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# THE ROLE OF FORENSIC ACCOUNTING AS A TOOL IN THE FIGHT AGAINST FINANCIAL CRIMES

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## **Abstract:-**

Financial crime is defined as crime that is specifically committed against property. These crimes are almost always committed for the personal benefit of the criminal, and they involve an illegal conversion of ownership of the property that is involved. Financial crimes can occur in many different forms, and they happen all over the world. Some of the most common crimes facing the financial sector are money laundering, terrorist financing, fraud, tax evasion, embezzlement, forgery, counterfeiting, and identity theft. These crimes are committed every single day, and governments across the globe are constantly prosecuting financial criminals while searching for new ones. Forensic accounting utilizes accounting, auditing and investigative skills to conduct an examination into the finances of an individual or business. Forensic accounting provides an accounting analysis suitable to be used in legal proceedings. Forensic accountants are trained to look beyond the numbers and deal with the business reality of a situation. Forensic accounting is frequently used in fraud and embezzlement cases to explain the nature of a financial crime in court and in unveiling crime in both public sector and private sector. Forensic accountants analyze, interpret and summarize complex financial and business matters. They may be employed by insurance companies, banks, police forces, government agencies or public accounting firms. Forensic accountants compile financial evidence, develop computer applications to manage the information collected and communicate their findings in the form of reports or presentations. This study examined the role of forensic Accounting as a tool to fight financial crimes. The main objective is to examine the role of forensic Accounting as a tool in the fight against financial crimes. The specific objectives include: litigation support and investigative accounting. Survey research design was used because descriptive studies are characterized as simply the attempt to determine, describe or identify what is, while analytical research attempts to establish why it is that way or how it came to be" and data was collected using a 5 point Likert scale questionnaires. In analyzing data both descriptive and inferential statistics were employed. The results showed that forensic Accountants are relevant in investigating crime and they also play a significant part in litigation support. Recommendations amongst others were that professional Accountants should keep themselves abreast with emerging trends in unveiling crime.

**Key words:** - Forensic Accounting, litigation support, investigative accounting, financial crimes.

#### 1.0. INTRODUCTION.

Even though the origin of Forensic Accounting could be traced to 1817(Crumbley, 2001) and was coined in 1946 by Peloubet (Joshi, 2003), it is gaining dominance in fighting against economic and financial crimes. Economic and financial crimes (EFCs) have plagued every corner of the world's economies of which Kenya is no exception. These crimes affect all firms v Dada, 2015; Association of Certified Fraud Examiners, 2012). Therefore, several research works on the cost of these crimes were done.

Kahan (2006) explained that continuous research confirmed a high demand of the prevention and uncovering of these economic and financial crimes by institutions and nations as a response to closer scrutiny of the economic and financial activities of shareholders and government agencies. However, economic and financial crimes are difficult to detect, and most of those detected are not reported for fear of bad publicity and loss of investor confidence. Forensic Accounting emerged in response to the high incidence of frauds (Modudgu & Anyaduba, 2013; Ozkul & Pamukcul, 2012).

Forensic Accountants are perceived to have the training and skills needed to fight these economic and financial cankers. Therefore, the need to examine the application of forensic accounting and the combating of EFCs is very imperative. With this, the American Institute of Certified Public Accountants (AICPA) indicated that fraud accounting professionals would be in high demand in few years to come and developed Certified Financial Forensics (CFF) to increase the expertise of Certified Public Accountants (American Institute of Certified Public Accountants, 2008). Though auditing may uncover some economic and financial rimes, detailed disclosure of these crimes and their prosecution demand special techniques and forensic accounting is perceived to provide these techniques. Also, forensic accounting has the role of bridging audit expectation gap relating to fraud prevention, detection, and prosecution of economic and financial crime.

Forensic accounting comprises investigation, litigation support and dispute resolution (Dada, Enyi & Owolabi, 2013) and the upsurge in economic and financial crimes in countries and the world as a whole accentuated the need for the application of its techniques (Modugu & Anyaduba, 2013). Consequently, forensic accounting is perceived as a tool for combating economic and financial crimes. Thus, the effective application of forensic accounting technique can investigate and detect economic and financial crime cases. Owolabi, Dada, and Olaoye (2013) added that forensic accountant might implement similar financial audit techniques, nonetheless with different objective and procedures; and may validate calculations needed by scrutinizing a trail of paperwork to achieve a specific goal of the engagement. Hence, the use of forensic accounting techniques could enhance the prosecution of economic and financial crime cases. It is therefore imperative to carry a research on economic and financial crimes and the relevance of forensic accounting techniques in detecting these crimes in Kenya. Consequently, this research seeks to determine the role of forensic accounting technique in detecting economic and financial crimes in Kenya.

#### Statement of Problem.

The enactment of financial irregularities and economic crimes are flattering the common practice of both private and public sector in Kenya as individual commits fraud and corrupt practices according to the capacity of their office. Subsequently, there is general anticipation that forensic accounting may be able to stern the flow of financial malfeasance witnessed in most sectors of the Kenyan economy. A nationwide study conducted by Kessler International showed that 39 percent of organizations have considered the need for a forensic accountant. The study intends to find out the role of forensic accounting in reduction of the incidence of corporate fraud, economic crimes and mismanagement.

#### Objective of the Study.

The wide-ranging objective of this study is to examine the role forensic accounting plays in detecting financial crimes. The specific objectives are to:

- 1. Determine if investigative forensic accounting will be the right tool in combating economic crimes.
- 2. Discover whether litigation support is the mode in which forensic accounting detects financial crime.

#### **Hypotheses**

Ho: The application of investigative forensic accounting services cannot prevent and detect economic crime in Kenya.

H<sub>02</sub>: Forensic accounting does not validate the litigation support in financial statements in Kenya

#### 2.0 Literature Review

## 2.1 Investigative accounting.

Traditional audit in ghasa focus on error identification and prevention (Gray, 2008). Prevention is the result of an effective internal control system. The auditor reviews the effectiveness of the internal control system by sampling transactions and not through a complete review of all transactions. The process can reveal errors, but not all the errors are considered to be of equal importance as some are referred to as material while others are not.

The principal and dominant legal framework for the of audit of all public interest entities in Kenya lies with the Companies and Allied Matters Act, CAMA of 2004. CAMA (2004) places on external auditors the responsibility for making report to company members on the accounts examined by the demand to specifically report on whether:

Proper accounting records have been kept and proper returns adequate for their audit have been received from branches not received by them. The company balance sheet and its profit and loss account are in agreement with the accounting records and returns. The balance sheet and its profit and loss account give a true and fair view of the state of affairs of the company during the period under review. (Sections359and360)

Section 368 of CAMA (2004) demands that the audit or performs his / her duties with such care and diligence and skill as is reasonably necessary in the particular circumstance and where a company suffers lossor damage, as a result of the auditor's failure to discharge its fiduciary duty and the directors may institute an action for negligence against him in court" (Sec.368) also permits any member (shareholder) to institute action against the auditor on the failure of the directors to institute an action against the auditor.

Forensic accountants and auditors share some goals similar to traditional accountants and auditors. They have different roles, knowledge and skills. Forensic accountant investigations include identification of fraud. This is different from traditional auditors' investigations that are not responsible for identifying fraud. Forensic accounting investigations include litigation services related to a variety of situations including the following: business purchases, valuation of divorce assets, property damage, lost profits due to embezzlement and other illegal acts, tax evasion, and money laundering schemes.(Gray, 2008).

However, unlike financial audit which as illustrated in Table1 below, aims mainly at uncovering (identifying and preventing) material deviation (errors) in financial data and significant variances from acceptable accounting and auditing standards, forensic accounting looks beyond the transactions and audit trail to focus on substances of the transaction instead with a view to identifying fraud.

## 2.2 Litigation Services

Litigation services according to AICPA (2007) include; preparing company codes of business ethics and conduct, proactive fraud auditing, assessing risks associated with fraud and illegal acts, evaluating the strength or efficiency of internal control, laying out and implementing internal control systems and procedures, developing compliance programs for body corporates and consulting about employee relations or bonding.

## 2.2.1 Forensic Accounting Consultant;

As a consultant, the forensic accountant is required to employ his skills in working for a litigating party in capacities ranging from facts finding; which involves assisting in the discoveries phase of litigation and analysis of data; damages calculations, document management and preparation of demonstrative evidence and so on (AICPA, 2007). According to AICPA, all the aforementioned duties may also be given as expert witness or testimony; however, the forensic accountant need not give an expert witness or be directly involved in court proceedings when acting purely as a consultant. Golden, Dyer and Andreassen (2006) suggested that some circumstances where the forensic accountant may be expected to work with or for an attorney include; internal investigation in relation to reporting matters that may have been red flagged by tips, internal audit or audit committee concerns, external auditor findings or reports from media or regulatory reports. Other circumstances may include regulatory investigations, tax authority subpoenas and civil litigation such as contract issues, shareholder lawsuits, fraud recovery actions and so on. In cases involving fraud he may be brought in to investigate, analyze or throw lights on accounting issues by an attorney on either side of a dispute. The forensic accountant may work with or for the defendant in a case or a government agency prosecuting a fraud case (Golden etal., 2006). According to Hopwood, Young and Leiner (2013), the investigative skill of the forensic accountant is very important in his expert consultant role. The investigation process involves gathering and review of evidence that is, the engagement, evidence collection, reporting and loss recovery processes. They suggested that evidence in this case may be physical evidence, document evidence, observation evidence and interview evidence.

Elmore, D. (2016) analogy of the role of the expert consultant goes thus: He likened the job of the expert consultant to that of a doctor or mechanic, an individual hired for his or her expertise and experience in unfamiliar areas, to the attorney. In cases involving economic damages and accounting analyses, a consultant's highly specialized area of expertise or technical knowhow can be invaluable to the lawyer trying to understand the bulk of paperwork, interpret a specific discipline's jargons and communicate it to the court in understandable, useful or admissible form. Either attorney in a dispute may hire the forensic expert consultant to advice on the facts, issues and strategies of a specific case. The consultant's thoughts and opinions are also often incorporated into the attorney's legal strategy and he need not testify in court nor the product of their work disclosed to opposing counsel. This is however done with utmost due care and confidentiality. The consultant may advise on the most effective way to present these facts at trial based on the strengths and weaknesses of the opposing party's case, analyze their arguments and verify amounts claimed or valuations made and so on. Another area of input by the expert consultant is that he may be engaged to help provide specific questions that will help the case of the client.

#### 2.2.2 Expert Witness;

The forensic accounting expert witness plays a more direct role in the prosecution of fraud cases and is considered one of the major roles of the forensic accountant (AICPA, 2014). According to the AICPA (2014), "a person designated to render opinion(s) before a trier of facts is an expert witness". They also alluded that "if designated as an expert witness, the

practitioner's litigation-related work may be required to be produced to opposing parties through a process called discoveries". This therefore introduces a new perspective to the duties of the forensic accountant in fraud cases as it introduces direct participation of the forensic accountant as an expert witness. It also implies that there is now an additional attention or skill set needed for carrying out this responsibility as it concerns the courts and court processes. As a matter of fact, the AICPA (2014) gave some of these considerations as to skill sets and needed knowledge of court issues. According to the body the expert witness should comply with "Federal Rules of Evidence"; Rule 702, 703, 704, 705, 706 and the Federal Rules of Civil Procedures, meaning the expert witness must possess a good knowledge of court processes and procedures. Although there are no independent established bodies administrating solely Forensic Accounting practices in Kenya, the equivalent to the rules given by the AICPA in Kenya would be the EACC Act. Particularly important is section 68(1) where the law makes reference to special knowledge, and that "a judge does not include special skills in science and art. It is conducive to common sense therefore that the opinion of an expert is desirable when such a matter arises... for justice to be done" (Osadolor, 2004). This we may say to mean that the law itself recognizes that the forensic accountant can indeed in his role as an expert witness be essential factor in the successful prosecution of fraud case.

According to Leauanae and Rasmussen (2004), the expert makes his input by using his investigative accounting skills, helping with; loss calculations and business valuations coupled with his wealth or years of practical experience. Enofe, Odigie, Onayase and Omokhaule (2015) also attested to the role of the forensic accountant as an important role in litigating financial fraud cases. According to them, "many attorneys need assistance from accountants during the preparation of their cases and then later need accountants to testify as expert witnesses". Sanchez and Zhang (2012) attributed the success in nailing tax defaulters or as was reported; people committing tax fraud, to the involvement of the expert witnesses. An opinion or position reverberated by Muehlmam, et al., 2012.

## 2.2.3 Special Masters; is one of the litigation roles engaged in by the forensic accountant (AICPA, 2014).

There is however little literature available on this particular service. The AICPA (2014), suggested the special master to be another role in which a forensic accountant may be engaged in a litigation process. Although, his responsibility in this regard according to the body is for alternative dispute resolution, it also calls him a court appointed expert. Muehlmann etal. (2015) asserted that the special masters role may be called on by the court at any stage of a litigation; pre-trial, trial and post-trial. Hence in a fraud case, the court also reserves its right to call an expert, in which case he serves as special masters (AICPA, 2014). According to AICPA (2014) the Role of the special masters concerned with the Federal Rules of Evidence, Rule 706 as it deals with experts appointed by the court and Section 53 of the Federal Rules of Civil Procedure (Muehlmann et al, 2015). We may deduce that there is a need for the services of the forensic accountant in this capacity and therefore, the special masters may influence the outcome of a fraud case or execution of a ruling or judgment. The court has over the years increased the use of special masters owing to the result gotten from resolving litigation cases (Muehlmann et al, 2015).

#### 3.0Methodology

A survey research design is used in the study and the population of the study consists of 80 staff drawn from key government agencies like the Central Bank of Kenya (CBK), KRA, Accounting Firms and E A C C. The respondents were directors of finance, audit and assurance services, accounting technicians, IT directors and those identified as having justifiable views on forensic accounting and fraud detection in Kenya and are involved at one stage or another in the preparation, analysis and usage of financial reports. They are therefore expected to be knowledgeable about the thrust of the study. A well-structured 5 point likert scale questionnaire was used to elucidate information from the respondents. These results were analyzed using tables, simple percentages, and statistical analysis techniques chi-square and the results will be used to validate or invalidate the hypotheses. The findings will be discussed and conclusion will be drawn.

#### **Model Specification:**

$$x^2 = \sum_{i=1}^r = \sum_{i=1}^c (aij - eij)^2 / eij$$

Where:

oij=observed frequency in ith row and jth column eij=expected frequency in the ijth cell eij=(ith row total xjth column total) /grand total

With degree of freedom=(r-1)(c-1) c= column r= row 1=constant

## **Decision rule:**

Reject HO: if x<sup>2</sup> calculated is greater than x<sup>2</sup>tabulated

Don't reject HO: if  $x^2$  calculated is less than  $x^2$  tabulated

## 4.0. TEST OF HYPOTHESES

H01: The application of investigative forensic accounting services cannot prevent and detect economic crime in Kenya.

## Contingency table

QUESTION	SA		A		U	D	SD	TOTAL
	oij	(eij)	oij	(eij)	oij(eij)	oij(eij)	oij(eij)	
Forensic accounting service help in detect fraud	72	61.67	8	81.33	00	00	00	80
Forensic accounting provide room for fraud prevention	33	61.67	47	81.33	00	00	00	80
The use of forensic accounting service minimize fraud as individuals who want to commit fraud need a double thought	80	61.67	0	81.33	00	00	00	80
Total	185		55		0	0	0	240

## **Chi-square Table**

oijeijoij-eij[oij-	eij]²	[oij-eij]²/eij			
72	61.67	10.33	106.71	1.73	
33	61.67	-28.67	821.97	13.33	
80	61.67	18.33	335.99	5.45	
8	18.33	-10.33	106.71	5.82	
47	18.33	28.67	821.97	44.84	
0	18.33	-18.33	335.99	18.33	

Source: field survey, 2019.

Chi-square calculated (df=(r-1)(c-1)

df=(5 -1) (3-1)

df=(4)(2)

df=8.

c)=89.5

At 5% degree, the critical value will be 0.05=15.507

## **Conclusion:**

We reject Ho and accept H1 this is because the calculated value of) =89.5 is greater chi-square (than the acceptance region above.

## Test of hypotheses two (2)

H02: Forensic accounting does not validate the litigation support in financial statements in Kenya. Contingency table

QUESTION	SA	A	U	D	SD	TOTAL
	دننی (منن	دننی (منن	(منا	(منن	(منان	
Forensic accounting shows the	79 54.33	1 23.33	0 2.33	0 0	0 0	80
true value of organization						
financial statements.						
Forensic accounting exposes	1254.33	6123.33	72.33	0 0	0 0	80
any						
Forensic accounting is an	7254.33	823.33	0 2.33	0 0	0 0	80
operational tool to confirm						
unauthorized transfer of money						
Total	163	70	7	0	0	240

## Chi-squareTable

oijeijoij-eij	[oij-eij] <sup>2</sup>	[oij-eij]²/eij		
79	54.33	24.67	608.61	11.20
12	54.33	-42.33	1791.83	32.98
72	54.33	17.67	312.23	5.75
1	23.33	-22.33	498.63	21.37
61	23.33	37.67	1419.03	60.82
8	23.33	-15.33	235.01	10.07
0	2.33	-2.33	5.43	2.33
7	2.33	4.67	21.81	9.36
0	2.33	-2.33	5.43	2.33
Source:field	Survey,2019.			156.21

Chi-square calculated (df=(r-1)(c-1)

df=(5-1)(3-1)

df = (4)(2)

df=8.

c)=156.21

At 5% degree, the critical value will be 0.05=15.507

#### **Conclusion:**

We reject Ho and accept H1 this is because the calculated value of chi-square (greater than the acceptance region above. **Summary of findings.** 

From the result of findings, the researcher emerged with the following:

- 1. Using the hypothesis set by the researcher, a test was made using the chi-square statistics and it shows that investigative forensic accounting will be the right tool in combating economic crimes in Kenya.
- **2.** For the second objective of this research work, judging from the hypotheses tested, it has been clearly indicated that litigation support is the mode in which forensic accounting detects financial crime in Kenya.

#### 5.0. Conclusion and Recommendation.

Forensic accounting and the forensic accountants play significant roles in the curbing of crimes and corruption in both private and public sector. The following findings were made from this study:

- The relevance of investigative forensic accounting is growing worldwide as rising crimes, corruption, malfunctioning of regulators, security scams and many up-coming issues of this kind all are openly indicating the increasing demand for forensic accountants.
- The forensic accountant plays an important role in litigation support services.

It is therefore recommended that the forensic accountant, in fighting crimes and corruption, has a better advantage within his distinct functions or roles performed compared to the regular auditor. If Kenya desires to be 'deranked' as the most corrupt nation by Transparency International, she must rush to embrace this emerging trend in the accounting profession so that crimes and corruption can be combated adequately both in the private sector and most especially the public sector. Furthermore, this is the age of knowledge economy and the accountancy professional bodies should increase their effort in providing functional and cutting edge education to their members and develop curriculum that would incorporate forensic accounting with a view to make them globally competitive.

Also, Educational institutions should lead the way while the legislative arm of government should enact legislations that will not make all anti-graft, financial crimes and corruption agencies to not only be autonomous, but effective and efficient in performing their duties. It is not when a corrupt government official has lost face with powers that be that he should face investigation and trials.

To sum up, it is no doubt this study could not have covered all areas of forensic accounting. It is therefore suggested that other researchers expand to the private sector and even increase the population to be covered. In an economy such as the Kenyan economy, forensic accounting is needed as it goes deeper to uncover fraud and hidden records.

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