UVT and the rate table has to be looked at to make the respective withholding; Impoconsumo is applied on some goods based on rates such as 4%, 8% and 16% Taxpayers who sell these taxed goods and services must declare every two months according to Pastrana Castillo & Ramírez Cifuentes, (2020); "Wealth tax must be paid for the years 2019, 2020 and 2021 Applicable to individuals and some foreign companies "Garcia, (2018), are taxpayers all "natural persons, illiquid successions, taxpayers of income tax and complementary" according to Garcia,( 2018). This tax must be paid with the conditions given in the Tax Statute in article 294-2 according to Fedesarrollo, (2021); "Gasoline and ACPM Tax; Tax on financial movements (GMF) 4X1000; National stamp tax" according to (Pastrana Castillo & Ramírez Cifuentes, 2020)(Muñoz Cárdenas, 2017)(Muñoz Cárdenas, 2018).

Departmental taxes in the Colombian tax system: "Tax on the consumption of beer, liquors and cigarettes: This tax was created with the objective of weakening consumption and it hinders a huge smuggling problem (Evasion) according to Martínez Luna, (2020). Gasoline surcharges are contributions of the dependencies and municipalities, resulting from the additional and current consumption, national or imported, of gasoline; Tax on vehicles" according to Pastrana Castillo & Ramírez Cifuentes, (2020) Municipal Taxes in the Colombian tax system: "ICA, Unified Property Tax; Urban Delineation Tax; Tax of chance and shows" according to Pastrana Castillo & Ramírez Cifuentes, 82020).

"The income tax in Colombia was created by Law 56 of 1918, however, it was applied only until 1922", and it has been a pillar of the tax system during the 100 years of Colombia's history according to (Méndez Cárdenas, 2017). "In Colombia, tax laws regulate national and regional taxes. The former is those administered by the state and include income tax, value added tax, impoconsumo and property tax." Individuals or legal entities that carry out the act
that created it, that is, those who generate income with the possibility of increasing the patrimony, are subject to this tax according to (Melissa et al., n.d.).

During the last twenty years in Colombia, presidential governments have implemented successive tax reforms as part of a strategy to increase tax revenues and reduce the budget deficit. According In Colombia, traditionally, when carrying out tax reform, the incentive for investment and economic growth is also pointed out as a necessity, according to (Castañeda Rodríguez et al., 2020). "This phenomenon emerged in the 1990s during the opening of the economy, due to the aversion to industrial activity and tax collection after tax exemptions were reduced...". The situation is getting worse over time, because in addition to reducing tariffs, indirect taxes are also increased, tax benefits are granted to large capitalists and real economists or the area is weakening or lost its financial viability. According to (Clavijo, 2020) Tax reform in recent years aims to increase tax revenues and may positively affect commitments.

In the words of President Iván Duque Márquez, the recent tax reform presented by the national government to the National Assembly of the Republic aims to stabilize the Colombian economy; The case is that given the potential impact of the tax reform proposed by the national government, it is obvious to increase some taxes to Colombians, such as the income tax return, on the other hand, the proposed government protects, mentioning aspects such as the potential risks that Colombia will face a costly international debt, a possible depreciation of the peso and obstacles to finance some existing social programs in Colombia according to (Alexandra Giraldo Gutiérrez Universidad Santo Tomás Facultad Derecho, 2021). In 2018 at the beginning of Iván Duque's presidency, the Colombian country has faced 8 norms that are considered tax reforms as these make various modifications to the country's tax system. (Rocio Garzon Millan, 2017).

Fiscal policy

"Public finance has four main objectives. To establish revenue and expenditure rules for the measurement of goods, in pursuit of the satisfaction of social needs. Taxes should be used for the distribution of money". Public finance has the function of stabilizing the economy, contributing to the implementation of policies to reduce inflation or promote the development of a market economy. "The development the economy based on savings, helping to reduce imbalances in economic cycles, regulating the relationship of production factors and helping to create conditions conducive to justice and equity" according to Cristina Bonilla, (2014).

Income tax for individuals

In 1918, through Law 56, an income tax is established in Colombia according to (Bolaños, 2020) since that date several tax reforms have been carried out. Tax collection is linked to the creation of public resources. The tax "identifies the obtaining of profits by taxpayers who create economic life in the country. The level of collection is an indicator of the level of prosperity". And such tax is not the main source of income of the Colombian country according to (Garcia, 2021).
According to (Torres Tovar, 2019) Under the Tax Reform Law 1819 of 2016, “the obligation to pay income tax is imposed on natural persons, a tax that previously taxed legal entities with certain conditions and with a certain accumulated capital.”, according to Cardenas & Mercer-Blackman, (2006) “Income tax and VAT are the ones that make the most contribution to the total collection, taxpayers make activities for the increase of their wealth, it also comprises remittances and levies”. All persons living in Colombia Naturals are subject to the tax according to (Cuesta & Jara, 2019). A good planning of expenses allows taxpayers to improve their declaration, pay what is and with the applicable regulations according to (Diaz Montenegro, 2015).

The tax burden of direct taxes such as income has a redistributive effect, so from the tax policy the principles of equity and progress should be applied when creating or adjusting a tax, according to its effect according to (Ventura Escacena, 2020). Income, but a greater part of the growth of the national economy according to (Farfán-Rodríguez et al., 2019). There is a paradigm shift because in principle a person is classified according to a fixed rule, but in the final order it returns to the traditional ordinal system of classification by income according to (Pinillos Villamizar, 2018), "natural persons do not have the contributive capacity to assume their expenses and this influences the collection of income tax" according to Cabanillas Naño et al., (2020).

**Materials and methods**

This research is of a descriptive and explanatory type, since the laws and regulations governing income tax are interpreted and decoded, as knowledge through principles, rules, concepts, processes and procedures has been used to determine the tax liability. Analytical methods were used.

**Tax reforms in Colombia adopted for the period 2018-2021.**

**Financing Law 1943 of December 28, 2018: "BY WHICH FINANCING RULES ARE ENACTED FOR THE RESTORATION OF THE BALANCING OF THE GENERAL BUDGET AND OTHER PROVISIONS ARE ENACTED"** according to KPMG, (2018) "The changes to personal income, the elimination of a benefit of 25% on business income, such as income exempt from labor income, the increase in income taxes and the limitation of rates and deductions, will be limited to 35%": component income and income of an exempt individual "Owners of monthly income above 25, 50 and 90 million rate 33% and premiums 35%, 37% and 39%, respectively. The corporate income tax will remain at 33% in 2019, but will be progressively lowered, in 2020 to 32%, in 2021 to 31% until reaching 30% in 2022 when the tax ends.", according to (Función publica, 2018). "This Law contracted a quite progressive collection in income tax of 1.9 trillion pesos to finance the budget, solve the fiscal imbalance in a short term", according to (DGPM, 2019)(Report of La Comisión de Expertos En Beneficios Tributarios | Brigard Urrutia, 2020).

**Economic Growth Law 2010 December 27, 2019: "Aggregate rules to promote economic growth, employment and investments"** Promote public finances, progress, equality and efficiency of the tax system for each of the objectives of the Law of 1943 of
2018 and other regulations."(Función publica, 2019c)" In the Growth Law a gradual reduction of income remains in force, which will be 32% in 2020, 31% in 2021 and 30% in 2022”. "Art. 84 was also approved, which reduced the presumptive income to 0.5% in taxable year 2020; and to 0% as of taxable year 2021; and 85, which establishes the reduction in income for orange economy activities." (Law No. 2010, 2019)(Función publica, 2019b) (Cristina Bonilla, 2014)(Función publica, 2019a)

**Social Investment Law No. 2155 of September 14, 2021:** "which enacts the Social Investment Law and other regulations..." "Adjustment of the general income tax rate for legal entities, where it cuts public spending and authorizes different subsidies for the population. It establishes a 35% income tax rate for companies in 2022. And from that year on, it lowers it to 30%". This may correspond to any business with a total annual income over 100,000 UVT and therefore is not chargeable to the simple tax system (some small and all medium and large companies). (Funcion publica, 2021).

**Regulatory framework of the tax reforms, period 2018 - 2021.**

"They must file income tax returns for the year 2022 all natural persons who meet the following conditions: "Total wealth in 2021 equal to or greater than $163,386,000"; have a total income equal to or greater than $5,083,1,000; Said credit card use is equal to or greater than US$ 50,831,000; Total purchase value and depreciation equal to or greater than $5,083,1,000; The total accumulated value of bank loans, deposits or financial investments equal to or greater than $50,831,000".

**Collection behavior for the 2018-2021 period**

The DIAN "Dirección de Impuesto y Aduanas Nacionales " reported that the income tax collection for individuals for the taxable year 2018 was 1.2 billion according to (DNP, 2019a), taxable year 2019 was 2.4 billion according to (DGPM, 2019), taxable year 2020 2.49 billion according to (DGPM, 2020) and taxable year 2021 2.79 billion according to (DGPM, 2021); in the period 2020 With a fall in the income of companies and households due to post pandemic effects and in the period 2021 second year of pandemic, tax collection increased Therefore, it is necessary to highlight the tax collection that takes place in
Colombia at the end of 2021, when the country will be able to allocate more of its credits to face again the crisis caused by the epidemic, according to source (DNP, 2019c, 2019a), (DNP, 2019b).

Conclusions

Tax reforms in the periods 2018-2021 under the government of Iván Duque, a series of fiscal policy measures were used that clearly its objective goes in spending, austerity, state efficiency, combating tax evasion, revenue growth and fiscal sustainability, as the income tax is one of the taxes with more collection and has a significant performance and is the tax where it has more reform of regulatory type and the evolution has been favorable despite the conditions and the economic crisis due to pandemic in such periods.

In the Regulatory framework of the tax reform in the periods 2018 - 2021 for the income tax for natural persons filers the amount in the year 2022 according to the Dian stipulates that their gross equity, total income, financial movements or purchases and consumption are equal to or greater than $50,831,000.

The behavior of income tax collection for individuals in the periods 2018 - 2021 in the government of Iván Duque has been favorable.

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