

Illicity of Prices in Times of Crisis: Case of the Coronavirus Health Crisis in the city of Bukavu

Authors:

1. LUCIEN MOMEKA Ruhangamuza
2. NGONGO MUGANZA Henry
3. BANZA IYOTO Erick

ABSTRACT

It was about four months of self-sacrifice and hardship following the global pandemic situation. This situation should have enormous economic impacts, in particular by modifying the behavior of economic agents. We had sought to know the rights and obligations of sellers in such circumstances. Supported by exegetical methods for examining price regulations, the route procedures were used to interview 152 sellers and / or suppliers of goods and / or services in order to obtain information on prices, with prudence and understanding. procedural integrity strictly followed to avoid selection bias in the field. It turns out that a considerable proportion of sellers of goods and providers of services have given themselves more freedoms beyond those given to them by law in the setting of prices. Thus, the prices were practiced illicitly during this pandemic period in violation of legal texts. This illegal practice, although having effects on the purchasing powers of consumers, had been done in full view of the state authority and with what many people consider to be a complicity of most social groups of based.

Keywords: illicit prices, Covid-19, exegetical methods

RESUME

Ce fût environ quatre mois d'abnégation et de dures épreuves à la suite de la situation pandémique mondiale. Cette situation devrait avoir d'impacts économiques énormes notamment en modifiant les comportements des agents économiques. Nous avons cherché à savoir les droits et obligations des vendeurs dans de telles circonstances. Appuyées par les méthodes exégétiques pour examiner les réglementations des prix, les procédures des itinéraires ont été utilisées pour interviewer 152 vendeurs et/ou offreurs des biens et/ou services afin d'avoir des informations sur les prix et ce, avec une prudence et une intégrité de procédure strictement suivies pour éviter les biais de sélection sur le terrain. Il s'avère qu'une proportion considérable des vendeurs des biens et offreurs des services se sont donnés plus de libertés au-delà de celles qui leurs sont donnée par la loi en matière de la fixation des prix. Ainsi, les prix ont été pratiqués illicitement pendant cette période pandémique en violation des textes légaux. Cette pratique illicite bien qu'ayant d'effets sur les pouvoirs d'achats des consommateurs avaient été fait au vu et au su de l'autorité étatique et avec ce que bon nombre de gens estime être une complicité de la plupart des groupes sociaux de base.

Mots clés : illicéité des prix, Covid-19, méthodes exégétiques

0. INTRODUCTION

The motivation to exploit such a theme repose on the fact of wanting, from the moralization of commercial practices especially with better price regulation within the framework of respect for the law, to bring a stone to the building of the protection of the consumer in a state where economic law is a little behind. Indeed, the world has just gone through the first half of 2020 characterized by a strong crisis linked to the Corona Virus pandemic. Several countries have been affected, including the Democratic Republic of Congo.

In the latter, the location of the epicenter in the city province of Kinshasa, the capital of the country, would have favored a rapid progression of the disease to the depths of the country and the province of South Kivu more particularly the city of Bukavu. did not remain unharmed. In response to the crisis, the DR Congolese authorities deemed it appropriate to declare a state of health emergency in accordance with article 85 of the constitution¹. This exceptional condition involving containment measures entered into force on March 24, 2020, i.e. one day after its publication, for a period of 30 days, extendable for successive periods of 15 days in accordance with the fifth paragraph of the article 144 of the constitution and according to the evolution of the pandemic situation.

During this period of the state of emergency, the whole world and in particular the Democratic Republic of Congo experienced a contraction of economic activities. It is shown that the economic and social effects will still be felt long after the disease has officially ended². Consequently, the question of determining the level of domestic prices arises sharply. More and more consumer agents are complaining following the inflationary situations of goods and services on the markets, on the grounds of flagrant violations of laws and regulations in terms of price formation. In the intellectual world, these complaints lead to the claim of the involvement of the state authority to demand penalties and fines from sellers for overpayment and illegal pricing practices.

It should be noted that in the Democratic Republic of Congo, the fixing of the price of a good or a service is governed by the Decree-law of March 20, 1961 on the price and its implementing measures, in particular, the ministerial decree 065 / CAB / MIN / ÉCONAT / MBL / DKL / dag / 2015 of 26 November 2015 (FEC, 2018) as well as ministerial decree n ° 034 / CAB / MINET / ECONAT / JKN / 2018 in effect. Thus, the development of fair competition must encourage traders to market products and services of better quality and at the best price. The benefit of this practice undoubtedly goes to consumers. The analysis of the legal framework for price formation and the procedure for the intervention of the public authority in matters of economic control and especially in an environment where the price increase has become commonplace, has been the subject of several opinions and this raises many questions.

Thus, we can ask ourselves if there was a violation of the law on the part of the suppliers of the city of Bukavu by raising the prices of goods and / or services. The study of price regulation is a very complex notion in the DRC due to the fact that the law is massively flouted there (LUMBULUMBU K., 2008). This is how, throughout this work, we will endeavor to respond to certain subsidiary concerns. Are there any rights exercised, and obligations flouted by the sellers of the Bukavu markets

¹Article 85 of the constitution provides that when serious circumstances (in this case we are talking about a global scourge not sparing the DRC) [...] cause the interruption of the regular functioning of the institutions, the President of the Republic proclaims the state of emergency after consultation with the Prime Minister and the presidents of the two Chambers in accordance with articles 144 and 145 of the constitution. He informs the nation of this by means of a message.

²<https://www.force-ouvriere.fr/les-consequences-economique-et-sociales-du-coronavirus/> consulted on August 3, 2020

during the period of health crisis linked to the Corona Virus? What are the consequences that can arise when sellers of goods and services engage in illicit pricing practices?

Free competition is the corollary of free trade. Thus, the market obeys the law of supply and demand and economic operators can offer the same customers similar products or services in this system. Freedom of competition is guaranteed. But like all freedom, it must be exercised in accordance with the law. Under penalty of criminal penalties, operators must therefore comply with a certain number of rules and may not adopt unfair behavior, that is to say contrary to commercial practice or to the laws and regulations in force.

We are pursuing the objective of analyzing the effects of the state of health emergency on the behavior of providers of goods and / or services in the city of Bukavu. Also, we want to explore the legal framework for setting prices to establish or not infringer facts in the heads of suppliers of goods and services in the city of Bukavu during the periods of the Coronavirus pandemic.

There is minimal work comparing the effects of the Coronavirus pandemic to prior time periods and periods during the pandemic. In addition, our work will exploit this rare aspect of analysis so far and will be one of the benchmarks for other researchers who want to orient their work in this direction. Therefore, we are driven by the desire to make a contribution to the scientific and professional world, especially in the area of economic and social law. Also, economic agents can use it to restore legality in the actions taken by each of them in order to regulate the life of society.

To approach our topic, we opt for the combination of three methods. To check the relationships between prices, consumption mode and competition, we opted for the analytical and comparative methods. In addition, since it is necessary to study the deep spirit of the legislator in this context, we also use the exegetical method to examine the "ratio legis" of price regulation, of consumer protection in Congolese law. As techniques throughout our investigations, we first used the documentation that made it easier for us to increase the cost of our analyzes to base our thinking on common sense. Second, we went through the interview, which allowed us to collect information on prices as well as consumption patterns for basic necessities in certain markets in the city of Bukavu.

Our work is guided by a subdivision of logical steps. Indeed, it comprises, apart from the introduction and the conclusion, three sections. The first concerns methodological approaches adapted to work, the second is devoted to statistical and arithmetic analyzes of the prices of goods and services for the periods before and during the state of emergency; and the third deals with legal observations of illegal pricing in times of health crisis.

1. WORK METHODOLOGY

In this paper we present a detailed description (graphic and statistical) of fifty-nine products grouped into headings such as spices (5 products)³, cereals (4 products)⁴, flours (4 products)⁵, oils (3

³Tomatoes, onions, garlic, salt and Magic Cube.

⁴Rice, corn, spaghetti and macaroni.

⁵Corn Flour, Cassava Flour, Sorghum and Wheat.

products)⁶, meats (4 products)⁷, poultry (4 products)⁸, drinks (3 products)⁹, fish (5 products)¹⁰, fruits (7 products)¹¹, vegetables (8 products)¹², tubers and roots (5 products)¹³, legumes (4 products)¹⁴ and other products (sugar, powdered milk and fuel in which we find fuel oil, gasoline and diesel). Some of these products have been subdivided according to their origins (such as for example the distinction between rice from Tanzania, rice from Uvira and rice from Pakistan) and according to their nature (such as for example palm oil, peanut oil and olive oil or even traditional juice and industrial juice).

The choice of these products was guided by an intuitive consideration of the products most in demand by households in the city of Bukavu in six reference markets (the Kadutu market, the Nyawera market, the Beach Muhanzi market, the Nguba market, the Labotte market as well as the Kamagema market). In addition to goods, we have also alluded to services which have been classified under headings such as transport (divided into 4 means)¹⁵, currency exchange¹⁶ as well as remuneration (categorized into 4 types due to the differences in salaries and the realities that may affect the non-perception or significant reduction in the lifestyle of the agents of certain services)¹⁷.

An interview was conducted with the vendors-retailers of these various products in the above-mentioned markets to inquire about supply prices and selling prices before and during the period of the state of emergency. The same exercise was carried out for city transport drivers, for managers of boat travel agencies as well as for managers of service stations. We subjected them to an interview using a guide in which the respondents were asked to provide us with information on the costs at different stages of supply, the selling prices as well as the difficulties they encounter, before and during the state of emergency. Finally, they were asked to make recommendations to public authorities, other traders as well as consumers. Remember that the same recommendations exercise was carried out on a reduced sample of consumer households.

For each item, the unit of measurement has been set in order to put purchases and sales in value on the same footing. For variations, we applied the general formula involving the pre-emergency price

⁶Palm oil, peanut oil and olive oil.

⁷Pork, cow meat, goat meat and turkey.

⁸Chicken, duck, turkey and rabbit.

⁹Water, milk and juice.

¹⁰Limnotrissa, fry, tilapia, clarias and thompson.

¹¹Banana, lemon, mango, pineapple, plum, avocado and orange.

¹²Amaranth, cabbage, cassava leaf, squash leaf, sweet potato leaf, bean leaf, eggplant, plantain.

¹³Rapeseed, mahole, cassava, sweet potato, potato.

¹⁴Beans, peas, peanuts and soybeans.

¹⁵Motorcycle, taxi, bus agencies and boat agencies

¹⁶Taking into consideration the exchange rate of the Congolese franc against the four currencies traded on the black market namely the US dollar, the Euro, the Burundian franc, and the Rwandan franc. Given the extent of black markets in the foreign exchange sector in the Democratic Republic of Congo and more particularly in the city of Bukavu, we do not take into account the evolution of the official exchange rate of the Central Bank of Congo but from the black-market rate held by forex traders who have become referral agents for households wanting to exchange currencies.

¹⁷Salary in NGOs, academy and public services.

denoted P_0 and the price during the emergency state denoted P_1 . Thus, the variation of the price ΔP in percentage is given by the following formula:

$$\Delta P = \frac{P_1 - P_0}{P_0}$$

Considering the results of our pre-surveys on 30 suppliers of goods and / or services who estimate the average selling price (payment for services included) Y of 1000 Frc and a standard deviation of 63 Frc. We set the absolute error E at 10 with a $1 - \alpha$ confidence level of 95%. Let us denote by k , the critical value corresponding to this level and which is 1.96. Note that \bar{Y} represents the mean of Y and is an unbiased estimator of the population mean. We also have $V(\bar{Y})$ the variance of Y estimated. We know that:

$$E = k\sqrt{V(\bar{Y})} \text{ et } V(\bar{Y}) = k \frac{S}{\sqrt{n}} \sqrt{\frac{N-n}{N}}$$

Let us assume a low sampling rate insofar as we want to work with the largest possible sample which would obviously tend towards the size of the population N . We can thus neglect the effect of the correction factor $(1 - f)$ with f (sampling rate) = $\frac{n}{N}$; And so:

$$1 - \frac{n}{N} = \frac{N-n}{N} \text{ is neglected and is considered zero because } n \sim N$$

Thus, $E = k \frac{S}{\sqrt{n}}$; The two squared members, we have $(E)^2 = \left(k \frac{S}{\sqrt{n}}\right)^2$; Which give

$E^2 = k^2 \frac{S^2}{n}$ And so, $n = \frac{k^2 S^2}{E^2}$ By replacing each element with its value, we have:

$$n = \frac{(1.96)^2 (63)^2}{(10)^2} = \frac{3.8416 * 3\,969}{100} = \frac{15\,247}{100} \approx 152 \text{ respondents}$$

Intuitive work was done to distribute the sample thus found in order to conduct the interviews in the field. The markets considered being made up of the spreading axes for each product, we went into each axis and interviewed two salespeople per product (excluding the fuel product), for a total of 116 salespeople interviewed. For the product "fuels", we interviewed three agents responsible for service stations due to one agent per station (IHUSI, ENGEL and UMOJA NI NGUVU). For the foreign exchange sector, we interviewed a foreign exchange black market trader on three trader tracks (Nyawera, Kamagema and Major-vangu).

In addition to this, twelve salaried agents due three for NGOs, three for academicians in the public sector, three others for academicians in the private sector as well as three workers in the public services were interviewed. Also, twelve public transport drivers (taxi-bus, taxi-cars, tricycles, motorcycles) because of the three interviewed by type of transport, three officials of the travel agencies Bukavu-Uvira and Bukavu-Bujumbura and three persons in charge of the boats. been helpful.

After the consistency check carried out directly at the interview location, the information thus collected was transcribed into a Microsoft Excel file and subjected to statistical processing. Also, the use of the scale allowed us to inquire about the weight of the goods subjected to our fieldwork. Moreover, knowing that the sample mean is an unbiased estimator of the population mean, an arithmetic mean of the prices provided by the agents interviewed for each good or service was calculated in order to identify the purchase price (average) as well as the (average) selling price that we used in the calculations for all goods and services. $\mu = \frac{1}{n} \sum_{i \in U} y_i$ With μ the mean; n the number of people surveyed for a good or service; and y_i the prices (buying and selling) for each good or service and by each agent interviewed.

2. STATISTICAL AND ARITHMETIC ANALYZES OF PRICES

In this part we present the statistical and arithmetic descriptions of our data with the key to calculating the variations in buying and selling prices and a graphic representation of each of these variations. First, we make a description of the goods before doing the same exercise for the services in the second point.

2.1. The goods

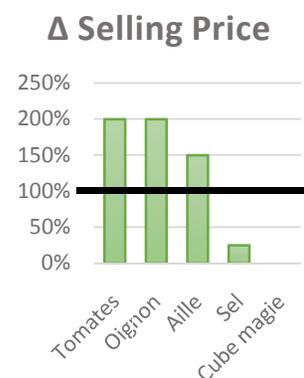
In this point we present graphically and arithmetically the prices in Congolese francs of spices, cereals, flour, oils, meats, poultry, fuels, drinks, fish, fruits, vegetables, tubers and roots, legumes, sugar, powdered milk as well as fuel.

Figure 1. Prices in Congolese francs of Spices

Entitled	Origin	Unit	Quantity	Buying Price		Selling Price	
				Before	After	Before	After
Tomatoes	Rwanda, Idjwi	Kg	1	800	820	1 000	2 000
Onions	Mudaka	Kg	0.75	400	410	500	1000
Garlic	Nyangezi	Kg	0.1	150	160	200	500

Salt	Tanzanie	Kg	0.5	300	310	400	500
Magic Cube	Kinshasa	Kg	0.2	80	90	100	100

Entitled	Δ Buying Price	Δ Selling Price
Tomatoes	2.50%	200%
Onions	2.50%	200%
Garlic	6.67%	150%
Salt	3.33%	25%
Cube	12.5%	0%



Source: Our analyzes from Microsoft Excel 365 for entreprise.

This sample of products makes it possible to clearly observe the variation in the prices of spices for purchase as well as for sale before and during the period of the state of emergency. The prices of spices have on average varied by approximately 5.5% for supplies and 115% for sale. Changes in purchase prices resulting from higher transport costs. The selling prices varying diametrically following the anticipations of the requesting agents determined to ask for more, approximate profit margins of 144%, 144%, 213%, 67% and 11% respectively for tomatoes, onion, garlic, salt and cube-magic are estimated.

Figure 2. Prices in Congolese francs of Cereals

Entitled	Origin	Unit	Quantity	Buying Price		Selling Price	
				Before	After	Before	After
Rice	Tanzanie	Kg	25	38 000	38 600	42 000	54 000
	Uvira-RDC	Kg	25	32 000	32 400	36 000	50 000
	Pakistan	Kg	25	36 000	36 600	40 000	52 000
Corn	Plaine de Ruzizi	Kg	15	10 000	10 400	11 800	30 000
	Tanzanie	Kg	0.5	1 000	1 050	1 200	1 500
Spaghetti	Tanzanie	Kg	0.5	1 000	1 050	1 200	1 500
Maccaroni	Tanzanie	Kg	0.5	1 000	1 050	1 200	1 500

Entitled	Δ Buying Price	Δ Selling Price
Ri Tz	1.58%	28.50%
Riz Uv	1.25%	38.89%



Riz Pak	1.67%	30.00%
Corn Uv	4.00%	154.24%
Corn Tz	5.00%	25.00%
Spagh	5.00%	25.00%
Macc	5.00%	25.00%

Source: Our analyzes from Microsoft Excel 365 for entreprise.

During the period of the state of emergency, the prices of cereals soared on average by 3.36% and 46.66% respectively at the purchase and the sale. Variations in purchasing due to rising freight costs. Selling prices soared as a result of a significant decrease in the quantities offered, a contraction in supply due to restrictive import operations, a key source in an outgoing economy like ours. During the period of the state of emergency we note the approximate profit margins of 45%, 175%, 43% and 43% respectively for rice, corn, spaghetti and macaroni.

Figure 3. Prices in Congolese francs of Flour

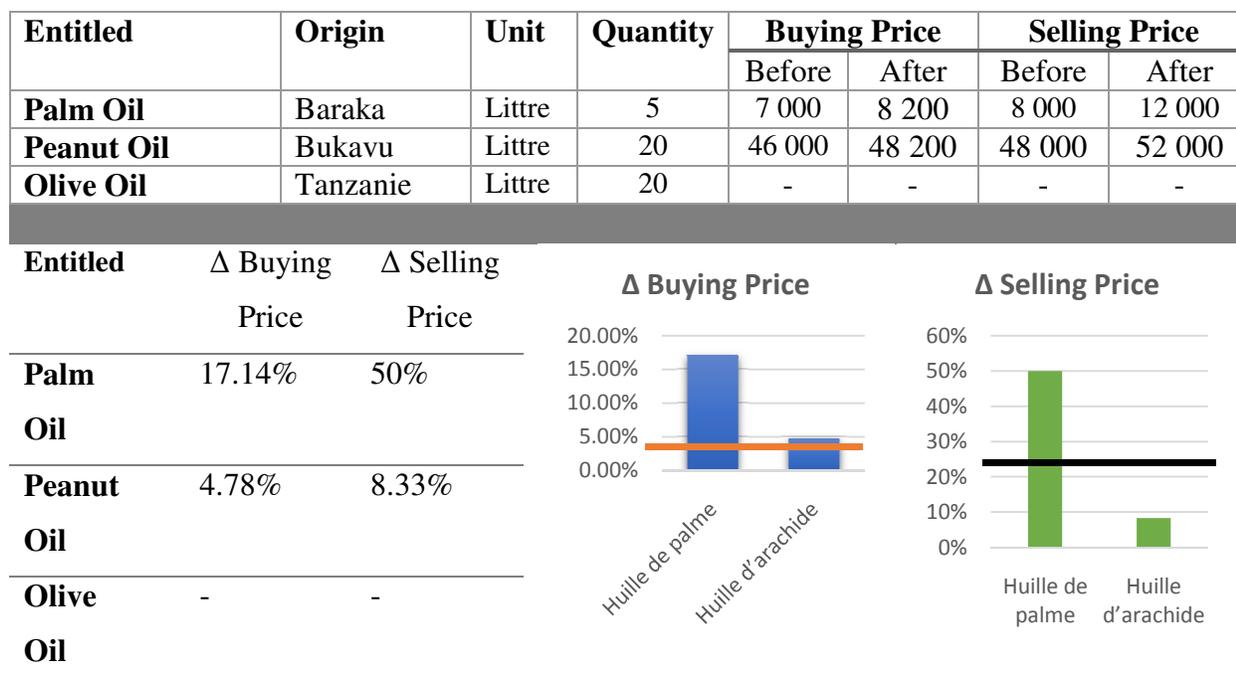
Entitled	Origin	Unit	Quantity	Buying Price		Selling Price	
				Before	After	Before	After
Corn semoule	Goma, Rwanda	Kg	25	26 000	27 000	27 000	42 000
Corn ordinaire	Goma, Rwanda	Kg	25	16 000	16 000	18 000	34 000
Cassava	Kabare, Walungu, Bugarama	Kg	1	700	750	1 000	1 200
Sorghum	Ngweshe	Kg	1	1 200	1 300	2 000	2 500
Blé	Rwanda	Kg	1	1 000	1 200	1 500	1 800



Source: Our analyzes from Microsoft Excel 365 for entreprise

During the state of emergency, we noted an increase of 7.86% in purchasing and 41.89% in selling flour prices in the city of Bukavu. As most of the sellers of these products are importers, this price increase can be explained both by the increase in transport costs as well as excessive demand due to agents' expectations. During this critical period, profit margins reached respective levels of 100%, 60%, 92% and 50% for maize flour, cassava flour, sorghum flour as well as wheat flour.

Figure 4. Prices in Congolese francs of Oils



Source: Our analyzes from Microsoft Excel 365 for entreprise

During the period of the state of emergency the prices of oils increased by 10.96 and 29% respectively at the purchase and the sale. On purchase, the increase is due to the increase in transport costs following the measures taken by the state authority to isolate the city of Bukavu from other territories of the province and this had effects on the shortage or the lack of olive oils on the market altogether. In the sale, a consistent demand following the expectations of the requesting agents was the basis of the price increase. Profit margins during the emergency were approximately 46% and 8% for palm oil and peanut oil, respectively.

Figure 5. Prices in Congolese francs of Meats

Entitled	Origin	Unit	Quantity	Buying Price		Selling Price	
				Before	After	Before	After

Pork	Bukavu, Rwanda	Kg	1	8 000	8 200	10 000	15 000
Cow	Bukavu, Rwanda	Kg	1	6 000	8 200	7 000	12 000
Goat	Mulumemunene, Rwanda	Kg	1	7 000	7 200	10 000	14 000
turkey	Ngweshe	Kg	0.5	2 000	2 200	4 000	6 000

Entitled	Δ Buying Price	Δ Selling Price
Pork	2.50%	50.00%
Cow	36.67%	71.43%
Goat	2.85%	40.00%
turkey	10.00%	50.00%



Source: Our analyzes from Microsoft Excel 365 for entreprise

Note that during the period of the state of emergency, the buying and selling prices of meats increased by 13.01% and 52.86% respectively. These increases are the result of difficulties related to transport costs as well as the anticipations of agents who see fit to stock up on mass on the grounds that there will be shortages in the future. Moreover, during the period of the state of emergency, the profit margins are approximately 83%, 46%, 94% and 173% respectively for pork, cow, goat, and turkey.

Figure 6. Prices in Congolese francs of Poultry

Entitled	Origin	Unit	Quantity	Buying Price		Selling Price	
				Before	After	Before	After
Chicken	Rwanda, Uganda ¹⁸	Kg	1.5	8 000	8 400	10 000	13 000
Canard	Ngweshe	Kg	1.5	4 000	4 400	6 000	8 000
Dindon	Ngweshe	Kg	1.5	9 000	5 200	7 000	9 000
Rabbit	Ngweshe	Kg	1.5	4 000	5000	6 000	7 000

Entitled	Δ Buying Price	Δ Selling Price
Chicken	5.00%	30.00%
Canard	10.00%	33.33%



¹⁸Small chicks are most often bought for raising on site in henhouses.

Dindon	4.00%	28.57%
Rabbit	25%	16.67%

Source: Our analyzes from Microsoft Excel 365 for entreprise

During the period of the state of emergency the prices of poultry soared by 11.00% and 27.14% respectively for purchase and sale. The difficulties associated with transport for the supply chain as well as the expectations of consumer agents are the two causes of this price increase. In addition, during this state of emergency, the profit margins of these various products were approximately 55%, 82%, 73% and 40% respectively for chicken, duck, turkey and rabbit.

Figure 7. Prices in Congolese francs of Combustible

Entitled	Origin	Unit	Quantity	Buying Price		Selling Price	
				Before	After	Before	After
Firewood	Nyangezi, Kabare	Kg	25	14 000	14 400	20 000	20 000
Gas	Rwanda	Kg	1	-	-	-	-
Match	Tanzanie	Paquet	1 de 10	130	130	150	150
Embers	Mudaka, Citumbi	Kg	100	40 000	42 000	50 000	60 000
	Kalonge	Kg	100	36 000	38 000	44 000	50 000
	Fizi et Tanzanie	Kg	100	30000	32 000	50000	70 000



Source: Our analyzes from Microsoft Excel 365 for entreprise

During the period of the state of emergency the purchase and sale prices increased by 4.01% and 14.73% respectively. An increase mainly due to the scarcity of products following strong demand, consequently linked to the expectations of agent-applicants. In addition, during the same period, profit margins exploded by approximately 39%, 15% and 61% respectively for firewood, matches and embers. In addition, there was a shortage of methane gas in all supply points in the city.

Figure 8. Prices in Congolese francs of Drinks

Entitled	Origin	Unit	Quantity	Buying Price		Selling Price	
				Before	After	Before	After
Water	Bukavu, Burundi	Litre	6	2500	2500	3 000	5 000
Milk	Goma	Litre	5	8 000	8 000	10 000	10 000
	Rwanda	Litre	5	4 000	4 000	5 000	6 500
Industriel Juice	Tanzanie, Uganda	Litre	6	13 000	13 000	14 000	14 000
Traditionnal Juice	Bukavu	Litre	1	1 500	1 500	2 000	2 000



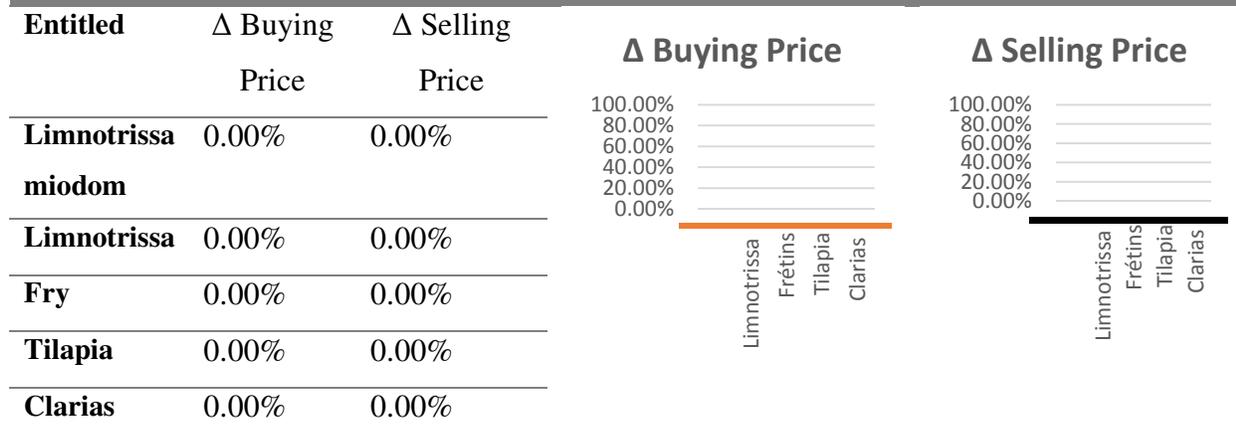
Source: Our analyzes from Microsoft Excel 365 for entreprise

During the state of emergency, although the purchase prices of drinks were stable with an average change of 0.00%, the prices for sale increased by around 19.00%. Stability of supply prices is a consequence of purchasing conditions, with the understanding that most of these goods are produced locally. However, regarding the surge in selling prices, this is mainly linked to the increase in demand following the expectations of consumer agents. Moreover, during this period, the profit margins of these products were approximately 100%, 38%, 8% and 33% respectively for water, liquid milk, industrial juice as well as traditional juice.

Figure 9. Prices in Congolese francs of Fish

Entitled	Origin	Unit	Quantity	Buying Price	Selling Price
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				Before	After	Before	After
Limnotrissa miodom (sambaza)	Bukavu	Kg	1	3500	3500	4 000	4 000
Limnotrissa (Ndugu)	Bukavu	Kg	1	3 000	3 000	3 500	3 500
Fry	Uvira	Kg	1	18 000	18 000	20 000	20 000
Tilapia	Uganga	Kg	1	5 500	5 500	6 000	6 000
Clarias (Kambale)	Bukavu	Kg	1	9 000	9 000	14 500	14 500
Thompson	Kinshasa	Kg	1	5 000	5 000	6 000	6 000



Source: Our analyzes from Microsoft Excel 365 for entreprise

During the period of the state of emergency, fish prices remained stable and hardly changed due to 0.00% variation on average in both buy and sell prices. This stability is due to the local character of most of the production of these fish, whether in Lake Kivu or in fish tanks and ponds owned by young entrepreneurs. In addition, during this same period, we note profit margins estimated at approximately 14%, 17%, 11%, 9%, 61% and 20% respectively for limnotrissa miodom, limnotrissa, fry, tilapia, clarias as well as thompsons. The clarias being reared in tanks and in too limited quantities proved to be in too much demand in the markets which caused an extreme ego in the heads of the breeders in search of excessive profit margins.

Figure 10. Prices in Congolese francs of Fruits

Entitled	Origin	Unit	Quantity	Buying Price		Selling Price	
				Before	After	Before	After
Banana	Rwanda	1	Kg	1 600	1 600	1 800	2 000
Citron	Rwanda	1	Kg	500	600	1 000	1 000
Mango	Uvira	0.25	Kg	800	800	1 000	1 000
Ananas	Idjwi, Birava	1	Kg	700	700	1 000	1 000
Prunes	Rwanda	0.5	Kg	500	500	1000	1 000
Avocat	Rwanda	0.5	Kg	700	800	1 000	1 200

Oranges	Uvira, Rwanda	1	Kg	1 500	1 500	2 000	2 000
Entitled	Δ Buying Price	Δ Selling Price					
Banana	0.00%	11.11%					
Citron	20.00%	0.00%					
Mango	0.00%	0.00%					
Ananas	0.00%	0.00%					
Prunes	0.00%	0.00%					
Avocat	0.00%	20.00%					
Oranges	0.00%	0.00%					

Δ Buying Price

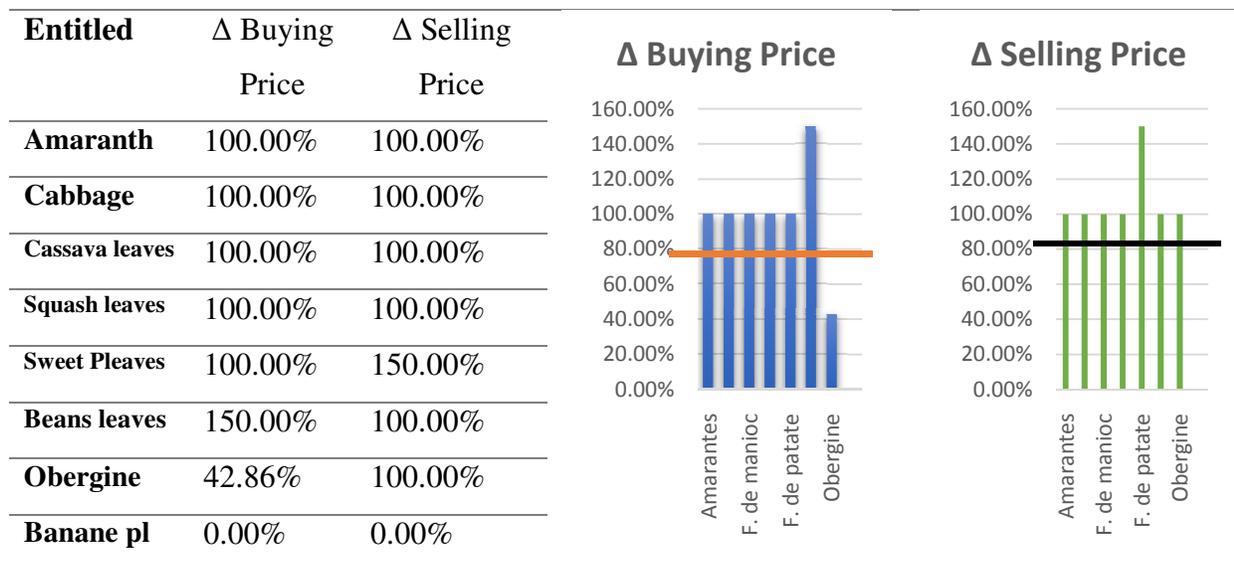
Δ Selling Price

Source: Our analyzes from Microsoft Excel 365 for entreprise

During the period of the state of emergency the purchase and sale prices of fruits increased by 2.86% and 4.44% respectively. Increases due to rising transport costs even for vehicles coming from the outskirts of the city. In addition, as neighboring countries no longer supply fruit to the city's markets, there was a small shortage of these products, which had repercussions on selling prices. Profit margins of approximately 25%, 67%, 25%, 43%, 100%, 50% and 33% were observed on the sale of bananas, lemons, mangoes, pineapples, plums, avocados and oranges, respectively.

Figure 11. Prices in Congolese francs of Vegetables

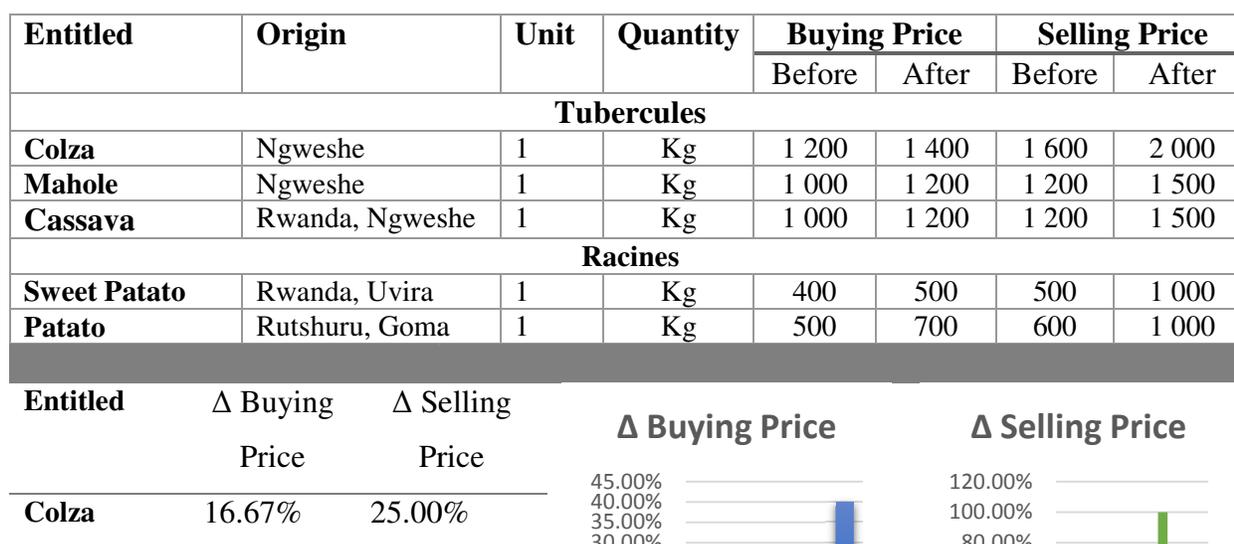
Entitled	Origin	Unit	Quantity	Buying Price		Selling Price	
				Before	After	Before	After
Amaranth	Ngweshe	1	Kg	200	400	500	1 000
Cabbage	Birava, Ngweshe, Rwanda	1	Kg	300	600	500	1 000
Cassava leaves	Nyangezi, Rwanda, Kabare	1	Kg	300	600	500	1 000
Squash leaves	Ngweshe, Rwanda	1	Kg	300	600	500	1 000
Sweet patato leaves	Ngweshe	1	Kg	100	200	200	500
Beans leaves	Ngweshe	1	Kg	200	500	500	1 000
Obergine	Rwanda	1	Kg	700	1000	1000	2 000
Banane plantain	Nyangezi, Mashinji, Mudaka	1	Kg	1000	1000	1500	1 500



Source: Our analyzes from Microsoft Excel 365 for entreprise

During the period of the state of emergency, there was a surge in the prices of vegetables, reaching average variations of 87.00% and 93.75% respectively for buying and selling. Increases due to transport difficulties as well as agents' expectations thus having repercussions on demand, which causes selling prices to rise. In addition, during the same period, we observe approximate profit margins of 150%, 67%, 67%, 67%, 150%, 100%, 100% as well as 50% respectively for amaranths, cabbages, leaves of cassava, squash leaves, sweet potato leaves, bean leaves, eggplants as well as plantains.

Figure 12. Prices in Congolese francs of Tuber



Mahole	20.00%	25.00%
Manioc	20.00%	25.00%
Sweet Patato	25.00%	100.00%
Patato	40.00%	66.67%

Source: Our analyzes from Microsoft Excel 365 for entreprise

Tuber and root prices increased on average by 24.33% and 48.33% respectively for purchases and sales during the period of the state of emergency. An increase mainly due to the difficulties of transport costs as well as the expectations of the requesting agents. Moreover, during this period, approximate profit margins of 43%, 25%, 25%, 50% and 67% were observed respectively on oilseed rape, maholes, cassava, sweet potatoes and potatoes.

Figure 13. Prices in Congolese francs of Legumuneuse

Entitled	Origin	Unit	Quantity	Buying Price		Selling Price	
				Before	After	Before	After
Beans	Goma, Rwanda, Ngweshe	Kg	100	140 000	140 400	150 000	190 000
Petit poid	Mudaka	Kg	1	2 000	2 000	2 700	3 500
Peanut	Ngweshe	Kg	1	2 000	2 000	3 000	3 000
Soja	Ngweshe	Kg	1	1 500	1 500	2 000	2 000



Source: Our analyzes from Microsoft Excel 365 for entreprise

During the state of emergency, on average, prices for pulses increased 0.07% for purchase and 14.07% for sale. An increase due to transport costs and the expectations of consumer agents thus causing an excessive demand for these products on the markets. In addition, during this period we note

approximate profit margins of 35%, 75%, 50% and 33% respectively for beans, small-weights, peanuts as well as soybeans.

Figure 14. Prices in Congolese francs of Others

Entitled	Origin	Unit	Quantity	Buying Price		Variation	Selling Price		Variation
				Before	After		Before	After	
Sugar	Tanzanie	Kg	1	1 400	1 500	7.14%	1 600	1 700	6.25%
Milk/powder	Tanzanie	Kg	1	8 000	8 100	1.25%	9 600	9 800	2.08%
Carburant									
Fuel Oil	Tanzanie	Liter	1	1 400	1 200	-14.28%	1 600	1 400	-12.50%
Essence	Tanzanie	Liter	1	1 400	1 200	-14.28%	1 600	1 400	-12.50%
Gasoil	Tanzanie	Liter	1	1 400	1 200	-14.28%	1 600	1 400	-12.50%
Petrole	Tanzanie	Liter	1	1 400	1 200	-14.28%	1 600	1 400	-12.50%

Entitled	Δ Buying Price	Δ Selling Price
Sugar	7.14%	6.25%
Milk/powder	1.25%	2.08%
Fuel Oil	-14.28%	-12.50%
Essence	-14.28%	-12.50%
Gasoil	-14.28%	-12.50%
Petrole	-14.28%	-12.50%

Δ Buying Price

Δ Selling Price

Source: Our analyzes from Microsoft Excel 365 for entreprise

We note that during the period of the state of emergency, on average the prices of other goods (sugar, powdered milk as well as fuel) significantly decreased 8.12% and -6.95% respectively for purchase and on sale. This decrease is largely due to the drop in global fuel prices. The profit margins of these goods are roughly estimated at 13%, 21% and 17% respectively for sugar, milk powder and fuel.

2.2.Services

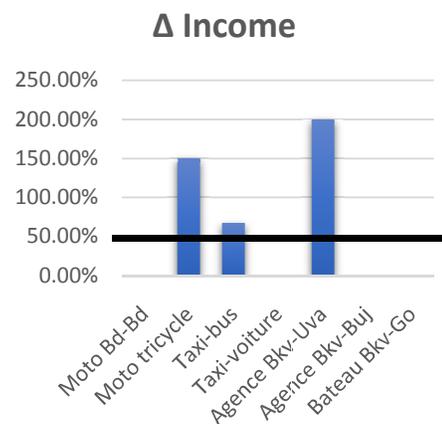
With regard to services, we will treat arithmetically and statistically the field of transport in all its natures, the foreign exchange sector, the employment sector by tackling only the aspect relating to remuneration as well as the internet services offered by cyber -Coffee.

Figure 15. Figure 14. Prices in Congolese francs of Transport

Entitled	Nature	Unity	Quantity	Expenditures	Revenus
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				Before	After	Before	After
Moto Boda-Boda	Course local	Km	2	300	300	500	500
Moto tricycle	Course local	Km	2	100	100	200	500
Taxi-bus	Course local	Km	2	300	300	300	500
Taxi-voiture	Course local	Km	2	300	300	500	500
Agence de voyage Bukavu-Uvira	Course provinciale	Km	115	14 000	14 000	16 000	32 000
Agence de voyage Bukavu-Burundi	Course régional	Km	126	12 000	-	16 000	
Bateau Bukavu-Goma	Course interprovincial	Km	150	16 000	16 000	20 000	20 000

Intitulé	Δ Expenditures	Δ Income
Moto Bd-Bd	0.00%	0.00%
Moto tricycle	0.00%	150.00%
Taxi-bus	0.00%	66.67%
Taxi-voiture	0.00%	0.00%
Agence Bkv-Uva	0.00%	200.00%
Agence Bkv-Buj	-	-
Bateau Bkv-Go	0.00%	0.00%

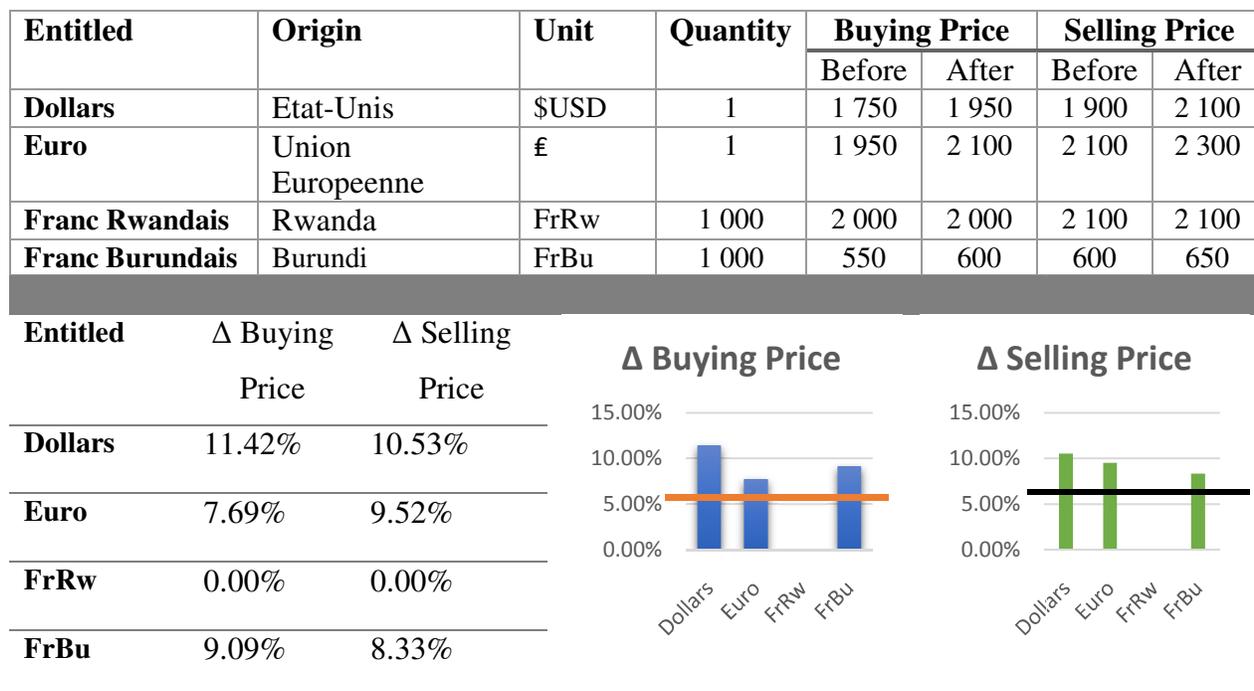


Source: Our analyzes from Microsoft Excel 365 for entreprise

During the period of the state of emergency, expenditure per trip in transport services remained unchanged (with a variation of 0.00%), on the other hand, for receipts there was an average increase of 59.52%. The stability of spending is due to the stability (or even a slight drop) in fuel prices at the pump, with maintenance costs remaining the same. As for revenues, the increase is due to what professionals (drivers) say is an opportunity that presented itself to increase transport prices per head or for goods following compliance with the barrier measures as put in place. by state authority. In addition, during this period there are respective profit margins of 67%, 400%, 67%, 67%, 129% and 25% respectively for motorcyclists, motorbikes, taxi-buses, taxi-cars, Bukavu-Bujumbura travel

agencies as well as Bukavu-Goma travel boats through which travel authorization depended on the evolution of the pandemic in the two provinces (North Kivu and South Kivu)¹⁹.

Figure 16. Congolese franc Exchange rate against currencies



Source: Our analyzes from Microsoft Excel 365 for entreprise

During the period of the state of emergency, the prices in Congolese francs of the currencies in question soared on average by 7.05% and 7.10%, respectively, for purchase and sale. An increase that is explained by the lack of currencies that had impacted the reserves of the central bank (for euros and US dollars) and consequently, the currencies held by the brokers. This situation had made currencies too expensive, because what is rare is expensive. Profit margins for currency exchange agents are approximately 8%, 10%, 5% and 8% respectively for the exchange of the Congolese franc with the US dollar, the euro, the Rwandan franc as well as the Burundian franc.

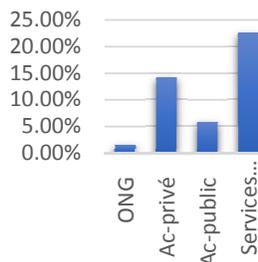
Figure 17. Remuneration in USD\$

¹⁹Travel agencies by bus (Bukavu-Uvira) or by boat (Bukavu-Goma) had been suspended on April 1, 2020 by a decision of the provincial governorates of South and North Kivu two days after the announcement of the first two cases of Coronavirus in the city of Bukavu.

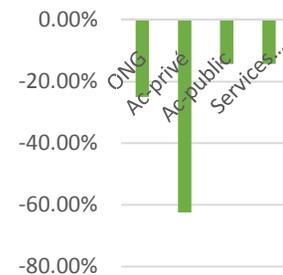
Entitled	Nature	Unity	Quantity	Expenditures		Revenus	
				Before	After	Before	After
ONG	Localement	Mensuel	1	935	950	560	420
Académicien-privé	Localement	Mensuel	1	525	600	320	120
Académicien-public	Kinshasa	Mensuel	1	850	900	350	300
Services publics	Kinshasa	Mensuel	1	200	245	175	150

Intitulé	Δ Expend.	Δ Revenus
ONG	1.60%	-25.00%
Ac-privé	14.29%	-62.50%
Ac-public	5.88%	-14.29%
Services publics	22.50%	-14.29%

Δ Expenditures



Δ Revenus



Source: Our analyzes from Microsoft Excel 365 for entreprise

During the period of the state of emergency on average, the expenses of paid agents increased by 11.07% while their income fell by 29.02% diametrically. An increase in expenditure that we can attribute to the fact that most of the goods are denominated in dollars, thus handicapping the agents, most of whom (especially those in the public sector) receive their due in Congolese franc at different rates from those who are apply in markets. The exchange rate problem has therefore emerged as a thorn that significantly impacts the incomes of each layer of workers considered in the context of this work. It should also be noted that academics in the private sector were the hardest hit because they saw their income decrease on average by 63% it seems because of the cessation of academic activities leading students to no longer pay the threshold for academic fees. demanded by the institutions in question.

Regarding the houses offering internet services, called cyber-cafes, no variation in size was revealed, whether in terms of expenditure or income, the price of internet browsing (25 Frc per minute) having remained unchanged at the radio maendeleo cybercafé (which owns the city's only cybercafé), they reserved the right to make adjustments to the prices they deemed sufficient to cover the charges they incur for the operation of the service in question.

3. LEGAL OBSERVATIONS ON UNLAWFUL PRICE

From the outset, let's say that having certain rights in the exercise of their trades as a trader, sellers have assignments and laws to respect. In this section, we explore the legal framework to try to provide regulatory support for the rights and assignments that traders should be subject to even during this time of hardship.

3.1.The Rights

In terms of pricing, the economic operator is covered by the second article of ministerial decree No. 034 / CAB / MINET / ECONAT / JKN / 2018²⁰. He is free to set the selling prices of his goods²¹ and / or services²² as he sees fit, except for the prices of hydrocarbons and public transport, the pricing terms of which are provided for in Article 3 of the aforementioned decree²³. In this case, the rise in prices is noted not only with the small trader but at the start of the supply process (therefore, with large and medium traders).

Thus, the seller was free to set prices as he saw fit, even during the pandemic period; it is a right to do so without even consulting the third party or at least the regulatory provisions issued by it. Not to infringe on someone's freedom is a sacred right and the public authorities must ensure this, which is why the latter must not constitute an obstacle to the realization of this freedom of fixing of prices and moreover to the competitive aspect of markets, mainly those of the city of Bukavu. In return for these rights, the seller is required to perform certain assignments.

²⁰The prices of goods and services are freely set by those who offer them. They are not subject to prior approval but must, after they have been fixed, be communicated, with the relevant file, to the ministry having the national economy in its attributions, for a posteriori control. The economic operator is required to transmit its price structures for goods and services as soon as they are put on sale.

²¹The good is all commodities and goods.

²²The service is any service to the exclusion of that provided in execution of a service hire or apprenticeship contract which is not carried out under a company contract.

²³By way of derogation from the provision of article 2 of ministerial decree n ° 034 / CAB / MINET / ECONAT / JKN / 2018, the prices of hydrocarbons and public transport are fixed by the minister having the national economy in his attributions. ... For public transport, it can delegate this competence to the governors of the provinces.

3.2.The assignments

Having the freedom to set the prices of their goods and services, sellers are required to comply with certain rules, in particular that of the exercise of fair competition and especially that of respecting the range of profit margins defined by legal texts. The profit margins are set and applicable according to the above-mentioned ministerial decree at 20% for a local industrial product²⁴ and for a servicesold locally and at 25% for a local artisanal product²⁵.

In this case, during this period of the state of emergency, only the sellers of products like magic cube (for spices), peanut oil (for oils), matches (for fuels), industrial juice (for drinks), limnotrissa miodom, limnotrissa, fry, tilapia, thompson (for drinks), sugar, fuel as well as currency exchange services have respected this range. And this flouting of the law in the sense of non-compliance with legal texts is here, a consequence of an uncontrolled rise in prices, even going to average variations of more than 50% in selling prices (as for meats), see even the turn of 100% (see vegetables) and why not more than 100% (see spices) in the sight and knowledge of the politico-judicial authority called to regulate the market and protect the power of consumer purchase.

3.3. The State responsibility

In such situations of untimely price increases, the public power must be an important agent, it must play arbitration so that each party does not feel aggrieved. The law gives it this power in article 17 of ministerial decree n ° 034 / CAB / MINET / ECONAT / JKN / 2018 which provides that in a situation of crisis, natural disaster or exceptional circumstances causing or threatening to break market equilibrium through disorganization of product supply and storage capacities, the government may, on a proposal from the minister responsible for the national economy, regulate the prices of goods and services.

Unfortunately, no concrete action by the state authority to thwart the illegal pricing practice has been taken. An admission of helplessness limited by political rhetoric to the local media gave sellers the

²⁴A local industrial product is any product produced locally by the use of raw materials and labor in an industrial production structure or unit.

²⁵A local artisanal product is any product made locally by the use of raw materials and labor in a structure or unit of artisanal production.

freedom to set prices as they saw fit in violation of legal texts perceived as safeguards to protect the purchasing powers of consumers. The legal profit margins had become theoretical and benign facts and yet generally or at least in such circumstances, the State should bet on it to protect the population by not leaving it at the mercy of sellers seeking maximum profit in despite the illegality of their achievements.

3.4. Social responsibility

Throughout the period of the state of emergency, the associations of the city, the Consumers League of Congo-Kinshasa, civil society, and other pressure structures, all remained observant without any visible action or any pressure to 1 public authority to get it to exercise its power and thus protect consumers. Despite some unaccompanied rhetoric, these social groups have proven to be just as inactive. A powerlessness that some see as complicity with economic operators.

In a politically unstable country like ours, rightly or wrongly, many of the pressure groups are based on the political aspects and give less importance to the socio-economic aspects and this must challenge us on our way of thinking if we want of course to improve the well-being of our social strata. During the dark period of the Coronavirus pandemic, the intervention of social groups should focus on the economic aspect by exerting pressure on the state authority to intervene and exercise its power to regulate the markets.

3.5. Legal sanctions

According to article 64 of ministerial decree n ° 034 / CAB / MINET / ECONAT / JKN / 2018, the practice of illicit prices is punishable by a penal servitude of up to six months and a fine which does not exceed one hundred million Congolese Francs, or just one of these penalties. Thus, for the same decree, is punished with the same penalty anyone who intervenes in the distribution of products and who does not meet, with regard to the envisaged operation, one of the two following conditions: to obtain supplies directly from the producer or to the importer and sell directly to the consumer. So, you only need to meet one of these conditions to be compliant with this law.

Article 65 of the aforementioned decree for which the trial judge assesses the abnormal nature of the increase or decrease in the price, provides that a penal servitude of fifteen days to three years and a

fine is punished. from ten million to one hundred million Congolese Francs or one of these penalties only the one who by any fraudulent means has operated or attempted to operate, maintained or attempted to maintain the abnormal rise or fall in the price of goods and services ; And even without the use of fraudulent means will have voluntarily operated, maintained or attempted to maintain on the national market the abnormal rise or fall in the price of goods and services, either by prohibitions or agreements aimed at determining minimum prices. or maximum sales, or by restrictions on production and the free movement of products.

The officials of the judicial power in the provinces had a heavy task of tracking down all the disrespectful of the texts, authors of illegal price fixing and to judge them according to the prescriptions of the regulatory texts, unfortunately these economic operators are free riders and will of course find another opportunity to make great profits on the dowries of consumers if nothing is done to prohibit them willingly or by force.

CONCLUSION

We are coming to the end of our work on the illegal nature of prices in times of crisis and more particularly in times of Covid-19, a work that was worth dealing with because of the claims of consumer agents on the contraction of their powers. purchase following untimely increases in the prices of goods and services on the markets of the city of Bukavu. Initially, we took a sample of 152 people whom we had interviewed to mainly collect information on the prices (cost and sale) of their products and / or services for the periods before and during the period. 'state of health emergency, data that we had subjected to statistical and arithmetical processing before going through the legal texts to draw consequences in terms of the rights and obligations of our target population (made up of sellers from the six main markets of the city).

It emerges that during this period of the state of emergency many of the sellers, under penalty of being sanctioned legally, although being free to fix the prices as they saw fit, did them in an illicit manner, not not respecting profit margins as defined by legal texts. Only the sellers and / or suppliers of the fifteen out of seventy-nine categories of goods and / or services listed (ie 18.9%) complied with the standards relating to profit margins. The consequence is that the prices galloped extremely during this

period when in principle it was necessary to protect the consumers but unfortunately the public authority proved to be powerless and the social groups showed a certain complicity.

Indeed, for the public authority and free opinion, economic operators are at the root of the deemed high level of prices. Salespeople, for their part, deplore the excessive weight of demand in relation to their productive capacities, which is at the root of the shortage. Moreover, some believe that price regulation by the public authority is imperative for the regulation and surveillance of the market as well as the protection of the purchasing power of consumers. Others, on the other hand, believe that state intervention, at one level, could stifle entrepreneurial initiatives, a domain reserved for sellers of goods and providers of services in the city of Bukavu. Also, social groups must direct their actions in all areas of life including the socio-economic aspect. Furthermore, the Covid-19 pandemic must be seen as an opportunity for the state to promote and support entrepreneurship in order to make the Congolese economy more resilient and introverted in the future.

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