

*From Legal Distinction To Financial Fungibility***Rethinking the Boundary Between Tax and Fee in The Era of the Treasury Single Account****Christ Aidini Abala**

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Abstract

The classical distinction between taxes and fees faces a silent crisis in modern public finance systems characterized by budgetary universality, non-earmarking, and treasury centralization. Law rigorously differentiates these categories of levies; administration collects them through specialized agencies; accounting preserves the memory of their origin; but the Treasury integrates their products into a unified cash pool where their monetary individuality weakens. This article constructs, tests, and delimits a theory of the functional relativity of public levies, according to which the substantive scope of the distinction depends on the stage observed, the institutional function exercised, and the dimension considered (legal, informational, or monetary). Three principles are developed: the principle of financial identity dilution, the principle of informational conservation, and the principle of functional dissociation. The institutional reform in Kinshasa the creation of the Provincial Tax Directorate (DGIPK) and the Directorate of Rights, Taxes and Fees (DGTK) replacing the DGRK constitutes an exceptionally rich institutional laboratory for testing this theory. The article demonstrates that the pertinent question is no longer “what is the difference between tax and fee?” but “at which stage, according to which function, and along which dimension does this difference remain substantive?”

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Introduction

The law distinguishes, the administration specializes, accounting preserves the record of revenue, and the Treasury organizes its liquidity. This sentence, which might seem a simplistic teaching exercise, actually conceals a genuine research problem. Because while each of these four operations legal qualification, specialized collection, accounting traceability, and revenue management is governed by its own logic, they sometimes converge toward the same financial result: the consolidation of receipts into a single account where, from a monetary perspective, taxes and duties become interchangeable units.

This paradox is not theoretical. It manifests itself concretely in the institutional architectures of countries that have implemented a Treasury Single Account (TSA). These systems, recommended by the International Monetary Fund since the 2000s as a cornerstone of modern public treasury management, aim to centralize all revenue and expenditure flows within a single bank account structure. When such a system is operational, all revenue tax and non-tax is deposited into the same account, mobilized according to the same procedures, and subject to the same liquidity management logic [1]. The pre-existing legal distinction between income tax and garbage collection fees retains its legislative validity, but its financial scope that is, the functional link between the levy and its use is profoundly altered.

The Democratic Republic of Congo offers a particularly relevant case study for examining this issue. The legal framework for Congolese public finances is governed by Organic Law No. 11/011 of July 13, 2011, concerning public finances (LOFIP), which enshrines the principles of budgetary unity, universality, non-earmarking, and treasury unity. Decree No. 13/050 of November 6, 2013, establishing the general regulations on public accounting, institutes the concept of a single cash account and a single treasury, requiring each province and each decentralized territorial entity to maintain only one account at the Central Bank of Congo [2,3]

In this context, the City of Kinshasa undertook a major institutional reform of its provincial financial administration in 2026. The Kinshasa Revenue Authority (DGRK) was dissolved and replaced

by two new provincial governments: the Kinshasa Provincial Tax Authority (DGIPK) and the Kinshasa Directorate General of Duties, Taxes, and Fees (DGTK). This institutional separation provincial taxes on one side, duties, taxes, and fees on the other creates an exceptionally rich institutional laboratory for examining the theory of the distinction between public levies [4].

The interest of this laboratory lies in a fundamental tension : on the one hand, provincial legislation reinforces administrative specialization by creating two separate bodies with different mandates ; on the other hand, the national treasury structure imposed in Kinshasa by virtue of the LOFIP (Organic Law on Public Finances) and the general regulations on public accounting provides for the integration of all revenue into a single account at the Central Bank of Congo. Does administrative specialization coexist rationally with treasury integration? Does separating the collection bodies actually alter the financial status of revenue once it is integrated into the unified treasury?

The resulting scientific problem extends beyond the Congolese case. It concerns all public finance systems where, on the one hand, a rigorous legal classification of revenues (taxes, duties, fees, royalties, parafiscal levies) coexists with, on the other hand, a centralized treasury architecture that tends to homogenize the financial processing of collected revenues. International literature has extensively addressed the legal distinction between revenue categories and the architecture of the Single Treasury Accounts, but few studies have examined how these two dimensions interact when they meet within the same institutional context [5,6]. This article aims to fill precisely this gap.

The central research question can be formulated as follows:

To what extent does the classical distinction between tax and duty retain substantial significance when their products, legally differentiated at the stage of their creation and mobilization, can become financially fungible under the effect of budgetary unity, non-earmarking and the uniqueness of the tax?

Three specific questions accompany this. First, which dimensions of the identity of a public levy remain intact after its integration into a centralized treasury architecture ? Second, does the institutional specialization between

tax collection bodies and duty collection bodies remain economically and administratively rational when the resulting treasury flows are integrated into a common treasury system ? Third, does the DGIPK–DGTK reform in Kinshasa reveal a contradiction, or rather a functional dissociation, between revenue mobilization and treasury management ?

The central hypothesis defended in this article rejects the crude formulation that taxes and levies are fundamentally the same thing . It propose instead that the distinction between taxes and levies remains legally, administratively, and informationally significant, but its intensity varies across the stages of the public finance chain. Treasury centralization and fungibility primarily dilute the monetary individuality of revenues without necessarily eliminating their legal classification, accounting traceability, administrative specialization, or taxpayer perception.

Formally, the hypothesis is expressed as follows:

$$I \neq T$$

at the legal and administrative stages, while:

$$F(I) \approx F(T)$$

This can be achieved at the treasury management level, under conditions of strong fungibility and non-earmarking. The $F(\cdot)$ representative function here is a liquidity management function that transforms a legally classified receipt into a monetary flow integrated into a unified treasury pool. This function does not alter the legal nature of the receipt; it modifies its financial availability regime.

This article employs a multidisciplinary methodology combining legal analysis (legislation, case law, legal scholarship), economic analysis (incentive theory, transaction costs, fungibility), institutional analysis (comparison of administrative structures), and, to a lesser extent, behavioral analysis (taxpayer perception, fiscal legitimacy). The comparative approach draws on the experiences of France, Belgium, and several African countries (Rwanda, Senegal, Ivory Coast) to test the general applicability of the theory developed.

The article is structured in eight sections. Section I

traces the genealogy and definitions of the categories of public levies. Section II examines the principles of budgetary unity, universality, non-earmarking, and treasury fungibility. Section III develops the core theory of the article: the theory of functional relativity of public sampling. Section IV conducts an international comparative test. Section V analyzes the reform of Kinshasa as an institutional laboratory. Section VI brings the citizen back into the theory through the analysis of fiscal legitimacy and the asymmetry of fungibility. Section VII presents an integrated model of the identity of public levies. Section VIII formulates the political implications for the DRC and Kinshasa.

From the Genealogy of Categories to the Crisis of Criteria

The distinction between tax, levy, and fee did not appear out of thin air. It is the product of a long process of doctrinal, jurisprudential, and legislative development whose primary purpose was not to classify revenues for the sake of scholarship, but to regulate the power to collect money from citizens. To understand why this distinction may seem irrelevant to the Treasury, one must first understand why it was irrelevant for so long and in what terms.

A Historical Sedimentation: from Heterogeneous Sampling to Common Contribution

The finances of the Ancien Régime hardly recognized any "category" in the modern sense of the term. They comprised a mosaic of duties, taxes, levies, salt taxes, tolls, and tithes, whose specificity lay less in their legal nature than in their history, their assessment, and the region that was subject to them. Taxation was a sovereign prerogative, sporadic, and negotiated; it presupposed no theory of taxation, precisely because it presupposed no budget.

The French Revolution marked a turning point whose theoretical implications are still felt today. Articles 13 and 14 of the Declaration of the Rights of Man and of the Citizen of August 26, 1789, formulated two requirements: firstly, a "common contribution" was essential for maintaining the public force and covering administrative expenses; secondly, "all citizens have the right to ascertain, by themselves or through their representatives, the necessity of the public contribution, to freely consent to it, to

monitor its use, and to determine its amount, basis of assessment, collection, and duration." Consent to taxation was not merely a political guarantee; it redefined taxation as a single, uniform act, decided annually by law, regardless of the specific objectives that motivated it [7]. It is within this framework that the modern notion of taxation without specific compensation took shape, in contrast to the fees for services rendered that public authorities continued, albeit more discreetly, to collect.

Twentieth-century financial doctrine further solidified this conceptual framework. Gaston Jèze defined taxation as a monetary contribution mandated by authority from individuals, definitively and without direct compensation, to cover public expenses. Each element of this formula is significant [8]. The obligation precludes market exchange. The definitive nature of the tax excludes loans and advances. The absence of identifiable compensation eliminates the concept of a service and distinguishes taxation from remuneration for services rendered. Finally, the coverage of public expenses links taxation to a collective and undifferentiated purpose. As we can see, compensation, or rather its absence, has functioned from the outset as the primary distinguishing factor.

To be thorough, it should be added that the concept of "mandatory levies," popularized by international comparative studies, tends to blur the internal distinction between taxes and duties by grouping them both, along with social security contributions, into the same statistical category: that of mandatory deductions from the wealth of individuals. This classification, useful for national accounting, should not be confused with a legal theory: it measures amounts, it does not characterize actions [9].

Contemporary Definitions : Tax, Levy, and Fee

Public finance textbooks typically present three categories. A tax is a mandatory, defined monetary contribution without individualized compensation, levied by authority to cover public expenses and distributed according to ability to pay. Its purpose is to serve the general interest as a whole; its revenue is not, in principle, allocated to any specific expenditure [10]. A fee, on the other hand, is a sum demanded by a public entity for a service it provides, but whose

amount, assessed in relation to all users, is established by authority and not negotiated. Finally, a user fee is the price paid by the user of an optional public service, collected upon actual use of that service and proportionate to its cost [11,12].

Three variables, combined in different ways, shape these figures : the consideration (does one receive an individualized service ?), the binding nature of the payment (is it possible not to pay?), and the fate of the revenue (is the collection earmarked for a specific purpose ?). A tax combines the absence of consideration, the obligation to pay, and the non-earmarking. A royalty combines actual consideration, the option not to use the service, and cost compensation. A levy occupies an intermediate position : a service rendered, but with an obligation to finance it and a fixed proportion of the collective cost of the service.

This tripartite division has a normative translation in national laws. In France, Article 34 of the Constitution reserves to the legislature the determination of the basis, rate, and methods of collection of "taxes of all kinds"; constitutional case law has clarified that any levy whose essential purpose is to cover public expenses is a tax of all kinds, regardless of its designation, with the exception, however, of remuneration for services rendered that meet the definition of a royalty. Positive tax law confirms, through Article 302 of the General Tax Code, that "taxes levied in connection with the exercise of an economic activity are considered taxes of all kinds[13]." In Belgium, Article 170 of the Constitution subjects taxes for the benefit of the State and federated entities to the law, Article 171 establishes the annuality, while Article 173 subjects "any remuneration" collected by public services to the requirement of a legal title the remuneration being distinguished from the tax by its link with an effective service rendered[14,15].

Table 1 : summarizes these canonical criteria. It will serve as a point of comparison for the opening developments: it is against this grid that the theory of functional relativity must be evaluated, not to overturn it, but to precisely locate its field of relevance.

Criterion	Tax	Tax	Royalty
Direct counterpart	Absent (overall general interest)	Service rendered, understood collectively	Service provided, individualized and effective
Binding character	Mandatory, without option	Mandatory, linked to a situation or activity	In principle, optional (use of the service)
Cost of service ratio	Indifferent	Proportionality to the over- all cost	Proportionality to the cost or service
Foundation	Contributory capacity	Compensation	Quasi-exchange / price
Product destination	Not allocated (general budget)	Possible impact	Compensation service
Judge's control	Full control (tax legality)	Tax classification of any kind	Exclusion from the tax regime if conditions are met

Source : Author's elaboration based on the doctrine and case law cited in this section (P.-M. Gaudemet and J. Molinier, *Public Finances*, 2013 ; Council of State, November 21, 1958, *National Union of Air Carriers* ; Constitutional Council, decision no. 60-8 DC of August 11, 1960 ; General Tax Code, art. 302).

This highlights the importance of Table 1 : the criteria are legally clear, but they all operate at the moment the levy is created and classified. It says nothing about what happens to the proceeds once they are paid into public coffers. This is precisely what legal scholars, long focused on the classification criteria, have not systematically explored and it is the starting point of this research.

A Monitored Border : Case Law and Doctrine

The distinction between a tax and a fee, more than any other, has been the subject of extensive case law, precisely because crossing that line changes the legal framework of the revenue and the powers of the levying authority. The 1958 ruling in the case of the *National Union of Air Carriers* established, for French administrative case law, the conditions for the existence of a fee: the service provided must be clearly identifiable, its cost must be covered by the revenue, and the contributor must have the option not to use the service. As soon as any one of these conditions is breached, the levy falls into the category of taxes, with all that this implies in terms of legislative jurisdiction and judicial review [16].

The French Constitutional Council confirmed this principle in 1960 and subsequently reiterated it: à contribution that, by its purpose and amount, constitutes mere remuneration for services rendered does not fall under Article 34 of the Constitution ; conversely, any levy whose essential purpose is to cover public expenses is a tax of any kind, regardless of the designation given to it by the legislature. Case law thus plays an anti-nominalist role: it assesses the true nature of the levy beyond its label [17]. However, this vigilance has its limits, which the rest of this article will highlight.

Belgian law offers a recent and instructive illustration of this same tension. The Belgian Constitutional Court and Council of State were called upon, notably in 2019, to classify fees whose basis and revenue only remotely corresponded to the services rendered to those liable, to the point of raising the question of whether these were actually taxes disguised as payments. The same anti-nominalist logic is at play here: the judge looks at the substance, not the label.

Legal doctrine, for its part, is divided between two schools of thought [18]. The expansive view groups taxes, duties, and fees under the broader concept of mandatory levies, emphasizing that public coercion, common to all three, constitutes the true criterion for distinguishing them from private prices. The restrictive view, on the contrary, insists on the specific nature of the royalty, a quasi-contract whose logic, in principle, falls outside the scope of tax law. Between these two poles, textbooks agree on at least one point : the classification matters because it determines the legal regime of the revenue. It is this agreement that must be examined, because it rests on an assumption that managerial practice does not always bear out that of continuity between the classification and the intended use of the revenue.

Doctrinal framework. The debate on consideration.

In classical French legal doctrine, a fee is distinguished from a tax because it includes an individualizable "consideration" : the payer receives a specific service, and their payment is the remuneration for that service. This notion of consideration, however, is more fragile than it appears. It assumes that the service is actually provided, identified, and proportionate, whereas the majority of public services are invoiced on a flat-rate basis, without rigorous proportionality to the individual cost. Conversely, modern taxation itself is never entirely "without consideration" at the collective level: it finances services from which the contributor is, in one way or another, the beneficiary. The doctrinal debate therefore concerns less the nature of things than the point at which one decides to draw the line between remuneration and contribution. This indecision is not theoretically reprehensible; it is practically fraught with consequences, because it allows the public authority to slide from one category to another by moving the cursor without, most often, changing the resulting liquidity by a single cent.

The Limitations of Orthodox Criteria: Nominalism and Hybrid Sampling

Several recent developments are eroding the robustness of the criteria outlined above. The first concerns legislative nominalism : the legislature is free to call any type of tax a "royalty," but it is also permitted, within the limits of judicial review, to call a service fee a "tax," particularly when earmarked revenue guarantees it stable resources. Classification

thus becomes a strategic resource for public authorities an object of financial policy as much as an object of legal scholarship [19].

The second issue stems from the proliferation of hybrid levies . Urban planning taxes, sanitation fees, eco-contributions, registration fees, and public domain access fees combine features of all three categories: they are mandatory, but tied to a specific service ; earmarked, but only partially; and proportional to cost, but based on flat rates. The binary tax/non-tax framework is poorly suited to these types of levies, and judges themselves, faced with borderline cases, produce classification decisions whose overall coherence is difficult to reconstruct [20].

The third point concerns the disconnect between revenue and use. Traditional criteria operate at the point of collection : they define what revenue is when it is generated. However, revenue is a circulating entity : it is recorded, collected, received, and then integrated into the public entity's treasury before being indiscriminately reallocated to fund summer programs. The question of counterpart funding, relevant at the initial stage of the levy, becomes almost meaningless at the stage of its actual use. It is this disconnect and the Treasury's relative and persistent indifference to the original nature of the revenue it collects that forms the basis upon which this research constructs its theory. Section II precisely describes this disconnect based on the budgetary and treasury principles that govern it.

Budgetary Unity and Treasury Fungibility: When the Law Organizes its Own Indifference

The previous section concluded with an observation : the law of qualification operates at the moment revenue is generated. This section demonstrates that the budgetary and treasury architecture operates at the moment revenue is lost that is, when it is anonymously reinvested in the financing of other elements. Far from being neutral with respect to the distinction between revenues, budgetary and treasury principles methodically organize, through legal means, the erasure of their monetary individuality. This is not a collateral effect of the modernization of public finances; it is a deliberate objective.

The Budgetary Principles : Unity, Universality, Non-Earmarking

Congolese public finance law offers a striking point

of reference. Organic Law No. 11/011 of July 13, 2011 establishes budgetary unity, which requires that all state revenues and expenditures be recorded in a single document; universality, which is expressed in non-contraction and non-earmarking; and annuality, which governs the life of the budget [21].

The principle of non-earmarking deserves special attention. It is not simply a principle of accounting presentation; it is the legal vehicle for fungibility. By prohibiting the linking of revenue to a specific expenditure, it immediately deprives the tax of its remunerative purpose at the operational level: the proceeds of the garbage collection tax, collected precisely to finance the collection service, cannot, by virtue of this principle, be earmarked for that service. The law thus guarantees that the user or taxpayer cannot claim a legally binding earmark. Non-earmarking transforms revenue into an anonymous resource for the community: it de-functionalizes it, without altering its legal status.

The LOFIP (Organic Law on Public Finances) naturally includes some adjustments. Resources from public services of a commercial and industrial nature, certain allocations stipulated by law, and special accounts constitute legal exceptions to the principle. However, the spirit of the system remains: barring explicit exceptions, the proceeds of any levy are pooled into a single pool of resources [22]. This pool will not be used for any particular expenditure—that is to say, practically speaking, for all expenditures.

Unique Braider and Box Unit

The second level of the structure is treasury-based, no longer budgetary. Decree No. 13/050 of November 6, 2013, concerning the general regulations on public accounting, mandates a single cash account and a single treasury for provinces and decentralized territorial entities: each entity, in principle, has only one account, opened with the Central Bank of Congo. A single cash account is not synonymous with non-earmarking, but rather its mechanical extension: where non-earmarking prohibits the legal allocation of revenue, a single cash account physically consolidates revenue into a single container, eliminating the last vestiges of physical separation between tax revenue and levy revenue [23].

This requirement is not specific to the Congo. It is central to the international doctrine of the Treasury Single Account (TSA) promoted by the International Monetary Fund. In a TSA, all public revenue converges into a single account, or a set of zero-balance accounts, opened at the central bank; public bodies, including revenue collection agencies, have their receipts automatically transferred to this account; payments are then executed from this account by the central treasury. The expected benefits are well documented: reduced idle balances, improved visibility into the treasury's financial position, strengthened discipline among authorizing officers, and less banking fragmentation [24,25].

Rwanda offers an African illustration of this system. Since 2011, tax revenues have been transferred directly from commercial bank collection accounts to the National Treasury account at the National Bank of Rwanda, through zero-balance subsidiary accounts. A pilot phase, with approximately \$75 million in annual receipts, served as an operational test before the system's expansion. The Rwandan experience demonstrates that the automatic convergence of receipts does not depend on the legal nature of the levies: taxes, duties, fees, and various other charges all use the same transfer channel [26]. The TSA (Tax Transfer System) is, structurally, a mixed-values system: it does not discriminate between the amounts it processes.

Political Framework. Non-earmarking as a choice of sovereignty. By enshrining the non-earmarking of revenues, the LOFIP (Organic Law on Public Finances) does not merely resolve a technical issue of budgetary presentation; it settles a question of the distribution of power between the legislature, alone in its power to wield the budgetary weapon of the vast sum of revenues, and intermediary bodies which, through earmarking, can reserve for themselves autonomous revenue streams. Earmarked taxes—equalization taxes, service fees—always recreate, alongside the State, a revenue stream that belongs only to a segment of the community. Non-earmarking is therefore less a management principle than a declaration of the indivisibility of financial sovereignty. This choice, specific to each State, determines the extent of fungibility: a State that earmarks little sees the legal distinction between levies lose its monetary significance; a State that earmarks a great deal mechanically preserves its trace. The DRC has essentially chosen the first path.

Fungibility, its Degrees and Limits

Finally, fungibility must be given its theoretical status. In economics and law, fungibility designates the interchangeable nature of something: identical units can be substituted for one another without any change in value. Applied to public revenue, fungibility means that, once collected, one hundred francs levied as income tax and one hundred francs levied as a road tax are, from the Treasury's point of view, indistinguishable units of liquidity. The juxtaposition of the principle of non-earmarking and the unit of account thus produces budgetary fungibility (no expenditure is legally earmarked for a specific revenue) coupled with monetary fungibility (no franc is materially distinguishable from another). Combined, these expose each revenue to the test of dilution : the revenue loses its monetary individuality within the mass of receipts.

This dilution, however, is neither total, nor irreversible, nor necessarily identical for all revenues. First, it encounters legal limitations : revenues earmarked by law, special accounts, and earmarked funds partially escape the principle of non-earmarking. Second, it encounters informational limitations : public accounting continues to trace the origin of revenues, item by item, even after they have been collected. It is this paradox monetary fungibility coexisting with accounting traceability that the following section takes as the starting point for a general theory. Neither the principle of non-earmarking nor the single treasury can, on their own, justify declaring taxes and duties “identical” in nature. They merely teach us that their real and substantial difference is no longer evident where textbooks described it.

Theory of the Functional Relativity of Public Levies

The first two sections established the two poles of tension : on the one hand, a legal framework for qualification that meticulously differentiates levies; on the other, a budgetary and treasury structure that lumps them together in an undifferentiated mass of liquidity. This section puts forward the article's central thesis: the distinction between tax and levy is real, but it is relative. Its substantive scope not its legal validity, which no one disputes depends on three variables : the stage of the public finance chain at which one considers it, the institutional function being observed, and the degree of identity of the levy being examined.

The Postulate: à Multidimensional Identity of the Sample

A public levy does not exist in a single, monolithic form. It is successively a legal category, an accounting object, and a flow of liquidity. Rather than choosing between these characterizations, the propétat theory unites them in a three-component identity:

$$P = (J, J, M)$$

where **P** designate the considerable public levy; **J** legal dimension, that is to say the set of rules that determine its classification, its basis, its rate and its legal framework; **J** its informational dimension, that is to say the set of accounting, statistical and management records that allow it to be recognized after its collection **M** monetary dimension, that is to say its existence as a unit of liquidity within the total revenue of the public entity. Three remarks are necessary.

The first point is that it is not a matter of six levies or three levies: it is a single levy, viewed from three perspectives. The notation **(J, J, M)** expresses a unit, not a plurality. The second point is that the existence of a monetary dimension does not make the levy a commodity: the monetary dimension is a managerial one, the one that treats revenue as a flow to be collected, invested, and spent. The third point, crucial for what follows, is that the three dimensions do not deteriorate together. The dilution of one does not lead to the dilution of the others. It is precisely their asymmetry that establishes relativity.

Five Stages, Three Dimensions : the Geography of Distinction

The public finance chain can be broken down into five successive stages, which we will note **E₁** below **E₅** :

- The normative birth : the competent authority enacts the standard which creates the levy, defines its basis, rate and the obligations of those liable ;
- Liquidation : the administration determines , for each taxpayer, the amount due in accordance with the standard ;
- Debt collection : public authorities and accountants physically collect the sums due, eventually by forced means;
- Treasury integration : receipts are transferred and aggregated into the unified treasury of the public entity;
- Execution of expenditure : funds are mobilized from

the treasury to settle public expenses.

- Each of these steps involves the three dimensions of equation (3), but with varying degrees of intensity. Figure (1) represents the operational difference of each dimension that is, the extent to which the distinction between tax and levy remains discernible and usable at each step.

	E_1	E_2	E_3	E_4	E_5
	Naissance	Liquidation	Recouvrement	Intégration	Dépense
Juridique	élevée	élevée	élevée	élevée	faible
Informationnelle	élevée	élevée	élevée	moyenne	faible
Monnaire	nulle	faible	élevée	nulle	nulle
	■ différenciation élevée	■ différenciation moyenne	■ différenciation faible ou nulle		

Source: elaboration of the author from the model presented in this section (steps E_1 to E_5 and dimensions J , I , M)

The three dimensions of public levy identity across the five stages of the public finance chain. Monetary differentiation collapses as soon as treasury integration occurs, while legal and informational differentiation is maintained until the expenditure is executed.

Reading Figure (1) is crucial. The legal dimension J maintains a high degree of differentiation $E_1 : E_4$ the law, right up to the end of the collection procedure, distinguishes between taxes and fees and applies its specific regime to each. The informational dimension I resists this distinction longer M : accounting records, statements of outstanding amounts, and the revenue classification system make it possible to determine, at any given time, which receipts originate from a tax and which from a fee. The monetary dimension M , on the other hand, only briefly exhibits individuality at the collection stage, when funds are still allocated to a specific item then collapses at the treasury integration stage where, swept away by fungibility, the tax franc becomes indistinguishable from the fee franc. What changes from one dimension to another is not the nature of the distinction: it is the depth to which it descends in the public expenditure production chain.

Three Principles of Functional Relativity

Three principles emerge from reading figure (1), each of which formulates a non-consequence.

The principle of dilution of financial identity. Due to the non-allocation and the single cash flow, the monetary dimension M of the levy loses its individuality upon treasury integration. Monetary dilution can be said

$M \downarrow$ to designate the reduction of the operational differentiation of the monetary dimension along the chain. This first principle is descriptive: it observes the phenomenon described in the previous section. Its significance is more subtle: this observation has been, in the literature and public debate, too often transformed into a general conclusion about the identity of the levy. This is where the following two principles come into play.

The Principle of Informational and Legal Preservation. Monetary dilution does not entail either legal or informational dilution.

$$M \downarrow \Rightarrow J \downarrow$$

$$M \downarrow \Rightarrow I \downarrow$$

where $J \downarrow$ and $I \downarrow$ respectively designate the reduction of legal differentiation and the reduction of informational differentiation. Formula (4) posits that the monetary merging of revenues does not entail their legal merging: a tax remains a tax and a levy remains a levy, regardless of the depth of the tax base that collects it. Formula (5) posits that monetary merging also does not lead to the erasure of traces: public accounting preserves the memory of origins, and this memory is enforceable against the auditor, the judge, the legislator. The principle of preservation is not a tautology: it designates an active property of financial information systems, which must be maintained to prevent deterioration. Herein lies a governance challenge: informational preservation is not a state, it is a policy.

The Principle of Functional Dissociation. The third principle extends the same logic to the institutional scale. The functions that literature and administrative reforms tend to distinguish the revenue mobilization function, exercised by tax administrations and revenue-collecting agencies, and the treasury management function, exercised by the Public Treasury evolve according to autonomous dynamics:

$$F_m \uparrow \Rightarrow T_i \downarrow$$

$$S_a \uparrow \Rightarrow F_t \downarrow$$

In these expressions, $F_m \uparrow$ we designate the intensification of the mobilization function (better collection, increased specialization of revenue administrations); $T_i \downarrow$ the reduction of the tax's legal identity; $S_a \uparrow$ the accentuation of the administrative specialization of collection bodies; $F_t \downarrow$ and the reduction of treasury fungibility. Formula (6) states that a levy is not necessarily less of a tax the better it is mobilized: improved collection efficiency does not transform the nature of what is collected. Formula (7) states a more counterintuitive proposition: separating the revenue collection agencies, specializing mandates, creating distinct directorates general all this institutional engineering does not reduce the fungibility of flows once they have converged into the single account. Administrative specialization targets the upstream process (generation and collection); treasury fungibility operates the downstream process (integration and expenditure). The fourth principle thus separates the two institutional orders from one another.

A Law of Relativity: Difference as a Function of Variables

These principles necessitate a general reformulation. Let us consider D the degree of substantial difference in the distinction between tax and levy for a given levy at a given point in the system—that is, the extent of the differences in treatment, rights, and obligations that the distinction creates at that point. The fundamental law of relativity is written as follows:

$$D = D(s, f, d)$$

where $s \in \{E_1, E_2, E_3, E_4, E_5\}$ designates the stage in the chain, f the institutional function considered (qualification, liquidation, recovery, scheduling, treasury, expenditure), and $d \in \{J, I, M\}$ the dimension of the identity of the levy. Law (8) does not assert that the distinction is an illusion; it asserts that it is localized. It has no value in itself, but only a place, a time, and a degree. The question that jurists have been asking for two centuries "tax or levy?" must give way to a more demanding question: "at what stage, according to what function, and in what dimension is the distinction still substantial?"

This reformulation does not claim to define the legal nature of its role. It situates it. Qualification remains

the primary and irreducible operation: without it, there is neither assessment, nor calculation, nor recovery. But qualification does not exhaust the identity of the levy; it is its legal component J . The theory of functional relativity simply adds that this component, while governing the applicable law, does not govern the entire life of the revenue. The integrated model in Section VII will incorporate all these variables to construct a synthetic index of the levy's identity. Beforehand, the theory must be tested: first by international comparison (Section IV), then by the Kinshasa laboratory (Section V).

Cadre Theory. Functional Relativity in Three Principles.

The theory can be reduced to three statements, all expressible as non-consequences. First, monetary dilution at the treasury integration stage entails neither legal nor informational dilution: the melted franc remains, in texts, in registers, and before the judge, the product of a tax or levy ($M \downarrow \square (\Rightarrow) J \downarrow$; $M \downarrow \square (\Rightarrow) I \downarrow$). Second, administrative specialization the creation of separate agencies, the division of mandates does not eliminate the fungibility of flows: institutional engineering acts upstream, fungibility operates downstream ($S_a \uparrow \square (\Rightarrow) F_t \downarrow$). Third, and more generally, the substantial difference of the distinction is only valid at a given point in the system: it is a function of the stage in the chain, the function considered, and the dimension of the identity of the levy ($D = D(s, f, d)$). The distinction between tax and levy is neither an illusion to be denounced, nor an essence to be venerated: it is a geography to be measured. The International Comparative Test: Relativity Put to the Test by Six Systems.

A theory that cannot be tested against other systems is of little value. This section subjects functional relativity to the test of six national configurations: France and Belgium, where the distinction is most refined legally; Rwanda, Senegal, and Côte d'Ivoire, where treasury centralization is recent and instrumentalized; and the Democratic Republic of Congo, considered here at the central state level to prepare the provincial analysis in Section V. The purpose of the test is not to verify that the distinction exists it exists everywhere but to verify that its scope varies according to the stages, functions, and dimensions, independent of national doctrines.

France and Belgium : A Legally Refined Distinction, Financially Reinforced

French law has refined the distinction further than most systems. Article 34 of the Constitution reserves taxation of all kinds to the law; the jurisprudence of the Constitutional Council, established since 1960, exempts from taxation remuneration for services rendered that meets the conditions of a royalty. Two lessons emerge from this for the theory [27].

The first point is that in French law, the category of "tax" has been structurally aligned with that of "tax": Article 302 of the General Tax Code classifies taxes levied in connection with the exercise of an economic activity as impositions of any kind, subject to legislative jurisdiction. Therefore, in France, a tax is not a legally intermediate form between a tax and a price: it is a imposition, whose sole distinguishing feature is that it is triggered by the exercise of an economic activity [28]. The operational distinction has thus shifted: French law no longer so much separates "tax" from "fee" as it separates "impositions" from "remuneration" for services. This shift confirms the relativity of taxation: the location of the boundary has changed without the substance of the levies having changed.

The second lesson relates to financial practice. "Earmarked taxes" such as the domestic consumption tax on energy products and taxes earmarked for state agencies constitute a notable exception to the principle of non-earmarking enshrined in Article 16 of the Organic Law on Budget Laws (LOLF). Their very existence demonstrates that fungibility is not a state of nature but a legal construct: where the legislature earmarks funds, the monetary dimension  regains an individuality that the unit of account only destroys if expressly intended. Earmarking is the mechanism that regenerates monetary individuality ; its scarcity, in France as in the DRC, is a measure of dilution [29].

Belgian law, for its part, has maintained a strict tripartite doctrinal division tax, levy/fee, and charge whose consistency is rigorously verified by the Constitutional Court and the Council of State. However, this vigilance pertains to the classification, that is, the legal dimension  ; it does not extend to treasury management, where the revenues of the federated entities, provinces, and municipalities

converge into undifferentiated amounts of liquidity [30]. Belgian case law itself recognizes that the charge is distinguished from the tax by its relation to the service it provides, not by the fate of the sums collected. Functional relativity finds here a negative confirmation: the states that refine the classification most are also those where the separation of functions (classifying, collecting, maintaining records, and transferring to the treasury) is the clearest.

Rwanda, Senegal and Ivory Coast: Treasury Centralization as a Doctrine of Government

Francophone and Anglophone African systems share a common trait: since the mid-2000s, treasury centralization has been promoted as much as a governance discipline as an accounting technique. The case of Rwanda is undoubtedly the most emblematic. The public finance reforms undertaken after 2000 led to the creation of an integrated tax administration, the Rwanda Revenue Authority, whose revenues have been consolidated into the national treasury's single account at the National Bank of Rwanda since 2011, through zero-balance subsidiary accounts [31].

The Rwandan case is interesting for theory not because of a refinement of classification the distinction between tax and duty is less theorized there than in Europe but because of the abruptness of the convergence. The TSA architecture treats income tax, value-added tax, consumption tax, and license fees indiscriminately: all undergo the same reversal, the same consolidation, and the same liquidity management policy. However, the three dimensions of identity behave differently. The legal dimension remains: each revenue item retains its text, its rate, and its legal framework. The informational dimension also remains: national accounts and financial statements distinguish between revenue items. Only the monetary dimension collapses at the integration stage. The theory of relativity therefore predicts that a tax reform affecting only the treasury architecture has, by design, no impact on the legal nature of revenues it only changes the degree of their mixture. This is precisely what we observe.

Senegal and Côte d'Ivoire, in keeping with the oral tradition of financial law within the West African Economic and Monetary Union, exhibit similar characteristics: a unified budget and universal revenue collection, a single Treasury account in the books of

the central bank (BCEAO), and a clear separation between tax assessment, carried out by tax authorities, and the handling of funds, reserved for the public Treasury. The legal distinction between tax, levy, and fee is recognized; the fungibility of revenue is both stronger and less frequently discussed than in European legal doctrine, precisely because the primary objective of the reforms was a unified treasury system, not a taxonomy of levies [32].

At the central government level, the DRC finally offers a point of convergence: it combines a Public Finance Law (LOFIP) inspired by OHADA and international standards, a treasury unit mandated by Decree No. 13/050 of November 6, 2013, and an administrative practice that clearly distinguishes between taxes, duties, and fees in finance laws. Table 2 summarizes the comparative test [33]. For each system, it contrasts the framework for the distinction (which provides information on the legal dimension), the treasury architecture (which provides information on the monetary dimension), the allocation regime, and the test conclusion.

System	Frame of distinction (<i>J</i>)	Architecture treasurer (<i>M</i>)	Assignment regime	Effective scope of the distinction
France	Taxes/charges of any kind/royalties; active constitutional judge	Single Treasury account at the Bank of France; state assets	Non-allocation (LOLF) with exemptions (allocated taxes)	Strong upstream, weak at the treasurer stage, regenerated by allocation
Belgium	Tripartite division of tax/fee/charge, active judge	Centralized treasury accounts of federated entities	Non-allocation of funds in principle, remuneration linked to service	Highly skilled, indifferent to cash
Rwanda	A distinction that is not well-theorized, unified administration (RRA)	TSA with zero balance accounts (National Bank) since 2011	Complete centralization of cash receipts	Legal and informational aspects retained, monetary value diluted
Senegal	Recognized distinction, classic tax law	Treasury Single Account (BCEAO), cash unit	Non-budgetary allocation	liquidity management
Ivory Coast	Recognized distinction, classic tax law	Single Treasury Account (BCEAO), separation of authorizing officer/accountant	Budgetary non-allocation	Strong in doctrine, weak in liquidity management
DRC(State)	Distinction consecrated by LOFIP	Treasury Unit, single account at the BCC (Decree 13/050)	Non-affection (art. 7) with adjustments	Coherence J/ Idilution Mupon integration

Source: Author's elaboration based on the sources cited in this section (LOFIP No. 11/011 of July 13, 2011; Decree No. 13/050 of November 6, 2013; Belgian Constitution, art. 170, 171 and 173; UEMOA Commission, directives No. 01/2009/CM/UEMOA and No. 07/2009/CM/UEMOA; S. Pattanayak and I. Fainboim, IMF Technical Notes and Manuals, TNM/11/04, 2011).

The Test Verdict : Six Systems, One Same Asymmetry

Table (2) presents a convergent verdict. In all six systems, the distinction retains an undeniable legal and informational significance, but its monetary significance disappears at the treasury integration stage except, here and there, when the legal allocation regenerates it. No system verifies the crude statement that "the Treasury renders tax and levy identical"; nor does any system verify the inverse statement, according to

which the distinction governs the entire life cycle of revenue. The substantial difference follows the same pattern everywhere: high upstream, low downstream, for the monetary dimension; high throughout for the legal dimension, with a shift only at the final stage of expenditure. The asymmetry between dimensions is constant; only its intensity varies. It is this structural invariance that gives the law of relativity (8) its generality and allows us to now test it in the most demanding laboratory: the reform of the revenue collection agencies in Kinshasa.

Comparative Framework. Six Systems, one Single

Asymmetry. The international test brings together systems as dissimilar as French law, the Belgian tripartite system, the Rwandan TSA, the Senegalese and Ivorian single accounts, and the Congolese structure: the conclusion is identical in each case. The distinction retains its full legal and informational significance from the inception of the levy until its collection; it loses almost all monetary significance at the stage of treasury integration, except when the legal allocation regenerates it. The asymmetry between the three dimensions is constant; only its intensity varies. No system achieves general confusion "the Treasury makes everything identical" none achieves legal insularity—"the classification governs everything." This structural invariance is what gives the law of relativity its generality: the difference in national doctrines, what each State says about its distinction, does not change the way its treasury handles the flows.

Kinshasa, an Institutional Laboratory: the Reform of Provincial Financial Authorities

The theory presented in Section III and validated in Section IV finds an unintentional testing ground in 2026 with the reorganization of the financial management of the City of Kinshasa. This reform presents a remarkable characteristic: it occurs at a time when the national treasury architecture already mandates, since the Public Finance Law (LOFIP) and Decree No. 13/050, the fungibility of provincial revenues into the single account of the Central Bank of Congo. The provincial legislature has therefore chosen to specialize the upstream operations separating the various bodies within a system whose downstream operations remain structurally undivided. This is precisely the type of configuration in which the theory of functional relativity can be observed in its purest

form.

The Genesis : from the DGRK to the Two New Directorates General

Until mid-2026, the Kinshasa Revenue Authority (DGRK) centralized, under a single authority, the assessment and collection of all fiscal and non-fiscal revenue for the city: provincial taxes, duties, fees, and royalties. This integrated model, common in Congolese provinces, offered the advantage of simplicity one office, one responsibility but it resulted in legally distinct functions coexisting within the same body.

Through a series of decrees issued starting in July 2026, the provincial executive dissolved the DGRK and created two new directorates: the Kinshasa Provincial Tax Directorate (DGIPK), responsible for assessing and auditing provincial taxes, and the Kinshasa Directorate General of Duties, Taxes, and Royalties (DGTK), responsible for authorizing and collecting duties, taxes, and royalties. The installation of the new management teams took place at the end of summer 2026 under the authority of the provincial Ministry of Finance [34,35]

The stated motivation for the reform is twofold: on the one hand, a requirement for specialization, with each major revenue category having a dedicated body; on the other hand, a requirement for efficiency, with specialization being expected to increase revenue collection. The chosen structure overlaps, without being identical, with the canonical distinction between taxes, on the one hand, and duties, fees, and charges, on the other. It is this overlap that makes the Kinshasa case study so instructive: the reform has divided revenue administration along the line described in Section I.

The Respective Scope of the Two Agencies

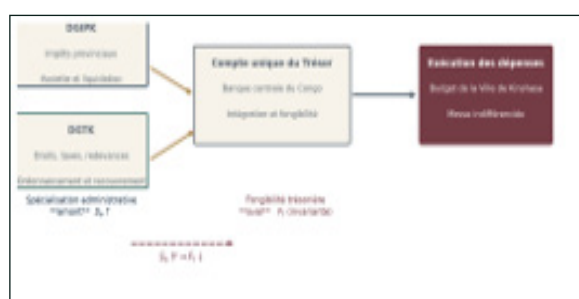
The division of responsibilities calls for two remarks. The first concerns the location of functions. The DGIPK (General Directorate of Taxes, Customs and Partisanship) is entrusted with the essential aspects of tax liability creation : identifying taxpayers, assessing provincial taxes, and verifying tax returns. The DGTK (General Directorate of Taxes, Duties, and Royalties) is entrusted with a mission that combines assessment, issuing the tax assessment, and collection . The two agencies are therefore not located at the same point in the chain: the DGIPK operates primarily in E_1 [location missing] E_2 the DGTK in E_2 [location missing] E_3 . Their

coexistence reorganizes the separation of qualification and collection functions at the provincial level.

The second point concerns the actual scope of the separation. The taxes collected by the DGIPK and the duties, fees, and charges collected by the DGTK have, from the perspective of their classification, never ceased to be distinct: the DGRK was theoretically responsible for both, but it already treated them as different revenue categories, with their own texts, tariffs, and dispute resolution mechanisms. The 2026 reform therefore does not create the legal distinction; it formalizes it, giving it an organic form. This point is crucial for the theory: while specialization does not create the distinction, it intensifies its informational dimension two bodies, two reports, two subsidiary ledgers, two activity reports. It makes the distinction more visible, more audited, and more comparable.

The Institutional Chain : from Specialization To Fungibility

The Kinshasa system can be represented by a four-link chain: the two upstream agencies, the single downstream account, and the expenditure at its end. Figure (2) illustrates the paradox of specialization that results.



Source: Elaboration of the author based on the provincial decrees of July 2026 establishing the DGIPK and the DGTK and the provisions of Decree No. 13/050 of November 6, 2013 relating to the unit of account

The paradox of specialisation: the reform of Kinshasa intensifies the administrative differentiation upstream (DGIPK and DGTK) without modifying the treasury fungibility downstream (single account at the Central Bank of Congo).

Reading Figure (2) requires following its two trajectories. The institutional trajectory of the reform

is vertical and upstream: it separates, specializes, and creates distinct bodies with different mandates, budgets, and reporting structures. The physical trajectory of the funds, on the other hand, is horizontal and downstream: the transfers from the two revenue-collecting agencies converge into the same single account, opened at the Central Bank of Congo, where the sums from the DGIPK and those from the DGTK become interchangeable units for treasury management. The reform thus acts on the legal and informational dimensions of revenue; it leaves the monetary dimension intact, which, from the single account, operates according to the principle of fungibility.

The Theoretical Reading of the Kinshasa Reform

Four lessons emerge from this re-examination. The first is the practical application of formula (7): administrative specialization S_a can grow spectacularly, since we move from one administration to two without the fungibility of the treasury F_t being affected in the slightest. The separation of the bodies does not shift the boundary of fungibility; it merely shifts the observer's perspective, who ceases to see a single administration and instead sees two. This is not an argument against the reform; it is an argument for precision in language: the reform does not "distinguish between revenues," it distinguishes between the administrations of revenues. The second lesson concerns the informational dimension. The DGRK-DGIPK/DGTK division produces a new flow of comparable data: tax bases, outstanding amounts, disputes, reversal deadlines, and recovery rates will be produced in duplicate by two bodies that will compete for comparison. Far from diluting the identity of the revenues, this specialization strengthens J ; them knowledge of the provincial tax becomes separate from knowledge of the tax, and this separation becomes a tool for management and control.

The third lesson concerns the inherent risk of the reform. While specialization strengthens the informational dimension, it does not automatically protect the quality of record-keeping: two separate bodies can maintain two accounting systems that do not overlap, delay the transfer of funds to the single account, or obscure the allocation of payments. Without a clear coordination between the revenue collection agencies and the provincial treasurer, the Kinshasa reform may have created, instead of improved traceability, a double perspective on the same opaque entity. The theory of

functional relativity provides the evaluation framework here: the success of the reform is measured less by the extent of specialization than by the preservation of the informational dimension throughout the entire process, that is, up to and beyond the single account.

The fourth lesson, finally, is the one that Section VI will develop: the reform perpetuates, by making it more visible, an asymmetry between the administration and the taxpayer. For the administration, the distinction between tax and levy has become, with the creation of the two tax authorities, more prominent than ever. For the Kinshasa taxpayer, the experience of taxation will be, to a large extent, indifferent to the tax authority that issues it: what matters is the amount, the frequency, and the certainty of collection. This asymmetry of perception is the final aspect of the theory.

An Evaluation Framework : What to Measure to Validate the Theory ?

The Kinshasa reform can only be seriously evaluated if indicators are available that can separately capture the three dimensions of the levy's identity. Table (3) proposes a monitoring framework designed for this purpose. Its guiding principle is never to confuse the effectiveness of the mobilization (monetary dimension) with the preservation of legal and informational identity: these are distinct objects of measurement that can evolve in opposite directions.

Relevant dimension	Monitoring indicators	Source of information	Risk monitoring
Mobilization ($\mathcal{M}$)	Product trends by revenue category; recovery rate; outstanding balances; time frame for reversal to the single account	Reports from DGIPK, DGTK and the provincial treasurer; BCC data	Enhanced recovery without proof of recovery quality
Legal identity ($\mathcal{J}$)	Reclassification rate of acts by the jurisdiction; conformity of legal bases; litigation	Case law, administrative and commercial courts	Confusion of legal regimes due to the fluidity of cases
Conservation information ($\mathcal{J}$)	Accurate allocation of payments to revenue accounts; quality of accounting statements; reconciliation between DGIPK/ DGTK and the Treasury	Provincial public accounting; audits	Duplication of accounting, loss of connection
Citizen perception	Complaints; compliance costs estimates; acceptance surveys; absence of double taxation	Complaints and investigations services; civil society	Reforms without perceived benefits for taxpayers

Source: elaboration of the author based on the model of functional relativity (variables F , $\mathcal{J}$, $\mathcal{J}$, $\mathcal{M}$, and $\mathcal{P}$ section VII) and information available on the organization of Kinshasa's administrations.

Table (3) does not claim to provide values; it provides columns. Its function is to prevent the evaluation of the reform from being reduced solely to the growth in revenue. If, in three years, the DGIPK and DGTK collect more, but the accounting reconciliation deteriorates and taxpayers receive a double penalty, the reform will have succeeded in one dimension and failed in the other two. The theory of functional relativity makes this state of affairs describable instead of leaving it in the unspeakable realm of the balance sheet. As we can see, the Kinshasa laboratory does not merely serve to illustrate the theory; it compels it to produce evaluation tools. This is the most demanding function a case study can fulfill.

Operational Framework. Specializing without Distinguishing: The Kinshasa Lesson.

The DGIPK–DGTK reform teaches a distinction in language that institutional debate cannot afford to ignore : the reform does not distinguish between revenues, but rather between revenue administrations. Specialization reinforces the informational dimension two bodies, two accounting systems, two outstanding balances, two compensable balance sheets but it leaves treasury fungibility intact, which the single account opened at the Central Bank of Congo continues to govern. Its success will therefore not be measured solely by the growth in cash receipts, but by the preservation of the reconciliation chain up to and beyond the single account. The proposed monitoring framework separates four orders of facts that must never be confused in the public assessment: mobilization, legal identity, informational preservation, and citizen perception. Only under these conditions can the evaluation of the reform reveal what the reform actually does and not what the words attribute to it.

The Citizen in Theory : Legitimacy and Asymmetry of Fungibility

Up to this point, the theory has been written from the administration's perspective : agencies qualify, collect, and redistribute; the treasury aggregates; accounting keeps track. This picture lacks the figure that the most recent literature places at the heart of public finance : the taxpayer, whose consent, trust, and compliance costs ultimately determine the yield of levies. This section complements the theory by demonstrating that fungibility is asymmetrical : it benefits the state, which receives interchangeable units, but not the citizen, whose contribution remains non-fungible. The result is a paradoxical consequence: the greater the monetary fungibility downstream, the more the legitimacy of the levy must be manufactured upstream.

The Taxpayer Experience: What Truly Distinguishes Levies

Let's examine everyday experience. A small shopkeeper in Kinshasa pays, in the same week, a sales tax, a public domain occupancy fee, and a waste collection fee. From his budgetary perspective, all three payments are indistinguishable as cash outflows: they reduce his savings, burden his finances, and no legal distinction exempts him from the obligation to pay. From the perspective of his perception, however,

everything distinguishes them. A tax is an anonymous contribution to the common good; a levy is linked to an activity or service; a fee is supposed to compensate for a service that he legitimately expects to be provided. What is commonly called "the" penalty is therefore experienced by the citizen in its symbolic dimension as much as in its material dimension.

The economic psychology of taxation has long confirmed this interpretation. The "perception of exchange" the feeling that a portion of the payment is returned in the form of goods and services is a documented determinant of tax acceptance. When this feeling is fostered, voluntary compliance improves and control costs decrease; when it is diminished, the administration must compensate through coercion, the yield of which is more costly and more fragile [36]. This mechanism has a direct translation into our vocabulary: taxpayers spontaneously distinguish between what "should be returned," what "finances the state," and what is "owed without compensation." This legal tripartite division is not a legalistic refinement; it is the sophisticated conceptualization of a social practice that has been renewed countless times.

The True Cost of A Levy: The Net Profit Formula

It follows that the performance of a levy cannot be measured solely by its gross revenue. Let the net budgetary benefit NB_s of the levy s be defined as:

$$NB_s = G_s - C_f$$

where G_s designate the gross revenue effectively collected s and C_f the associated financial costs: revenue administration costs, enforcement costs, control costs, and this is the often-omitted element the compliance costs borne by taxpayers. Formula (9) states a simple but consequential point: a levy can be legally sound, financially abundant, and politically ruinous. A tax whose collection requires constant administrative harassment sees its net benefit devoured by its maintenance costs; a fee that users refuse to pay because they do not receive the expected service increases automatically C_f without benefit G_s .

Treasury fungibility intervenes here insidiously. By decoupling, in ordinary experience, payment from its counterpart, it tends to shift all deductions from the register of exchange to that of anonymous appropriation. When the user of a local service observes that "all

this money goes into the same barrel," the bond of reciprocity that underpinned the legitimacy of the royalty weakens. Monetary dilution, inert from a legal standpoint, becomes active from a psychological one: it degrades the sense of exchange and, consequently, the propensity to pay. The paradox is complete: fungibility, conceived as a neutral technique for managing funds, produces non-conformity, which elevates C_f and which degrades NB_s . This is why the informational preservation of Section III is not merely an archivist's virtue: it is the condition for restoring to the citizen the visibility of what the State does with its money.

The Tax Illusion in the Age of Fungibility

The concept of fiscal illusion, formalized at the beginning of the twentieth century, describes the tendency of taxpayers to underestimate the total burden of levies and to overestimate the value of the public expenditures they finance. Treasury fungibility functions, in some respects, as an amplifier of illusion: by burying taxes within the overall revenue, it obscures the citizen's assessment of their own tax burden [37]. But it also produces the opposite illusion, often overlooked: that of separation. Seeing two tax offices, two counters, two invoices, the Kinshasa taxpayer may believe they are paying "twice for the same thing," even though the two levies have distinct legal bases. Administrative specialization, which clarifies the distinction for the administrator, can obscure it for the taxpayer. It does not present the same image depending on which side of the window one is on a further illustration of functional relativity.

Fungibility Asymmetry: a Formal Property of the System

Section III defined fungibility as a property of the total revenue. It is necessary to add its counter-proof: fungibility only operates on one side of the financial relationship. Formally, the vector of revenue collected by the State obeys a property of substitution that is not found in the vector of sacrifices borne by taxpayers. A franc of tax and a franc of levy are substitutable in the single account; a franc taken from the income of one taxpayer and a franc taken from the income of another are not substitutable in any human life. This asymmetry will be called fungibility asymmetry: revenue is fungible on the receiver's side, sacrifices are never fungible on the donor's side.

This asymmetry has a direct consequence for the theory of relativity. It explains why the near-indifference of monetary policy downstream, however profound it may be, cannot be invoked to justify normative indifference upstream. From the perspective of fiscal justice, each levy must be assessed for what it is tax, duty, or fee because each formula entails different rights and obligations for individuals. The merging of revenues in the Treasury does not alleviate the real burdens that generated them; it merely obscures them. To say that the distinction loses its downstream monetary significance is therefore never equivalent to saying that it loses its upstream moral significance. Therein lies the error of the simplistic nominalism conveyed by the formula "everything is fungible": it conflates the Treasury's perspective with the citizen's point of view.

Conditional Fungibility: Distinction as a Legitimizing Mechanism

One architectural question remains. If fungibility, through its opacity, threatens the legitimacy of levies, how can a public finance system tolerate it without disintegrating? The answer offered by practice is instructive: by making it conditional. The general principle of non-earmarking (fungible downstream funds) is accompanied, in all the systems studied, by a set of safeguards that would restore, if necessary, the record of revenues: accounting and financial statements, reports from the legislature, certification of accounts by financial courts, and the citizen's right to information. Fungibility is only acceptable if it is reversible: each revenue, even when merged, remains theoretically identifiable through the chain of accounting entries. It is the informational dimension I that ensures this reversibility.

The Kinshasa reform must be understood in this light. By separating the DGIPK and the DGTK, the provincial legislature reinforced the condition of reversibility: it created the instruments reports, subsidiary accounts, individual responsibilities which will allow for a retrospective assessment, at any time, of what each revenue stream generated and what became of it. However, it did not redistribute downstream fungibility, which remains the rule of the single account. The theory, thus completed, can take its final form: the following subsection (section VII) brings together the three dimensions, the five stages, and the contributions of legitimacy in an integrated model and an operational

index.

Normative Framework. Fungibility, an Asymmetrical Technique. Fungibility only operates on one side of the financial relationship: revenues are interchangeable on the recipient's side, sacrifices never are on the donor's side. Two consequences stem from this asymmetry. The first is practical: monetary dilution, neutral from a legal standpoint, becomes active from a psychological standpoint it weakens the sense of exchange that underpinned the legitimacy of many levies, increases compliance and control costs, and reduces the net benefit of the mechanism ($C_{f\uparrow} \Rightarrow NB_{s\downarrow}$). The second is normative : since it is impossible to say that "everything is fungible" from the taxpayer's perspective, the downstream merging of revenues cannot justify upstream indifference. Fungibility is only tolerable because it is reversible because public accounting retains, at all times, the memory of the origin of revenues. Informational preservation is not a virtue of the archivist; It is the condition for restoring to citizens the visibility of their contribution.

An Integrated Model of Public Levy Identity

The theory of functional relativity would be nothing more than a parlor formula if it did not produce an analytical tool. This section brings it to maturity in two stages: first, by identifying the complete determinants of the degree of substantial differential, and second, by constructing the operational index that constrains it.

The Determinants of Differentiation

This represents D_p the substantial degree of differentiation in public levies p the extent of the actual differences in legal treatment, information, and liquidity that the distinction between tax and levy still creates at p a given point in the system. Expanding upon and extending the law of relativity (8), the integrated model is written as follows:

$$D_p = f(S, F, J, A, I, M, C, P)$$

where each argument has a precise definition and a function in theory:

- **S**— institutional specialization : the degree to which the dedicated bodies assume the ascertainment, recovery and control of sampling (DGIPK/DGTK are the maxim illustration);
- **F**— the considerate function : qualification,

liquidation, recovery, scheduling, treasury or expenditure; each function activates or neutralizes the distinction;

- **J**— the legal structure of the levy: the precision of the texts, the subtlety of the case law and the control of the judge;
- **A**— the allocation regime : the degree to which the product is legally and accounting-reserved for a specific purpose;
- **I**— information quality : the robustness of accounting and statistical systems that retain the memory of the origin of revenues;
- **M**— the depth of the treasury : the existence and rigor of the single account, that is to say the intensity of monetary fungibility;
- **C**— the compliance context : compliance costs, control capacity, administration environment;
- **P**— perception and legitimacy : the image that contributors have of the levy and the service-contribution link.

Two properties of formula (10) deserve to be highlighted. The first is separability : the arguments do not act as a whole, but variable by variable. A reform can modify **S** (the Kinshasa case) without affecting **M**; a law can modify **J** without affecting **A**; an audit can improve **I** without affecting **J**. The additive structure of the model preserved here in the index makes describable these partial couplings that the legal formula merely resolved as a whole. The second property is the neutrality of the signs of the effects : the variables can act in opposite directions on the three dimensions. **S** High reinforces **J** and **I**; **M** high weakens the monetary dimension; **A** high restores it. The model does not state that the difference tends toward a value; it states the equation that calculates it.

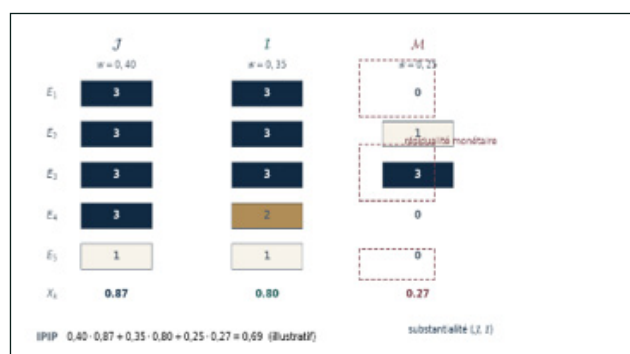
The Sample Identity Preservation Index

To make equation (10) operational, we define the IPIP (sample identity preservation index):

$$IPIP_p = \sum_{k=1}^n w_k X_k(p)$$

where p designate the evaluated levy; n the number of indicators k retained; $X_k(p) \in [0; 1]$ normalized value of the indicator k for the levy p (0: complete distinction extinguished on this indicator; 1: complete distinction operative); and w_k the associated weight, with $\sum_{k=1}^n w_k = 1$. The IPIP aggregates, across the five stages

of the chain, the degrees of differentiation observed in each of the three dimensions, weighting their contributions. A levy whose identity is fully preserved from inception to expenditure obtains an IPIP close to 1; a levy whose individuality has been diluted from the moment of collection tends towards 0. Figure (3) represents the functional relativity matrix : the grid of the five stages on the three dimensions, with, in the background, the construction of the IPIP.



Source : Author's elaboration (illustrative levels based on the model of functional relativity; the figure has no empirical claim).

The functional relativity matrix : levels of differentiation (0 to 3) according to the stages and dimensions, and construction of the IPIP index (illustrative levels).

Reading the matrix in Figure 3 provides a complete picture of the system. The column *J* remains almost entirely dark: the legal distinction plunges to a certain point *E₄* and only becomes visible as the expenditure approaches. The column *J* fades earlier the level drops to 2 as soon as the treasury integration is complete but retains its memory. The column *M* only lights up at a certain point *E₃*, the time for recovery, before falling back to zero once the single account is reached. The IPIP aggregates these asymmetries into a single value : it is 0.69 in the illustrated configuration, that is, quite high on the preservation side, but far from the unity that would signify an intact identity in all dimensions and at all stages. The question that the theory poses to policymakers is immediately apparent : where do we want the column that goes dark the earliest the monetary column to become useful again ? The answer to this question is the subject of section VIII.

Synthesis Framework. From Model to Index: Separability as a Method. The integrated model

$$D_p = f(S, F, J, A, I, M, C, P)$$

and the resulting IPIP index reveal the theory's most useful operational property: the separability of variables. A reform can modify specialization without affecting treasury depth; a law can modify the legal structure without altering the allocation regime; an audit can strengthen informational quality without affecting case law. The index then aggregates these variables into a single quantity: the functional relativity matrix, in the illustrated configuration, assigns it a value of 0,69-high on the preservation side (J and I), residual on the monetary side. The IPIP does not decide any political choice; it makes describable the partial couplings that legal language resolved as a whole. Its purpose is not to say "what" a levy is worth, but to prevent judging a mobilization reform by a qualification metric, and a qualification reform by a mobilization metric.

Political Scope and Limitations of the Theory

The theory of functional relativity is not a neutral theory. By locating the distinction between tax and levy rather than denying or idolizing it, it dictates one way of conducting public finance reforms—and excludes another. This section draws out the implications for the DRC and for public finance systems in general, before outlining its limitations with Table (4).

Implications for the drc and for kinshasa

The first implication is a methodological distinction: never evaluate a mobilization reform using a qualification metric, nor a qualification reform using a mobilization metric . The creation of the two kinshasa-based tax authorities must be judged on what it can actually change—specialization, the quality of the tax base, traceability, and the fight against tax regime confusion—and not on what it cannot change—treasury fungibility, which remains governed by the single account. Conversely, growth in revenue collection, if it occurs, will not prove that the legal distinction has flourished; it will prove that mobilization has improved. Metrological syncretism—confusing improved collection with the strengthening of the legal identity of levies—is the epistemic flaw that the theory perpetuates. The evaluation framework proposed in table (3) is precisely designed to avoid it.

The second implication is normative : the administrative specialization of upstream processes must be accompanied by an explicit policy for the retention

of information downstream. As long as the traceability of revenues up to the single account, and then in its subsequent use, is not guaranteed by reconciled and audited statements, the reform risks producing the opposite of what it promises : two bodies, two accounting systems, and a single, indistinguishable budgetary mess. The provincial Ministry of Finance should, from the first fiscal year, publish a "reconciliation chain" linking the DGIPK (Directorate General of Public Finances), the DGTK (Directorate General of Treasury), and the Treasury: every franc of revenue should be traceable, from collection to its transfer to the single account. The IPIP (Integrated Public Investment Program), or a similar instrument, provides the rule for calculating this traceability.

The third implication concerns the taxpayer. The theory of fungibility asymmetry teaches that the downstream merging of revenues should never be presented as a merging of legitimacies. A system that does not affect revenues must be even more transparent about their use: it is through the visibility of expenditure, and not through the allocation of revenue, that it compensates for the dilution it has itself orchestrated. For Kinshasa, this means that the reform of the revenue collection agencies must be accompanied by an educational approach to the use of provincial revenues—that citizens understand the purpose of the DGIPK (Directorate General of Revenue of Kinshasa), the purpose of the DGTK (Directorate General of Revenue of Kinshasa), and their respective contributions to the city's budget. Without this educational approach, the separation of revenue collection points will be perceived as a doublé penalty, and the net benefit NB_s of the reform will be diminished from its very first year.

General Implications : What is the Purpose Of the Distinction Today?

Beyond Kinshasa, the theory shifts the focus of the question that legal scholars have been posing for two centuries. In the systems studied, the distinction between tax and levy has neither disappeared nor triumphed: it has become localized , to borrow the image of the matrix of relativity. Its primary role remains what it has always been : to guarantee that any collection of money from citizens is legally grounded, controlled, and justifiable. Its secondary function a technique for classifying budgeted revenues has weakened because the budget, through its lack of earmarking, has ceased to assign revenues an individualized trajectory. The distinction is now less a geography of flows than a grammar of rights.

This reformulation has a precise doctrinal consequence: it prohibits telling the modern history of public finance as a history of the disappearance of categories. What disappears is the monetary scope of the categories; what remains is their normative and informational scope. The two dominant narratives the narrative of general confusion ("everything looks the same in the single account") and the narrative of legal insularity ("qualification governs everything") are equally false, and equally lazy. The first confuses the Treasury's perspective with the nature of rights. The second confuses the legal validity of a distinction with its actual scope. Functional relativity is the third conceptual path that does justice to the two opposing intuitions without letting them devour each other.

Limits and Robustness Test

Every theory has its boundaries, and it is more honest to explore them than to deny their existence. Table (4) presents the model with the main objections that can be raised against it, and indicates for each the response it offers and the limit it might cross.

Objection	Formulation	Model response	Residual limit
Cumulative nominalism	"Everything is fungible, therefore everything is the same."	$M \downarrow \Rightarrow J \downarrow$ The monetary dimension does not exhaust identity . $M \downarrow \Rightarrow I \downarrow$	The model measures the scope; it does not pre-scribe the qualification policy.

Legal insularity	"The qualification governs all the life of the recipe"	The matrix shows a concentrated substantiality upstream, residual downstream	The model does not abolish the logical primacy of qualification at birth
Suspended empiricism	"The IPIP is unbuildable: no data"	The model provides variables, indicators and sources (table (3))	Quantitative analysis requires reliable provincial accounting series.
Democracy of transparency	"Fungibility is a deception: you have to assign"	Assignment has a cost (loss of universality); informational reversibility is the replica	The choice between allocation and non-allocation is a political one, not a model choice.

Source: Author's elaboration (synthesis of objections formulated against the theory, responding to the formulas summarized in the "Formulation" column).

The test reveals the foundation and boundaries of the theory. Its foundation is a series of verifiable non-consequences: monetary dilution without legal dilution, specialization without a reduction in fungibility, and fungibility without memory loss. Its boundaries lie precisely where the model stops : it doesn't specify who should qualify, who should allocate, or what the state should do with its single account. These questions demand a political theory of public finance, and this work does not claim to replace it. It provides the essential descriptive and measurement tools necessary for these questions to be addressed with full awareness—and not in the shadows of a metaphor.

Conclusion

This work began with a truism of teaching law distinguishes, administration specializes, accounting preserves records, the Treasury organizes liquidity and transformed it into a veritable theory of the functional relativity of public levies. The path taken can be summarized in four results, each corresponding to a stage in the process.

First Result: a Localization. The distinction between tax and levy is neither an illusion nor a vestige : it is a localized distinction. Its substantial scope varies greatly depending on the stage of the public finance chain (E_1 a to b E_5) , the institutional function exercising it, and the dimension considered(J b, J c, M d) . The law of relativity $D = D(s, f, d)$, established in Section III, and then the complete model $D_p = f(S, F, J, A, J, M, C, P)$ in Section VII, formalize this localization instead of denying it.

Second Result: A Series Of Non-Consequences. Monetary dilution does not imply legal dilution ($M \Downarrow \Rightarrow J \Downarrow$) Nor does it imply informational dilution ($M \Downarrow \Rightarrow I \Downarrow$). The intensification of mobilization does not transform the nature of what is recurved($F_m \Uparrow \Rightarrow T_i \Downarrow$), and the specialization of organs does not reduce the fungibility of flows($S_a \Uparrow \Rightarrow F_t \Downarrow$). These four non-consequences, all verified by the comparative test in Section IV and by the Kinshasa laboratory in Section V, give the theory its edge : they preclude both the narrative of general confusion and the narrative of legal insularity.

Third Result: a Fundamental Asymmetry. Fungibility benefits the state, which receives interchangeable revenues, but not the citizen, whose sacrifice remains irreducibly individual. From this asymmetry, identified in Section VI, stems an injunction: the more fungible the downstream process, the more transparent the upstream process must be. Information preservation is not a virtue of the archivist; it is the condition of reversibility without which fungibility would descend into democratic opacity.

Fourth Result: a Tool. The Tax Collection Identity Preservation Index (IPIP) translates the theory into a calculable quantity, and the Kinshasa reform's evaluation framework forms its columns. The "efficiency

of tax collection agencies" is no longer measured anonymously by a revenue figure ; mobilization, legal identity, information preservation, and citizen perception are measured separately. Only then can the DGIPK-DGTK reform be judged on its actions, not on the rhetoric used to describe it.

The verdict imposed by the theory can then be formulated in three injunctions. Never say that the Treasury's Single Account has made "the same" levies: common money does not change tax into a fee, nor a fee into a royalty. Never say, conversely, that the distinction is sufficient to govern the entire life of the revenue : beyond collection, the mass of funds no longer recognizes preferences. And above all, never confuse these two propositions : it is precisely this confusion that the theory of functional relativity renders unthinkable or, which amounts to the same thing, perfectly circumstantial.

The Kinshasa laboratory demonstrated that separating revenue collection agencies can be a tool for better understanding of levies, provided it is not presented as proof of a distinction that no one had ever abolished. From this reform, and from similar reforms that many provinces will experience, the theory of functional relativity provides less a set of instructions than a linguistic guideline : one that compels us to specify which level of the system we are discussing each time we talk about taxes, duties, royalties, and their common allocation within the public treasury.

Research Agenda. Three avenues of inquiry emerge from this work. The first is quantitative : to construct, from the Congolese provincial accounts, a series of IPIPs (Integrated Public Investment Programs) over multiple fiscal years, in order to test the dynamics of the identity of the levies before and after the 2026 reform. The second is comparative : to extend the functional relativity matrix to the West African metropolises (Abidjan, Dakar) and the capitals of Central Africa, to measure the variability of the monetary column outside the Congolese case. The third is normative : to explore how functional relativity changes the theory of fiscal justice, in particular the question of whether the non-earmarking, which prevails in the texts, remains a democratic requirement or becomes a technique of governance that must itself be subjected to criticism.

References

A. Constitutional texts and declarations

1. Declaration of the Rights of Man and of the Citizen of August 26, 1789, art. 13 and 14 https://avalon.law.yale.edu/18th_century/rightsof.asp.
2. Constitution of the French Republic, art. 34 <https://oxcon.ouplaw.com/display/10.1093/law:ocw/cd1114-H2000.regGroup.1/law-ocw-cd1114-H2000?p=emailAKa06ugrIhGCI&d=/10.1093/law:ocw/cd1114-H2000.regGroup.1/law-ocw-cd1114-H2000&print>.
3. Belgian Constitution, art. 170, 171 and 173 <https://fra.europa.eu/en/law-reference/belgian-constitution-5>.

B. Laws and legislative texts

1. General Tax Code (France), art. 302, resulting from Law No. 2017-1837 of 30 December 2017 on Finance for 2018, art. 2.
2. Organic Law No. 2001-692 of August 1, 2001 relating to finance laws (LOLF), art. 16.
3. Organic Law No. 11/011 of July 13, 2011 relating to public finances (LOFIP), Official Journal of the DRC , art. 7, 54, 56 and 60.
4. UEMOA Commission, Directive No. 01/2009/CM/UEMOA establishing a code of transparency in the management of public finances within UEMOA.
5. UEMOA Commission, Directive No. 07/2009/CM/UEMOA establishing general regulations on public accounting within UEMOA.

C. Regulatory texts

1. Decree No. 13/050 of November 6, 2013, establishing general regulations on public accounting, art. 96, 97 and 99.
2. Provincial decrees of July 2026 establishing the General Directorate of Provincial Taxes of Kinshasa (DGIPK) and the General Directorate of Duties, Taxes and Fees of Kinshasa (DGTK).

D. Case Law

1. Constitutional Council (France), decision no. 60-8 DC of August 11, 1960, Amending Finance Law for 1960 , Rec. p. 25.
2. Constitutional Council (France), decision no. 2011-199 QPC of 25 November 2011, Mr. Renaud G. and others , consideration 3.
3. Council of State (France), November 21, 1958, National Union of Air Carriers , Rec. p. 573.
4. Constitutional Court (Belgium), Judgment No. 80/2013 of June 6, 2013.
5. Council of State (Belgium), decision no. 245.403

of 11 September 2019.

6. Council of State (Belgium), decision no. 245.404 of 11 September 2019.

E. Doctrine: books and manuals

1. BOUVIER Michel, Introduction to general tax law and the theory of taxation , 15th ed ., Paris, LGDJ, 2019.
2. BOUVIER Michel, Public Finances , 21st ed ., Paris, La Découverte, coll. « Repères », 2020.
3. DUBUC Yves, The tax illusion: the scandal of the contributors , 2004 [REFERENCE TO BE VERIFIED].
4. GAUDEMET Paul-Marie and MOLINIER Joël, Public Finances , 10th ed ., Paris, Economica, 2013.
5. JÈZE Gaston, Course in Public Finance , Paris, Giard, 1936.
6. PUVIANI Amilcare, Teoria della illusione finanziaria , Milan, Remo Sandron, 1903.

F. Doctrine: articles and contributions

1. DELL'ANNO Roberto, « Tax Morale, Tax Evasion and Shadow Economy », International Economic Journal , 2009.
2. KIRCHLER Erich E., HOELZL Erik et WAHL Ingrid, « Enforced versus Voluntary Tax Compliance : The “Slippery Slope” Framework », Journal of Economic Psychology , vol. 29, No. 2, 2008, p. 210–225.

3. PEETERS Bruno, « The redevance : a fiscal legal-Data », General Fiscal Journal , 2017 [REFERENCE TO VERIFY].
4. WRIGHT Ginger and KARLINSKY Stewart, “ Fee versus Tax : A Florida Case Study ”, Journal of the American Taxation Association , vol. 29, No. 1, 2007, p. 107–122.

G. Publications of international organizations and reports

1. OECD, Government Revenue Statistics , Paris, OECD Publishing, annual edition.
2. PATTANAYAK Sailendra and FAINBOIM Israel, “Treasury Single Account: Concept, Design and Implementation Issues”, IMF Working Paper , WP/10/143, Washington, International Monetary Fund, 2010.
3. PATTANAYAK Sailendra and FAINBOIM Israel, “Treasury Single Account: Concept, Design and Implementation Issues”, IMF Technical Notes and Manuals , TNM/11/04, Washington, International Monetary Fund, 2011.
4. LIENERT Ian, “Modernizing Cash Management”, IMF Technical Notes and Manuals , TNM/09/03, Washington, International Monetary Fund, 2009.
5. PESSOA Mario et WILLIAMS Mike, « Government Cash Management : The Interface between Cash and Debt », IMF Technical Notes and Manuals , TNM/12/02, Washington, Fonds monétaire international, 2012.