GAP BODHI TARU
A GLOBAL JOURNAL OF HUMANITIES
(ISSN – 2581-5857)
Impact Factor: SJIF - 5.551, IIFS - 5.125
Globally peer-reviewed and open access journal.

DETECTING AND PREVENTING FRAUD THROUGH FORENSIC ACCOUNTING

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Abstract

The Indian economy has become a significant player on the global stage, leading to the expansion of Indian markets through various means such as joint ventures, amalgamation, and consolidation. However, with the growth in business and trade, complexities have arisen. The early years of the twenty-first century witnessed numerous white-collar crimes and financial scandals, raising concerns about the credibility of financial structures. In response to these challenges, there has been a notable surge in the demand for Forensic Accounting, aimed at preventing and detecting fraud. This paper focuses on assessing financial scams and white-collar crimes in India while exploring the pivotal role of forensicaccounting in mitigating such financial scandals. Additionally, it delves into how Forensic Accountants can assist the government in enforcing regulatory requirements.

INTRODUCTION

The flourishing economy and swift transformations spanning various sectors of businesses and society present not only a multitude of opportunities but also give rise to numerous challenges. One significant challenge is the prevalence of financial fraud, which emerges as a by-product of economic expansion. It's noteworthy that no economy, be it developing or developed, remains untouched by the scourge of fraud. Financial frauds have been documented across all sectors of the global economy, reflecting the pervasive nature of this issue.

The surge in financial scandals at the outset of the twenty-first century has prompted a re-evaluation of the credibility of organizational financial structures and the traditional role of audits in preventing and detecting fraud. The longstanding perception that an "auditor is a watchdog, not a bloodhound" has undergone a transformation. Auditors are now expected not only to scrutinize company books and accounts in accordance with generally accepted accounting principles (GAAPs), auditing standards, and company policies but also, akin to a bloodhound, to actively seek out and uncover frauds and scams within the financial records of an organization.

While accountants primarily focus on numbers, forensic accountants go beyond them, delving into the intricacies behind the numbers. Forensic accountants employ a comprehensive approach, analysing 100 percent of the data instead of relying on sampling procedures typically used by auditors. This approach proves particularly effective in investigating cases such as the overvaluation of sales or debtors. The amalgamation of accounting, auditing, and investigative skills gives rise to the specialized field known as Forensic Accounting. Forensic accounting is dedicated to the detection and prevention of financial fraud and white-collar criminal activities.

Forensic accounting is a term composed of two elements: "forensic" and "accounting." The term "forensic" involves the application of scientific methods and techniques to crime investigations, particularly within the context of legal proceedings. On the other hand, "accounting," as defined by the AICPA (American Institute of Certified Public Accountants), is described as "the art of recording, classifying, and summarizing in a significant manner and in terms of money, transactions and events which are, in part at least, of financial character, and interpreting the results thereof."

According to the AICPA, "Forensic Accounting is the application of accounting principles, theories, and discipline to facts or hypotheses at issue in a legal dispute and encompasses every branch of accounting knowledge." Forensic Accounting draws on a diverse range of fields, including accounting, finance, law, computerization, ethics, and criminology. Professionals in this field, known as forensic accountants, forensic auditors, or investigative auditors, often find themselves providing expert evidence during legal trials. Consequently, Forensic Accounting stands as a crucial tool for detecting, investigating, and preventing fraud. This profession has experienced rapid growth worldwide, gaining recognition as a formal discipline in countries such as Canada, Australia, the USA, and the UK, and is progressively gaining the importance it rightfully deserves.

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RESEARCH JOURNALS
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OBJECTIVES OF STUDY

The study is fundamentally exploratory in its approach, relying exclusively on secondary data sourced from a variety of channels including websites, periodicals, accounting journals, relevant books, reports published by the Government of India, the Reserve Bank of India (RBI) and various associated agencies. The primary objectives of the study include:

1. Identify Various Types of Frauds:

Explore and categorize different types of frauds prevalent in various sectors and industries.

2. Examine Major Scams in India:

Investigate and analyse significant financial scams that have occurred in India. This could involve an in-depth examination of the nature of the scams, their impact, and the factors contributing to their occurrence.

3. Comprehend the Role of Forensic Accounting Techniques in Fraud Examination:

Understand and analyse how forensic accounting techniques are employed in the examination and detection of fraud. This may involve delving into specific methodologies and tools used by forensic accountants.

4. Understand the Range of Services Offered by Forensic Accountants:

Explore the diverse services provided by forensic accountants, including but not limited to fraud detection, investigation, litigation support, and expert testimony. Understand the scope and application of these services in different scenarios.

5. Explore the Prospects of Forensic Accounting in India Considering the Rise in Frauds:

Evaluate the potential and future growth of forensic accounting in India, taking into account the increasing prevalence of multiple frauds. Examine the demand for forensic accounting services and its role in addressing and preventing fraud in the evolving Indian economic landscape.

MEANING OF FRAUD

Fraud is a global phenomenon that impacts all sectors of the economy. The dictionary defines fraud as "deceit, impersonation with intent to deceive, criminal deception done with the intention of gaining an advantage." According to the Association of Certified Fraud Examiners (ACFE), fraud is characterized as "a deception or misrepresentation that an individual or entity makes knowing that the misrepresentation could result in some unauthorized benefit to the individual or to the entity or some other party." Fraudulent activities can be motivated by objectives such as:

- Perpetrators may engage in fraudulent activities with the aim of inflating the market value of the business, potentially attracting investors or enhancing its perceived financial health.
- Fraudulent practices may be employed to manipulate financial statements in order to align them with predetermined budgets, creating a false sense of financial stability.
- Individuals or entities may commit fraud to unfairly boost earnings by providing false representations of the business's value. This could involve overstating assets, revenues, or other financial metrics.

Understanding the diverse objectives behind fraudulent activities is crucial for implementing effective measures to detect, prevent, and address fraudulent behaviour in different business environments.

TYPES OF FRAUDS

Certainly, here's an expansion on the types of corporate fraud mentioned:

1) Fraud in the Financial Statement:

This type of fraud involves intentional misstatements or omissions in financial statements. It includes manipulation, falsification, or alteration of accounting records or supporting documents used to prepare financial statements. Fraudulent financial statements often have a substantial impact on the victimized entity, shareholders, and the investing public.

2) Fraud related to Banking and Insurance

Illegitimate means to obtain money or assets from banks or financial institutions. Examples include bogus health claims, insurance fraud, business insurance claims, and fraudulent bankruptcies. These types of fraud are considered white-collar crimes.

3) Fraud by Employee:

Employee fraud encompasses various activities, including:

- Theft of Cash or Inventory: Unauthorized taking of company money orphysical assets.
- Skimming Revenues: Diverting a portion of sales revenue before it isrecorded.
- Payroll Fraud: Manipulating payroll systems to receive unauthorizedpayments.

- Embezzlement: Misappropriating funds entrusted to an employee.

Fraudsters use diverse methods, and as technology advances, new avenues for fraudulent activities emerge. Staying vigilant and implementing robust internal controls are crucial in combating these fraudulent practices.

4) Cyber Frauds:

Cyber frauds refer to fraudulent activities committed using the internet andelectronic transactions. Tech-savvy fraudsters leverage technology in various ways to perpetrate fraudulent schemes. Some key aspects of cyber fraudinclude:

- Creation of False or Misleading Information in Accounting Records: Fraudsters may manipulate or fabricate information within accountingrecords, leading to inaccurate financial reporting. This can have seriousconsequences for organizations, impacting decision-making and investorconfidence.
- Unauthorized Access to Accounting Software Systems:

Many accounting software systems have user-specific access controls to restrict individuals to certain functionalities. However, cyber fraud can occur through unauthorized access, where fraudsters gain entry to sensitive information by exploiting vulnerabilities or through password sharing.

- Password Sharing and Unauthorized Access:

Fraudsters may illicitly share passwords or gain unauthorized access to sensitive company information. This poses a significant threat to organizations as it compromises the confidentiality and security of financial and operational data.

- Potential Threat to Organizations:

The evolving landscape of cyber fraud poses a continual and substantial threatto organizations. The misuse of technology by fraudsters necessitates robust cybersecurity measures to safeguard sensitive information, preventunauthorized access, and mitigate the risks associated with cyber fraud.

In response to these challenges, organizations need to implement stringent cybersecurity protocols, regularly update their systems, and educate employees about the risks of cyber fraud. Proactive measures are essential to stay ahead ofthe ever-changing tactics employed by cybercriminals.

TECHNIQUES OF FORENSIC ACCOUNTING

- Interview Technique:

Commonly used in investigations, this technique is designed to extract admissions of guilt from individuals involved in fraudulent schemes. The information gathered through interviews serves as crucial evidence in legal proceedings.

- Benford's Law:

A statistical tool that helps determine whether a set of data exhibits unintentional errors or suspicious patterns. Benford's Law analyses the probabilities of digits appearing at various places in a number, making it useful in identifying manipulated data.

- Theory of Relative Size Factor (RSF):

RSF is employed to identify numbers in the data that are in some relation to the second-highest data point. Records falling outside the prescribed range trigger further investigation, highlighting unusual fluctuations that may indicate fraud or errors.

- Computer Assisted Auditing Tools (CAATs):

Specifically developed computer programs for auditors, CAATs include data extraction software and financial analysis software. Data extraction software analyzes company databases, aiding in the detection of anomalies, while financial analysis software assesses financial statements and benchmarks ratios between different accounts.

- Data Mining Techniques:

Involves computer-assisted techniques designed to automatically extract new, hidden, or unexpected information or patterns from large volumes of data. Data mining includes discovery, predictive modelling, and deviation and link analysis. It helps uncover patterns without predefined hypotheses, predicts outcomes based on discovered patterns, identifies anomalies by comparing to established norms, and uses pattern-matching algorithms to detect suspicious cases.

- Ratio Analysis:

Forensic accountants use data analysis ratios, including financial, data analysis, and utility ratios, to identify potential signs of fraud. Ratios aid in estimating costs, detecting deviations, and providing insights into financial patterns.

These forensic accounting techniques are essential for identifying and investigating fraudulent activities, providing valuable tools for forensic accountants in their efforts to prevent, detect, and address financial misconduct.

ROLE OF FORENSIC ACCOUNTANTS

Forensic accountants play a crucial role in detecting fraudulent activities committed by employees. They utilize their skills to uncover the truth behind fraudulent actions, assisting organizations in addressing internal fraud issues.

- Forensic accountants serve as investigators in criminal matters, especially those involving white-collar crimes. They collaborate with law enforcement agencies and other investigation departments to gather evidence for civil and criminal actions.
- In the realm of professional negligence, forensic accountants monitor adherence to principles and standards governing the preparation of financial statements. They detect frauds related to corporate practices, auditing procedures, and ethical codes, ensuring compliance and ethical conduct.
- Forensic accountants are engaged in the settlement of insurance claims. They handle various types of claims, including loss policy matters, claims arising from various risks, and other insurance-related issues. When policyholders challenge claim settlements made by insurance companies, forensic accountants provide assistance.
- Growing business trade introduces multiple challenges and disputes. Forensic accountants are enlisted by business firms to handle and resolve issues such as construction claims, contract disputes, trademark cases, and other legal matters. Their expertise aids in facilitating fair and equitable dispute resolutions.

Forensic accountants play a multifaceted role, extending their services to diverse areas where financial expertise is essential for investigation, prevention, and resolution of complex issues.

ANALYSIS OF FORENSIC ACCOUNTING IN INDIA

The emergence of financial scams in India, coupled with the lack of stringent surveillance authorities, has underscored the need for forensic accountants. The continuous evolution of technology has changed the business landscape,
presenting both opportunities and challenges. Unfortunately, the recognition of forensic accounting in India has been relatively recent. While forensic accounting took its first steps in India a few years back with the establishment of the ForensicResearch Foundation, it gained further traction with the formation of the Serious Fraud Investigation Office (SFIO) in India.
Prior to the introduction of the Companies Act 2013, there was no explicit mention of forensic accounting in Indian statutes. The Companies Act 2013 responded to the increasing risk of fraud by incorporating specific provisions and placing greater responsibility and accountability on independent directors andauditors. The Act introduced the concept of Internal Financial Control (IFC), blending elements of Internal Control (IC) and Internal Control over Financial Reporting (ICFR). This legislative move signifies a significant step toward addressing fraud risks.
Despite these developments, there is still a gap in formal recognition and standardization of forensic accounting in India. The suggestion for the Institute of Chartered Accountants of India (ICAI) to formulate an accounting standard on forensic accounting is crucial. Such a standard would not only provide a framework for forensic accountants but also contribute to law enforcement agencies and regulatory bodies in tackling white-collar crimes and financial scams.
Law enforcement agencies, including the Police, Central Bureau of Investigation (CBI), Directorate of Revenue Intelligence (DRI), and others, play a direct role in combating frauds. Forensic auditors can collaborate with these authorities to collect evidence and support investigations. The synergy between forensic accountants and law enforcement agencies is essential for effective fraud detection, prevention, and legal proceedings.
In summary, the journey of forensic accounting in India has made significant strides, but there is still room for further recognition, standardization, and collaboration with law enforcement to combat the evolving challenges posed by financial scams and white-collar crimes.

SOME OF THE BIGGEST SCAMS IN INDIA

Each of these following incidents has had varying degrees of impact on thecountry's political, economic, and social landscape. Here's a brief summary of some of the mentioned scams:

- Haridas Mundhra (1957): A stock market scam involving financial manipulation and fraudulent activities.
- Nagarwala (1971): A scam related to bank fraud and financial irregularities.
- Antulay and Cement (1982): A corruption case involving former Chief Minister A.R. Antulay and alleged financial irregularities in the cement industry.
- Bofors (1989): An arms procurement scandal related to the purchase of howitzer guns for the Indian

Army.

- Harshad Mehta (1992): Involved securities fraud and financial irregularitiesin the Indian stock market.
- Palmolein Oil Imports in Kerala (1992): A corruption scandal related to palm oil imports in the state.
- Telgi (1995): The Fake Stamp Papers Scam orchestrated by Abdul Karim Telgi.
- SNC Lavalin in Kerala (1995): A controversy involving allegations of corruption in the awarding of contracts for the renovation of hydroelectric power plants.
- Sukhram and Telecom (1996): A telecom scam involving the then-Telecom Minister Sukh Ram.
- Fodder in Bihar (1996): A financial scandal related to the embezzlement of funds in the procurement of fodder.
- Jain Hawala (1997): A political scandal involving illegal payments made through hawala transactions.
- Ketan Parekh (2001): A stock market manipulation case.
- Barak Missile (2001): A defense procurement controversy related to the purchase of Barak missiles.
- Kargil Coffins (2002): Controversy surrounding alleged financial irregularities in the purchase of coffins for soldiers during the Kargil War.
- Taj Corridor (2003): A case involving corruption in the construction of the Taj Heritage Corridor in Uttar Pradesh.
- PDS Scam in Arunachal (2004): A scandal related to corruption and irregularities in the Public Distribution System in Arunachal Pradesh.
- Oil for Food Scam (2005): Allegations of corruption in the United Nations' Oil-for-Food Program, with claims of kickbacks and manipulation.
- Scorpene Submarine Deal (2006): Controversy surrounding the procurement deal for Scorpene-class submarines for the Indian Navy.
- Stamp Papers Scam (2005): A reference to the Telgi Fake Stamp Papers Scam, as discussed earlier.
- Cash for Votes (2008): Controversy over alleged bribery during a trust vote inthe Indian Parliament.
- Satyam Scam (2008): Corporate fraud involving the manipulation of financial statements by the top management of Satyam Computer Services.
- Madhu Koda and Mining (2009): A corruption case involving former Jharkhand Chief Minister Madhu Koda and illegal mining activities.
- 2G Spectrum Scam (2010): A major telecommunications scandal related to the allocation of 2G spectrum licenses.
- Commonwealth Games Scam (2010): Allegations of corruption and financial irregularities in the organization of the Commonwealth Games held in Delhi.
- Adarsh Housing Society Scam (2010): A controversy involving the alleged misuse of land intended for war widows by Adarsh Cooperative Housing Society in Mumbai.
- Housing Loans by Banking and Financial Institutions (2010): Reference to irregularities and corruption in the housing loan sector involving banking and financial institutions.
- Belekiri Port in Karnataka (2010): A controversy surrounding the proposed Belekiri port project in Karnataka and allegations of irregularities.
- Foodgrains in Uttar Pradesh (2010): A scandal related to the distribution of foodgrains in Uttar Pradesh with allegations of corruption.
- Bellary Mines (2011): Controversies over illegal mining and environmental violations in the Bellary region of Karnataka.
- Coal Allocation Scam (Coalgate): A scandal related to the allocation of coal blocks to private companies without a competitive bidding process.
- Chopper Deal Scam (2012): Controversies over alleged irregularities in the procurement of helicopters for VVIPs.
- Saradha Group Financial Scam (2013): A Ponzi scheme operated by the Saradha Group, resulting in financial fraud and a large number of investors losing their money.

These incidents highlight the challenges of corruption, financial malpractice, and unethical conduct in various sectors. The Indian government has taken steps over the years to strengthen regulatory mechanisms and enhance transparency to prevent such scams and ensure accountability. However, these cases also underscore the ongoing need for vigilant governance and ethical practices to safeguard the interests of the nation and its people.

CONCLUSION

The recognition of the pervasiveness of fraud and the growing need for specialized skills to uncover and prevent such fraud has indeed led to the emergence of forensic accounting as a crucial field. Here are some key points regarding the role of educational institutions and professional bodies in training forensic accountants:

- Importance of Training:

Given the complex nature of financial frauds, specialized training is essential to equip professionals with the necessary skills to detect, investigate, and prevent fraudulent activities.

- Role of Colleges and Universities:

Educational institutions, including colleges and universities, play a vital rolein providing formal education and training in forensic accounting.
Integration of forensic accounting courses into academic curricula helps students develop a strong foundation in accounting principles, investigative techniques, and legal aspects.

- International Recognition:

The inclusion of forensic auditing in the curriculum of international bodies like the CFA Institute reflects the global acknowledgment of the importanceof forensic accounting skills.

- Professional Bodies and Post-Qualification Courses:

Professional bodies such as the Institute of Chartered Accountants of India (ICAI) and the Institute of Cost Accountants of India (ICWAI) have introduced post-qualification courses like the Diploma in Investigative and Forensic Accounting to address the specialized needs of the industry.

- Need for Accounting Standards:

The suggestion for ICAI to formulate an accounting standard on Forensic Accounting is a crucial step. Standardization ensures a consistent approach and establishes best practices in the field.
An accounting standard specific to forensic accounting would guide practitioners in conducting investigations, preparing reports, and maintaining ethical standards.

- Collaboration with Law Enforcement and Regulatory Bodies:
- Forensic accountants, with their specialized knowledge, can play a crucial role in supporting law enforcement agencies and regulatory bodies in curbing white-collar crimes and financial scams.
- Collaboration between educational institutions, professional bodies, and regulatory authorities helps create a comprehensive ecosystem for combating financial fraud.
- Continuous Professional Development:

The field of forensic accounting is dynamic, and continuous professional development is essential. Training programs, workshops, and updates should be regularly offered to keep forensic accountants abreast of the latest developments in fraud detection and prevention.
In summary, the proactive approach of integrating forensic accounting into educational curriculum, offering post-qualification courses, and formulating accounting standards reflects a commitment to addressing the challenges posed by financial frauds and fostering a cadre of well-trained forensic accountants.

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