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Tax Culture: Simplified Trust Regime (RESICO) Against the Tax Incorporation Regime (RIF)

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Abstract

Objective: Through the analysis carried out, to be able to demonstrate which of the regimes presented, which are: the Tax Incorporation Regime (RIF) and the Simplified Trust Regime (RESICO), are the best option for new taxpayers and the benefits that each of these regimes offers them.

Material and method: For the realization of the present research, it was done through a qualitative methodology, which would allow to describe in a more detailed way, the differentiation of the 2 regimes presented as well as to see which of these, is the best option for the taxpayers, since the design of the research will be carried out based on a case study, applying various tools to meet the objective of this research.

Results: The information presented helped determine the tax culture that taxpayers have as well as the knowledge they have about the way in which they contribute through taxes, in this work the calculation of income tax was used, which is taxed on any income that generates greater wealth to the taxpayer, this calculation was made between the RESICO and RIF regimes, in order to identify which of these is the best option for taxpayers.

Conclusions: The lack of culture in tax terms that taxpayers have, causes a lack of knowledge about the existing regimes, such is the case of the RIF which they fail to fully understand what it means that they must opt for the RESICO regime since it provides them with various facilities for the proper fulfillment of their tax obligations.

Keywords: Tax Culture, Tax Regime, Taxpayer.

Introduction

Every year the regulations on tax matters that exist in Mexico are updated, adding or modifying provisions to them. They describe all activities that are taxed for tax purposes, including ISR.

In the second half of 2021, an article published by the MORENA Parliamentary Group, LXV Legislature (2021) stated that the Senate of the Republic had received the Economic Package for 2022 on September 8, which "reinforces support for the social welfare of the population; and seeks to support regional projects that trigger investment, social development and welfare; and to promote the stability and soundness of public finances."

The Economic Package is the set of economic and fiscal considerations that are taken for the following fiscal year, which are issued each year. This package is delivered by the Secretary of Finance, who is part of the Executive Branch, to the Congress of the Union, an element of the Legislative Power. This Power is responsible for discussing and approving the Economic Package. In it is the initiative of the Revenue Law of the Federation, the draft Budget of Expenditures of the Federation and the General Criteria of Economic Policy (Center for Studies of Public Finances of the Chamber of Deputies, 2018).

Precisely, in the Economic Package there is the introduction of the new RESICO, which will coexist with the RIF from January 1, 2022, to replace it in the near future. Pérez (2021) mentions in an article of his own authorship that "this regime is adapted to the reality of many small companies in the country, so they expect that the additional income will be the result of simplification collection improvements." However, the simple fact of adding a tax regime to the Income Tax Law (LISR) makes it difficult to understand it, thus creating various questions by the subject of study of this article. The most significant was which regime suits you best for paying your taxes. This question gives rise to this investigation.

According to El Financiero (2021), the tax reforms implemented for 2022 will be a challenge for all companies and taxpayers, as they will test their ability to comply with them, while the country intends to remain competitive. Likewise, IDC Online (2021) points out that the International Chamber of Commerce considers the reform proposals as excessive because it will prevent foreign investment in the country and harm entities that are already established. "Let it be legislated by a few for all", is the phrase with which the president of the Employers' Confederation of the Mexican Republic (COPARMEX), Juvenal Lobato, summarized the concern they have regarding the reforms (COPARMEX, 2021). Even the National Action Party Parliamentary Group (2021) maintains that it seeks to collect more taxes, while harming the middle class.

On the other hand, a second problem that stands out even more when preparing a fiscal reform, in this case the incorporation of a regime is the misinformation that the population has. Lack of knowledge leads to mistakes that can be avoided. This is where the importance of the concept of tax culture lies.

Considering the above, it can be said that there will always be negative and positive opinions about this regime. However, it is necessary to provide the information and resolve the doubts of the

taxpayer who is the subject of study and those who resemble or are interested in obtaining knowledge.

This research is aimed at measuring the influence of tax culture on compliance with tax obligations, as well as creating better awareness and informing about RESICO and its application in a practical way to individuals, by informing the taxi driver and interested parties of the necessary information about this regime. It will also provide a clear perspective of the differences between RIF and RESICO, thus generating a starting point for the choice of a tax regime.

Theoretical Framework

Taxes are contributions that are directed towards the state, this in order to generate income that can be used for public spending and for the satisfaction of social demands that year after year continue to grow, no person is exempt from contributing, this thanks to the fact that in the political constitution of Mexico, it is established as an obligation to contribute to the state.

The CPEUM (2021) in its article 31 fraction IV establishes that it is the obligation of Mexicans "to contribute to public expenses, as well as of the Federation, as well as of the States, of Mexico City and of the Municipality in which they reside, in the proportional and equitable manner provided by law" (p. 62). This means that all people born in the country are obliged to contribute to the payment of taxes, proportionally and equitably, for the public expenses that the State has.

According to Tenorio (2013), when analyzing the legal basis of contributions, six fundamental principles emerge, that of generality, compulsory, and linkage to public spending, proportionality, equity and legality. The principle of generality establishes that what is mentioned in article 31, section IV, will be applicable to all Mexicans. The mandatory principle states that the payment of contributions is an obligation that Mexicans have. The link to public expenditure refers to the fact that contributions should only be used for the country's public expenditure. The principle of proportionality states that the payment of taxes will be proportional to the cash flow. To illustrate this, the case of the payment of the ISR can be taken as an example since this must be proportional to the income obtained by the individuals. The principle of equity is based on the fact that the provisions should apply equally to all those who are in any case. Finally, the principle of legality indicates that contributions must be established by the Congress of the Union.

In summary, the 6 constitutional tax principles have a direct relationship with the welfare of all Mexicans since, thanks to these, the collection of taxes will be fair and what the population contributes must be used for the needs and demands of the people themselves.

Tax Culture

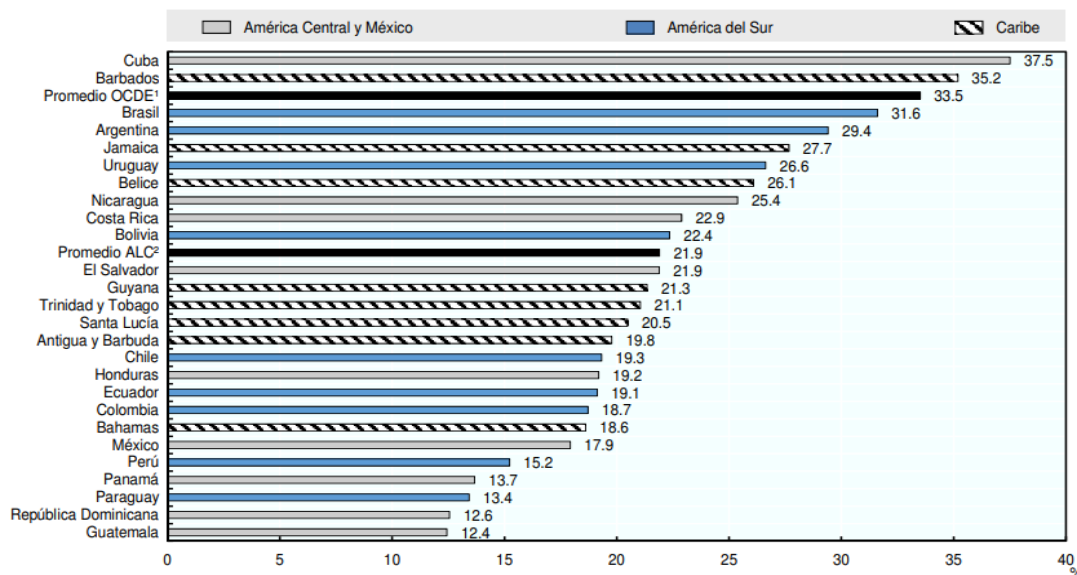
For a better understanding of what tax culture is, you must first know the meaning of culture. According to Esquivel (2013), culture consists of "the set of values, beliefs and attitudes that a certain number of people have in common and that shape the way they perceive, think and act". He adds that, considering that, culture is the set of values, beliefs and attitudes, and then the tax culture is the same, but in the aspect of paying taxes and complying with laws.

In other words, tax culture consists of the values, attitudes and knowledge that society has regarding contributions and compliance with the country's tax regulations. It is called culture because it refers to the level of knowledge we have in the tax field, the respect and importance given to regulations, as well as personal ethics.

In relation to the above, the majority of the population does not consider it important to pay their taxes or does so in an incomplete way by not declaring all of these, but how is this happening? The answer is that people resort to informal jobs to generate income, which translates into a low collection rate and is not expected or projected by the government. In fact, Barboza (2020) mentions that "the country has an informality rate that stands at 60%", this means that almost two-thirds of the population that receives income, performs informal jobs for which no taxes are paid. This is confirmed by the Organization for Economic Cooperation and Development (OECD) in conjunction with the Inter-American Center for Tax Administration, the Economic Commission for Latin America and the Caribbean and the Inter-American Development Bank when they conducted a study that took into account the Gross Domestic Product (GDP). This report was published in the book "Revenue Statistics in Latin America and the Caribbean" (OECD et al., 2022, p. 69). Figure 1 shows the tax collection of Latin American and Caribbean countries in 2020.

Figure 1

Tax collection in Latin America and the Caribbean



Note. Obtained from OECD et al. (2022).

One of the indicators that can captivate the reader's attention is that Mexico's collection rate is one of the lowest in the entire sector studied. Only 17.9% corresponds to the total GDP of the country. The average tax collection in Latin America and the Caribbean is 21.9% and Mexico is positioned below this percentage, which implies that Mexicans do not care enough about complying with their tax obligations. It also provides insight into why the government cannot meet all of the demands and needs of the people.

It is worth mentioning that in Mexico there is a feeling of latent fear towards the Tax Administration Service (SAT). Many of the people due to ignorance and / or lack of tax culture fear failing to comply with their obligations due to the sanctions that can be applied. However, the greatest fear to be had is ignorance derived from ignorance of the laws. This is something that must be changed in the country. Measures need to be taken to demonstrate how easy and risky it is to contribute to public spending. The fulfillment of tax obligations is a task of two figures, the collecting entity, responsible for helping the population pay their taxes; and the taxpayer, who will respect the provisions of the laws.

The tax culture should be understood as a way of life where we are aware of the role we play within society, combining manifestations where values are cultivated, promoting attitudes and behaviors aimed at fulfilling our tax obligations. (Grant & Garcia, 2014).

On the other hand, Lino (2018), mentions that:

The traditional culture is a behavior manifested in the permanent fulfillment of tax duties based on reason, trust, the loyal application of resources and the affirmation of the values of personal ethics, respect for the law, citizen responsibility and social solidarity of all.

Simplified Trust Regime

The RESICO is the most recently created tax regime in Mexico. This is characterized by including individuals who carry out business and professional activities and generate income for a total of \$ 3,500,000.00 in the year. Its basis is found in the LISR in title IV, Chapter II, Section IV, called Of the Simplified Regime of Trust, which includes articles from 113 – E to 113 – J.

Its origin dates back to when the Federal Executive presented on September 8, 2021 the Economic Package in which various provisions were added and modified to the LISR and other fiscal regulations. In this case, the central issue was the emergence of RESICO as a new tax regime.

Precisely, it is in Annex D of the Economic Package where the reasons why the RESICO is created are expressed. The Federal Executive determined that the existing regimes until 2021 can be complicated for most individuals, which translates into the omission of compliance with the payment of taxes. First, it must be recognized that the LISR presents a classification by regime of the income that individuals obtain, which is why each one has different obligations and different ways of calculating the tax. It is then that the creation of RESICO seeks that all taxpayers comply in a simple, fast and efficient way with the payment of their contributions, whatever the situation of individuals (Federal Executive Power, 2021, p. 50).

Who can pay taxes under this regime?

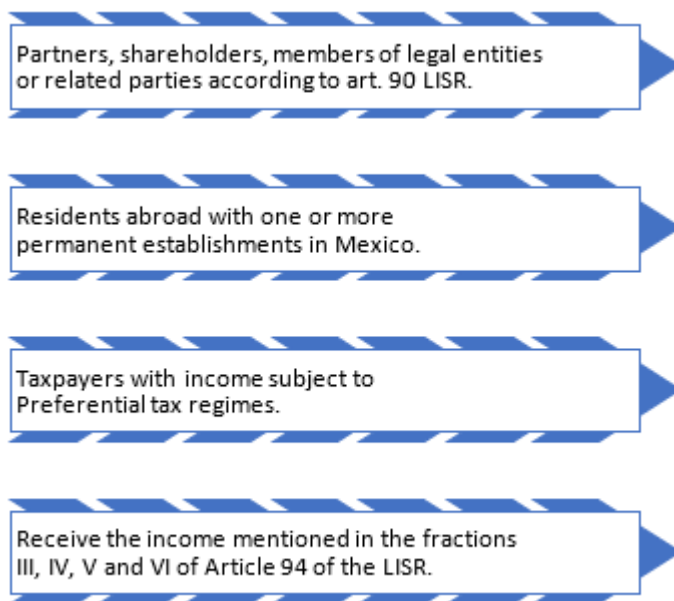
According to article 113 – E of the LISR, the taxpayers who can be taxed in this scheme are those who carry out business and professional activities or grant the use or temporary enjoyment of goods or services as long as their income does not exceed \$ 3,500,000.00 in the fiscal year (Lechuga, 2021, p. 214).

Thus, with the advent of this scheme, it is possible that natural persons engaged in the leasing of immovable property, the performance of professional activities and activities in the primary sector may be able to pay their taxes in a simplified manner. The latter will not pay taxes if their income does not exceed \$900,000.00. In this case, they will only pay for the surplus.

In addition, RESICO handles the concept of compatibility with those who pay taxes under the wage and salary regime, as well as the interest regime. This means that those who are registered in regimes other than these, will not be able to pay taxes in the RESICO, having to opt for the one that fits their activities.

Figure 2

People who cannot pay taxes in the RESICO



Note. Own elaboration with information from Lechuga (2021).

To put it in context, there are several individuals who cannot be taxed under this regime as stipulated in the aforementioned article. As can be seen in figure 2, many individuals cannot be part of the RESICO, however, the last point must be analyzed a little more since it stipulates that natural persons who generally obtain income from fees, will not be able to pay taxes in this regime.

Obligations

As established in article 113-G of the LISR, the obligations that taxpayers registered in the RESICO have are registration in the RFC, having an electronic signature and the tax mailbox activated, being June 30, 2022 the deadline to do so, keep the tax receipts that protect their expenses and investments, Issue tax receipts for the income obtained and deliver them to customers, file monthly return no later than the 17th of each month, and file the annual return. A global invoice must be issued when customers do not demand one for the operation (Lettuce, p. 217- 218).

On the other hand, the Miscellaneous Tax Resolution (2021) establishes in its rule 3.13.19 that the sending of electronic accounting and the Informative Declaration of Operations with Third Parties will not be mandatory since, for obvious reasons, all the data will be obtained from tax receipts (p. 395). This rule was incorporated to make it even easier for taxpayers.

In turn, it should be taken into account that a taxpayer can leave the RESICO for non-compliance with their obligations, such as not making invoices or the omission of the declaration of the presentation of monthly declarations and the annual declaration (Luna, 2022, pp. 21-22).

Calculation of the tax

Taking into account what has been written previously, the RESICO establishes the presentation of two returns, the monthly and the annual. For each of them, two tables were defined with the percentage of tax to be paid according to the income obtained in each period.

In accordance with the provisions of article 113 – E, the tax will be calculated monthly taking as support the value of the total income obtained directly from the tax receipts issued by the taxpayer, applying the rates shown in table 1.

Table 1

Rate applicable to monthly RESICO returns

Amount of income covered by tax receipts actually collected, without Value Added Tax (VAT), in monthly pesos.	Applicable fee
Up to 25,000.00	1.00%
Up to 50,000.00	1.10%
Up to 83,333.33	1.50%
Up to 208,333.33	2.00%
Up to 3,500,000.00	2.50%

Note. Information obtained from LISR (2021).

For the annual declaration, it will be the same procedure; however, the value of the income of all the tax receipts issued in the year to which the rates indicated in table 2 will be applied must be taken into account.

Table 2*Rate applicable to annual RESICO returns*

Amount of income covered by tax receipts actually collected, without VAT, in annual pesos.	Applicable fee
Up to 300,000.00	1.00%
Up to 600,000.00	1.10%
Up to 1,000,000.00	1.50%
Up to 2,500,000.00	2.00%
Up to 3,500,000.00	2.50%

Note. Information obtained from LISR (2021).

It should be noted that no deduction can be made in this regime, this includes personal deductions. Unless the taxpayer is also registered in the wage and salary regime in which case he can make the aforementioned deductions.

As an important fact, the new version of the Digital Tax Receipt by Internet (CFDI) 4.0, which entered into force on January 1, 2022 and is currently in coexistence with version 3.3, indicates that the uses of CFDI corresponding to personal deductions cannot be placed when the same invoice specifies RESICO as a tax regime, that is, it will not be valid for purposes of reducing the payment of ISR.

131

Comparison between RIF and RESICO

When analyzing the RIF and the RESICO it can be observed that both retain the same objective. These are two tax regimes that seek the incorporation of people into a fiscal scheme in order to end the informality that predominates in the people of Mexico and thus increase the collection by the Federal Government for. Although these regimes may be similar, the characteristics they both possess vary entirely.

Table 3 shows a comparison showing the differences between RIF and RESICO.

Table 3*Main differences between RIF and RESICO*

Characteristics	RIF	RESICO
Income limit	\$2,000,000.00	\$3,500,000.00
Who can pay taxes under this regime?	Persons who carry out business activities, dispose of goods or provide services, but who do not have a professional degree.	Persons who carry out business and professional activities, dispose of goods or provide services.
Rates	From 1.92% to 35%	From 1% to 2.5%
Authorized deductions	It is possible to go expenses or purchases.	No deduction can be made.
Tax base	Tax profit	Total revenue
Stimulus	Tax reduction according to the year of taxation, ranging from 100% to 10%.	There's none.
Declarations	Bimonthly being final and bimonthly payments with an option to one annual.	Provisional monthly and an annual declaration.
Period of cohabitation	Up to 10 fiscal years.	No limit.
Option to return to the regime in case of departure	You can not return to pay taxes in this regime.	A return to this regime is possible.
Preloaded information	It is possible to place the information manually.	Preloaded information that comes from CFDI.
Electronic accounting and Informative Declaration of Operations with Third Parties (DIOT).	Obligated to keep accounts and submit the DIOT. You can keep accounting through My Accounts on the SAT portal.	The DIOT and electronic accounting are not sent.

Note. Own elaboration with data from Fol y Pérez (2021) and Lechuga (2021).

Material and Method

The present research preserves a qualitative approach that is reflected in a case study. The qualitative approach means that the questions and/or hypotheses that have arisen prior to the start of the research are perfectly defined thanks to the collection and analysis of data obtained during the study process. The method used will be descriptive that will consist of describing the subject of study in the best possible way, in order

to achieve it, the descriptive research was adapted with a qualitative approach to a case study that will allow to give a perspective of the situation of a taxpayer related to the RESICO, however, it will not provide a generalized vision of the entire population, due to the limitation of the study itself.

The instruments used for the research were observation, interviews and information gathering. The observation consisted of knowing the way in which the taxpayer carried out his activity and the payment of his taxes. The interviews were semi-structured for which a document was made containing various closed and open questions used to know mainly the experiences, knowledge and opinions about taxes and tax regimes of RESICO and RIF. This tool allowed the interviewee to add other points that were not contemplated in the initial interview.

Finally, the collection of information consisted of obtaining very important tax documents, such as proof of tax status, official identifications and acknowledgments of provisional return filings.

Results

Case description

This article focuses on the taxpayer José Guadalupe Pérez Quintero, dedicated to the activity of land transport service of people, specifically to the roulette taxi service for 37 years. Until March 2022 the individual is registered in the RIF.

The individual was under this modality since 2015, having been part of other tax regimes prior to its creation. The study subject was able to enroll in this scheme since he mainly meets three requirements:

1. Conducts business activities;
2. Generates less than \$2,000,000.00 of annual revenue; and
3. He does not have a university degree.

Dated March 31, 2022, Citizen José Pérez is with a positive opinion according to the compliance opinion, obtained directly from the SAT page, that is, that he has complied with the tax obligations he has established.

The taxpayer has not presented further details with his bimonthly final payment returns since he goes to an accountant to request help. However, he wants to know the RESICO because he has read articles in various media about this regime, also considers it necessary to know a little more about taxes and, in general, about tax laws.

Taxpayer's degree

As mentioned in previous paragraphs, the taxpayer does not have a university degree, however, he was about to finish the degree in veterinary medicine, but deserted due to his job as a taxi driver.

Tax culture of the taxpayer

Knowledge of contributions

Based on the interviews conducted with the taxpayer during the investigation process, it was found that, as he belonged to the Union of Yellow Taxis of the Center, he was offered several tax culture courses over the years. These courses were approximately 1 hour and were not individualized. A large number of taxi owners

and drivers gathered to be shown the importance of contributions, although they did not delve into the calculation of taxes, everything was generalized and focused on the tax culture.

The professional points out that these courses ultimately showed him a concise vision of the obligations he has and recalls some key aspects to have a healthy relationship with the tax authority.

The taxpayer does not know the legal basis of why taxes are paid, however, he is aware of the importance of these, since he considers the payment of contributions an action that directly benefits the population because with the collection of these social works can be done, and he is very right. The importance lies mainly in the fact that, if Mexicans pay their contributions, the government will be able to obtain sufficient income to meet the needs of the entire population, which translates into improving public services, increasing security in the country, including the purchase of COVID vaccines, among others.

It was detected that the citizen José Pérez, lacks certain knowledge about the tax obligations imposed by the tax regime to which he belongs (RIF). In the section of the obligations he has, he only considers filing returns, being registered in the RFC and updating his activities.

However, these are not all the obligations that a taxpayer registered in the RIF has. In addition to those already mentioned, it is added to keep electronic accounting, have an electronic signature, generate the digital seal certificate, activate the tax mailbox, generate, and deliver CFDI.

It is added that the taxpayer was questioned about what he believes the authority does when it fails to comply with its obligations, responding to the implementation of economic fines and audits. It can be said that you are right, but the tax authority first invites you to comply with your obligations through tax mailbox or means of contact, therein lies the importance of activating these options.

Attitudes toward paying taxes and complying with obligations

During an exhaustive review of its final ISR payments from 2022 to 5 years ago, as established by law, it was detected that the taxpayer filed some returns extemporaneously. However, he complied with the presentation of these and the intervention of the tax authority was not necessary since he never received any invitation to send them.

In addition, the taxpayer mentions that for him it is important to know what is paid for the ISR, which is why he shows a positive attitude to increase his knowledge in tax matters. Precisely, he comments that he is willing to attend meetings to learn in depth about the RIF and the RESICO when necessary.

Calculation of taxpayer income tax (RIF vs RESICO)

Next, Table 4 makes a comparison between the calculation of the ISR in the RIF and in the RESICO, based on the final payment presented in March 2022, corresponding to the income obtained in the two-month period of January and February of the same year. For this calculation, the tables for the calculation of the ISR in the RIF located in Annex 8 (2022, page #20) and the data in Table 1 of this article were used.

Table 4*Comparison between the calculation of the ISR in RIF and RESICO*

Calculation	RIF	RESICO	
	January – February	January	February
Nominal revenue	\$ 2,500.00	\$ 1,350.00	\$ 1,150.00
(-) Authorized deductions	\$ -		
(=) Tax profit	\$ 2,500.00		
(-) Lower limit	\$ 1,289.17		
(=) Excess of the lower limit	\$ 1,210.83		
(x) Fee	6.4%	1%	1%
(=) ISR excess lower limit	\$ 77.49		
(+) Fixed fee	\$ 24.76		
(=) SRI in charge	\$ 102.25	\$ 13.50	\$ 11.50
(-) Reduction of ISR	\$ 30.68		
(=) ISR payable	\$ 71.58	\$ 13.50	\$ 11.50

Note. Own elaboration.

The observation is made that the taxpayer does not have any authorized deduction, since he does not invoice his expenses and / or purchases. In addition, it is highlighted that the rate for calculating ISR in RIF is much higher than in RESICO.

Conclusions

Tax culture continues to be a determining factor in compliance with tax payments and this is reflected in this research.

The results show that a person's tax culture exceptionally influences the understanding of tax regulations. Regardless of the level of education, anyone is not exempt from being ignorant in some subject unknown to them. An individual can be ignorant when he lacks culture or knowledge according to the Royal Spanish Academy (2021).

It is denoted that the taxpayer mainly knows the importance of paying their taxes, which is a plus point for their tax culture. However, the information you have about your obligations and paying taxes under the RIF is scarce. He mentions that he has had some uncertainty when talking about taxes or the SAT because he does not know all the provisions of the regime in which he is taxing.

That said, it is determined that the taxpayer lacks tax culture since he does not have sufficient knowledge in the area of contributions. However, there is a certain willingness on the part of the citizen to increase their knowledge in the tax field, specifically in the regimes.

Taking into account the tax culture of the taxpayer, the following measures were taken: private meetings to provide information about the RIF and RESICO, making a comparison between the two, which included presentations and videos. With this, it was possible to make a correct evaluation of the alternatives that could be taken to pay the ISR. In addition, advice will be provided to the taxpayer when necessary to resolve doubts regarding their obligations in tax matters.

According to what has been mentioned so far, it is recommended that the taxpayer present his notice of updating activities to be able to pay taxes in the RESICO, so he can take advantage of the new facilities that the authority is providing, since this regime is much easier to understand and works as a creator of a good relationship with the SAT. This conclusion is based on the following observations:

- It has never kept electronic accounting: in the RESICO it is not mandatory to do so, but in RIF it is.
- It is about to complete 10 years in the RIF: this means that its percentage of reduction will be less and less, at present it is 30%.
- The payment of the ISR will be lower in the RESICO according to the projection made in table 4.

Although in both regimes it is necessary to perform CFDI to verify income, in the bimonthly declarations of the RIF there was some flexibility, since the calculation could be manual. On the other hand, in the RESICO all information found in the monthly declarations is preloaded being the basis of this the CFDI themselves issued. Again it is emphasized that it is necessary to have an electronic signature to generate the digital seal certificate that will allow the issuance of invoices, as well as having the tax mailbox activated.

In summary, the tax culture not only allows people to know what taxes they should pay and how they should do it, it also gives full awareness of the importance of them and how it directly affects the population. The lack of culture promotes informality and the feeling of terror towards the tax authorities and in general the payment of taxes. However, positive attitudes, such as willingness to learn and motivation, are the key to understanding RIF and RESICO. Derived from this, it is possible to have sufficient grounds to correct all obligations and choose the tax regime that best suits the taxpayer, which in this case is the RESICO.

It is expected that this article will function as a basis for all those individuals who wish to pay taxes under the RESICO, and may apply to taxpayers registered in another regime other than RIF. However, it is recommended that you first make a projection of the ISR payment, comparing this regime with the one they are currently taxing, as well as the generation of your electronic signature and the digital seal certificate.

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