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Pandemics and their impact on Society

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Pandemics and their impact on Society

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TABLE OF CONTENTS

Economic Growth in Times of Pandemics <i>Julia M. Puaschunder</i>	<i>1</i>
Community-Based Solution for a Community Spread Requires Incentive-Compatibility Considerations <i>Frank Lorne, A.C. Lai, Sairam Katla, Krish Kale, Daniel Bocanegra Diaz</i>	<i>10</i>
Limitation of Fundamental Rights and Freedoms in a Pandemic through Administrative Acts Issued by Public Authorities <i>Adina Georgeta Ponea</i>	<i>21</i>
Pandemic Populism: An Analysis of COVID-19's Impact in the African American Community <i>Jeannette Hutton Pugh</i>	<i>28</i>
Legal Limitations of the Constitutional Rights of Institutionalized Persons Imposed during the SARS-CoV-2 Pandemic <i>Andrei Armeanu</i>	<i>36</i>
Value at COVID-19: Digitalized Healthcare, Luxury Consumption and Global Education <i>Julia M. Puaschunder</i>	<i>43</i>
COVID-19 Pandemic Health Effects <i>Valentina Avrănescu</i>	<i>52</i>
Aggressive Behavior during Covid-19 <i>Gabriel Tănăsescu</i>	<i>58</i>
SARS-CoV-2 Pandemic – Implications for Society <i>Adriana Tuluș</i>	<i>63</i>
Assessing Online Teaching in Higher Education Amid the COVID-19 Pandemic: A Case Study from Saudi Arabia <i>May Alashwal</i>	<i>68</i>
The Effects Brought by the SARS-CoV-2 Virus over the Civil Law Reports in Romania <i>Cristian Dan</i>	<i>73</i>

Exercise of the Right to Visit the Child by the Non-Resident Parent in Case of Declaring a State of Emergency in the Context of the Covid-19 Pandemic <i>Ciprian Raul Romițan</i>	78
Constitutional and Humanitarian Guarantees of the Patient, Subject to Procedures Assimilated to Detention in the Context of Epidemic Prevention <i>Alina Zaharia</i>	84
Granger Causality Analysis of the Economic Cycles of the Tourism Industry and the EU Regional Economy <i>Radu Radulescu</i>	91
PESTEL Analysis of External Environment as a Success Factor of Startup Business <i>Ivana Marinovic Matovic</i>	96
Multilateral Impact of Coronavirus on Society Actual Effects and Prognostics <i>Cristina-Gabriela Șchiopu</i>	103
Behavior during the Pandemic – A Problem of the Rule of Law <i>Camil Tănăsescu</i>	108
RETRACTED: Regional Economic Resilience in the Economy of the European Union <i>Alexandru Meleca, Radu Radulescu</i>	113
The Study of Emotional Intelligence, Attachment Styles, and Self-Esteem of First and Second Children <i>Noora Rahmani, Ezgi Ulu</i>	117
The Future of the City after COVID-19: Digitalization, Preventism and Environmentalism <i>Julia M. Puaschunder</i>	125
Crimes which Can Favor the Spread of the SARS-CoV-2 Virus <i>Robert Șerbănescu</i>	130
The Night of Tarantella versus The Căluș Festival in the Midst of a Pandemic <i>Aurelia Săbiescu</i>	135
Romanian Education in Times of Pandemic <i>Nicoleta-Elena Hegheș</i>	139
Deprivation of Liberty - ‘Medical Punishment’ during the State of Emergency in Romania <i>Marius-Adrian Arva</i>	145

Economic Growth in Times of Pandemics

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ABSTRACT: Traditional economic growth theories considered capital and labor as essential growth factors for every economy. Exogenous growth theory is centered on exogenous shocks – like new technology innovations or natural crises, such as pandemics – as major drivers or downturns of economic growth measured in capital and labor impact. Endogenous growth theory then drew attention to dynamic variable interactions between capital and labor but also endogenous growth derived from ideas, innovation and learning. Growth concepts were opened up for innovation generated in productive group interaction and learning inside firms in teams, learning-by-doing while performing tasks and learning-by-using of new technology. The outbreak of the novel Coronavirus (COVID-19) heightened attention for hygiene and healthcare. According to exogenous growth theory, the health risk exposure to the exogenous shock of COVID-19 differs between employees, firms, industries, environments and countries. Health of labor capital but also a risk-free working culture, environment, industry and country will flourish growth in a COVID-19-struck economy. In endogenous growth theory terms, team hygiene and group monitoring of the collective health status but also learning-to-preventing holds future economic growth potential. Applications of the presented COVID-19 adjusted growth models will be discussed with attention to inequality of growth in the digital age. Future research directions are envisioned.

KEYWORDS: Coronavirus, COVID-19, Endogenous growth, External shock, Healthcare, Hygiene, Inequality, Learning-by-preventing, Pandemic

COVID-19

The new Coronavirus (COVID-19) is an infectious disease that was first diagnosed in Wuhan, China, in December 2019. The majority of infected only develops mild symptoms such as fever, cough, difficulty breathing and tiredness as well as loss of smell and taste, but also rashes and other diffuse symptoms (Center for Disease Control and Prevention 2020). Depending on age and prevalence, COVID-19 can lead to acute complications such as organ failure, cytokine loads, blood clots and septic shock (Center for Disease Control and Prevention 2020). Pre-existing conditions, such as obesity and diabetes, but also the general status of the immune system, are crucial determinants whether the new Coronavirus is of severe danger to the individual (Salzburg Declaration 2020). Prevention and holistic medicine play an important role whether the disease turns out to follow a mild or severe symptom trajectory (EcoWellness Group 2020).

In January 2020, the World Health Organization declared a state of emergency with international relevance over COVID-19, and in March 2020 the outbreak of a global pandemic. As of August 2020, almost 24 million infected cases are documented and almost one million deaths have been recorded in over 200 countries in all six World Health Organization territories (Sachs, Horton, Bagenal, Amor, Caman & Lafortun 2020). Exponentially growing numbers of infections and a lack of an effectively-tested vaccine or completely-curing medication so far project that there may not be a fast end to the crisis in the near future (United Nations 2020).

Economic growth

Exogenous growth theory

Classical political economy in the tradition of Adam Smith and David Ricardo prepared ideas about the growth of capitalist economies, even if it is not in the language of modern growth theory. Standard neoclassical economic growth is captured in growth theories (Deaton 2010; Kuznets 1973). The history of standard growth theories features aggregate production function calculus as the extension of the micro-economic production function at a national or economy-wide level (Puaschunder 2020). The aggregate production function describes the relationship of the size of an economy's labor force and its capital stock with the level of the country's Gross National Product (GNP).

Growth theory had originally been focused on exogenous growth foremost pioneered in the work of Robert Solow's Growth Model (1956). Solow's neoclassical growth theory was based on the two factors capital (K) and labor (L), which are argued to drive every economy (Solow 1956). The value of output or national product is thereby derived from the value of the aggregate capital stock and labor force (Jones 2014). Aggregate production is explained by how capital and labor of an economy contribute to growth (Jones 1999). Economic output (Y) is a function (f) of capital (K) and labor (L) so that

$$Y = f(K, L) \quad (\text{Equation 1})$$

Capital stock is usually improved through new investments and decreased by depreciation. Labor supply is determined by the change in labor force, for instance through population growth or education. Derivations include technology into the model insofar as output per effective worker becomes a function of capital per effective worker, whereby international differences are prevalent (Bartelsman, Haltiwanger & Scarpetta 2013; Comin & Hobijn 2004, 2010).

In a single commodity economy Solow (1957) assumes investment I identical to savings S ($I \equiv S$). In $S = sY$, where S is total savings, s is the savings rate st $0 < s < 1$, and Y is total output. No capital depreciation occurs as the rate of change of capital $\dot{K} = I = sY$.

Labor force L grows at constant rate, $\hat{L} = \frac{\dot{L}}{L} = n$. The technical possibilities of the economy are represented by a continuous, constant return to scale aggregate production function

$$Y = f(K, L) \quad (\text{Equation 2})$$

whose intensive form is $y = f(k)$ where $y = Y/L$ and $k = K/L$. Marginal product of capital is positive for all levels of the capital labor ratio: $f'(k) > 0$ for all k and diminishes as capital per worker increases: $f''(k) < 0$ for all k . Solow's behavioral growth model and optimizing growth model assumes savings rates to be exogenously given, with propensity to consume fixed, as in Keynesian Macroeconomics $k = \frac{K}{L}$, $y = \frac{Y}{L}$ per capita. As $k = \frac{K}{L}$, the growth rate of k is

$$\dot{k} = sf(k) - nk \quad (\text{Equation 3})$$

On a Cartesian plane, the intersection of the $sf(k)$ and nk lines gives the steady state of the economy. In neoclassical growth theory a balanced growth steady state solution for the model exists. This balanced rate of growth in the model is constant and equal to the exogenous labor force growth rate n ; hence in the long run, the growth rate is independent of the savings rate. In the neoclassical tradition, though, there is no room for a lack of effective demand and under-consumption. Growth on the long run comes from exogenous shocks of which technology revolutions are of positive accelerator and multiplier nature, whereas negative shocks – such as pandemics – are negative downturns to growth.

Endogenous growth theory

Modern growth theory of 20th century is based on the work of Harrod and Domar, Solow and Swan, and Paul Romer. Harrod and Domar started by pointing out dynamic rather than static

growth factors during the Keynesian heterodox economics revolution. In a marriage of the acceleration principle and the multiplier theory, Harrod argued endogenous growth factors in capital and labor as accelerators that coined the term of endogenous growth theories.

In response to neoclassical growth theory missing the ‘black box’ of innovation in economic growth considerations, a group of economists including Paul Romer (1990), Robert Lucas (1988), Philippe Aghion and Peter Howitt (1992) sought to extend neoclassical models to incorporate endogenous innovation, hence “endogenous” growth theory in the 1990s.

New Growth Theory starts with Romer (1986), where persistent growth was explained by the impact of externalities on economic development. The idea was originally formalized by Arrow (1962) who argued that externalities arising from learning by doing and knowledge spillover positively affect labor productivity on the aggregate level of the economy.

Since the 1980s, endogenous growth theory integrated a rich set of ideas of endogenous growth of capital and labor into development economics based on ideas, learning and research and development as drivers of innovation (Bils & Klenow 2002; Lucas 1988, 1999). Growth is determined by the production of knowledge and ideas. Innovation as in Schumpeter’s creative destruction are later mathematically formalized as in the empirical models of Robert Solow (1956), Robert Lucas (1988), Philippe Aghion and Peter Howitt (1992).

Endogenous growth theory can be understood as the addition of human capital as a separate form of capital to Solow’s (1956) growth model. This appears as the addition of human capital (H) to the statement: Output (Y) is a function (f) of capital (K), labor (L), and innovation (A) so that

$$Y = Af(K, H, L) \quad (\text{Equation 4})$$

Lucas (1988) whose model goes back to Uzawa (1965) emphasized human capital creation as a source of growth. Romer (1990) and Grossmann and Helpman (1991) considered the creation of new knowledge as a source of growth. In Aghion and Howitt (1992, 1998) the Schumpeterian process of creative destruction becomes central to growth. There have been a number of empirical studies using new growth theory, with the early phase of empirical work being largely focused on cross-section studies.

In 2018 Paul Romer jointly won the Nobel Prize for economics with William Nordhaus for his contribution to integrating technological innovation with economic growth. Romer’s analysis stresses innovations as non-rivalrous that involve a fixed cost of production and zero marginal cost to reproduce. As the long run rate of economic growth depends on the rate at which innovation and knowledge grow, the public sector has a vital role to play in supplementing the private provision of research and education to correct this market failure. Differences in social infrastructure play an important role in explaining differences output per worker between countries (Dinopoulos & Thompson 1999; Hall & Jones 1999; Klenow & Rodriguez 1998).

The decisive difference between neoclassical growth theory and endogenous growth theory is that the latter allows for the possibility of increasing returns, whereby if all inputs are doubled, output may more than double because knowledge is non-rivalrous and not completely excludable but has an exponential growing marginal utility. The more information one holds, the more complex conclusions may be drawn. So that a doubling in the stock of knowledge can result in more than doubling of its productive utilizations by firms. In terms of economic productivity, effects come to play like learning-by-doing or in the use of complex technology learning-by-using (Puaschunder, Gelter & Sharma forthcoming). Team learning and team management become economic growth accelerators that are attributed to be key hallmarks of the American economic growth miracle during the Cold War period (Brenner forthcoming a, b).

Growth in the age of COVID-19

Exogenous shock

In the exogenous growth theory understanding, the COVID-19 pandemic is an external shock that diminishes economic growth potential in the domains of capital and labor gains. Already now, the novel Coronavirus caused a dramatic downturn for general mobility and international tourism including gastronomy (Gössling, Scott & Hall 2020; Puauschunder et al. 2020). In April 2020, more than half the world's population resided in countries enforcing lockdowns, which disrupted individual lives, business activities and international mobility (IMF 2020). All major world economies suppressing human social interaction, which spilled over into an economic decline around the globe comparable to the onset of the Great Depression (Sachs et al. 2020; UNDP 2020). In the wake of "social distancing" measures, consumption decreased by 32% in China, 49% in Germany and 50% in the US as well as 78% in Great Britain (Jones, Palumbo & Brown 2020). The Financial Times Stock Exchange Group, Dow Jones Industrial Average and Nikkei plummeted in the first quarter of 2020 drastically (Jones et al. 2020). Unemployment and furloughs rose in all major market economies (Jones et al. 2020). The IMF (2020) estimates a 5-15% chance of a recession after the first quarter of 2020 measured by Gross National Product (Sachs et al. 2020). The world economy shrunk by 3% in the first quarter and is expected to decline around 5% throughout 2020 (IMF 2020). The 2021 global growth is projected at 5.4%, which leaves the 2021 GDP some 6.5 percentage points lower than in the pre-COVID-19 projections of January 2020. All these measures resemble the onset of the Great Depression of the 1930s, which – together with subsequent events – changed the corporate governance structure and conduct dramatically, unprecedentedly and lastingly (Sachs, 2020; Gelter & Puauschunder work in progress).

Endogenous growth

Despite the enormous economic growth decline already obvious and prospected in the years to come, there is endogenous growth potential in the wake of COVID-19 that includes attention to natural health selection, hygiene and collective healthcare.

In the novel Coronavirus crisis, prevention and general, holistic medicine determine whether COVID-19 puts patients on a severe or just mild symptom trajectory. Obesity, but also the general status of the immune system are decisive in whether the Coronavirus becomes a danger for the individual (Salzburg Declaration 2020).

In light of the heightened health risks of COVID-19, employers will naturally select healthier workers that may have a positive externality effect of an overall more productive labor at work. Already now elder and chronic patients' passing and vulnerabilities risks change labor market demand towards favoring young, healthier and Corona-survivors, who may benefit from a natural immunity, and being more virus-resistant (Schwartz Center for Economic Policy Analysis Older Worker's Report 2020). Needless to say, the expected economic growth potential should also be considered to be taxed and the extra fiscal space used to offset the socio-economic losses and social misery implied in inequalities in market selection.

As for outside working conditions, those corporations that are placed in benevolent health-promoting territories will have a competitive advantage and gain in terms of labor quality. Countries around the world are currently paying attention to preventive medical care in the wake of pandemic outbreak monitoring. Those nations that can offer technological advancements to monitor pandemic outbreaks but also medicine of the future that helps prevent diseases instead of just treating their consequences will produce positive labor advantages (Puauschunder & Beerbaum 2020; Puauschunder, Mantl & Plank 2020; Puauschunder 2020; Salzburg Declaration 2020).

On the corporate level, those corporations that manage to build a healthy environment that is attentive to prevention will gain from COVID-19 on the long run. Corporations that invest in hygiene but also group learning and team skills of hygienic working conduct will likely see a long-term labor-driven economic growth. In light of pre-existing conditions and obesity determining the likelihood of severity trajectory, corporations may also focus on fostering a healthy and ecological diet of their employees. Measures that can guarantee continued health in employment will account for corporate success and economic growth.

Corporate governance could therefore foster self-monitoring of the state of health of employee and the comprehensive prevention in a holistic lifestyle. For instance, the German Prevention Act of 2015 of the German Federal Government compensates corporations for fostering investment in preventive self-care but also team learning of healthy lifestyles in the workforce, acknowledging the power of preventive care for economic productivity. Focusing on collective health as a common good will on the long run make labor components more productive. All these means of a hygienic environment, healthy preventive care and workplace interactions may be summed up in learning-by-preventing economic growth potential.

Model

Contemporary growth theory should be revised as for integrating growth related to hygiene and health as positive input but also risk factor. Growth theory should consider labor to be either flexible or inflexible (Puaschunder 2020). Flexible labor would potentially be parts of labor that can work remotely, be dismissed, exchanged or furloughed during the COVID-19 pandemic to not spread the disease and/or be affected. Other parts of labor may be more inflexible, as would be traditional human labor force that cannot work remotely and cannot be replaced. In an endogenous growth theory frame, these parts of the workforce should be cautioned and trained to be hygienic and remain healthy, hence it should be invested in their long-term health status. This innovation would comprise of learning-by-preventing activities for workgroups and team learning of monitoring one's own health and the health status of coworkers and others.

Together these micro-macro endogenous and exogenous growth theory innovations should integrate a novel component for health that should be formalized into the standard growth theory formula as proposed:

$$Yn(t) = (A(t)K(t))^{\alpha}(A(t)L(t))^{\beta}(A(t)H(t))^{1-\alpha-\beta} \quad (\text{Equation 5})$$

whereby $Yn(t)$ denotes total new production function, $A(t)$ refers to capital and health-augmenting technologies or health status knowledge, $K(t)$ is capital and $L(t)$ labor. $H(t)$ represents health information and training, which corporations can foster among the entire workforce and make more accessible. Information share on health status and monitoring one's own health but also the health of others on the work team are most novel innovations that may drive economic growth during COVID-19. Access to information about health and virus spreading but also reaping benefits from information sharing on other's health status through synergizing information and deriving inferences in relation to big data on virus outbreaks are innovative value generation in work teams during COVID-19. Health and knowledge about other's health status in a corporation as a collective asset and learning-by-preventing in teams is an addition to conventional capital or labor skills. Having a big data collection on the health status of the workforce enhances the productivity of $H(t)$ due to network effects and information being a non-rivalrous good, with a marginal utility gain that is exponential. Network effects from information and connectivity increase per additional user. Information is non-rivalrous as the consumption of one piece of information does not decrease or deplete the opportunity for another person to consume the information. The more

information one holds, the better – hence the marginal utility of information rises exponentially with information gain. In all these features – network effect gains, non-rivalrous information consumption opportunities and exponential marginal utility gains of knowledge – information is completely different from classical notions of capital and labor. Where capital and labor are exclusive, the knowledge economy and big data on health status driven growth are non-exclusive (Clancy 1998). A piece of information shared or written online does not take anything away or decrease utility, it actually increases people's utility non-depletable and aids as risk management in following the precautionary principle in pandemic economies (Stiglitz 1998; Stroebe, & Frey 1982). Therefore, it is proposed to measure health information as completely novel component to be considered in standard growth theory. Economically, the current Artificial Intelligence and big data insights revolution can aid in tracking, monitoring and improving individual and group health statuses (Lucas 2004; Puaschunder 2019a, b). Prevention is an additional asset of learning-by-preventing as for tapping into the economic benefits of the precautionary principle and lowering health and long-term litigation risks.

The proposed assumptions and modeling are a very preliminary introduction to economic growth gains from health and preventive care in work teams. As for the novel character, it should be theoretically clarified, empirically measured and model generation backtested on data to clarify whether and to quantify how much health and preventive care in teams enhances labor components of standard growth theories.

Discussion

Today's economies around the world are affected by the pandemic and health crisis. Yet the unprecedented attention to topics of "systemic, sustainable prevention" – just like ecological topics – can stimulate the innovative strength of the economy and generate new, lucrative business models and products that also minimize the pandemic consequences. Future innovations in the medical field are predestined to be in the realm of digitized health care and self-monitoring with the help of electronic self-measuring devices and modern molecular genetic analyzes. These can make the use of new active ingredients in the field of prevention of serious diseases more efficient. It is a sad fact that most drugs do not work satisfactorily or have side effects, with increasing costs and high risks as well as unequal distribution and access to around the world. Therefore the drive towards the precautionary principle and collective attention to hygiene and preventive medicine offer novel economic growth potential that should be integrated in standard exogenous and endogenous growth theory. With new business models, however, social implications, such as evolutionary selection mechanisms encroaching on corporate actions or ethical limits to privacy and the democratization of information should also be considered in order to be alleviated.

As an addition to the current model, digitalization may be integrated in a future extension. In today's economy, robots and algorithms are taking over human decision-making tasks and entering the workforce. Most recently, big data has evolved to become a source of economic growth and governments in major economies are endeavoring to tax wealth creation from information transfer. Modern healthcare today is based on mobile monitoring and relies more than ever on AI by analyzing a large amounts of data for prevention, diagnosis and healing.

Future studies may empirical validate the proposed economic growth changes with attention to AI, big data insight, robotics and algorithms entering the medical profession. This trend currently challenges conventional economic theory to capture growth based on purely capital and labor components (Puaschunder 2020). Algorithms, machine learning and big data gains but also the shared economy do not seem to be represented accurately in conventional growth theory components of capital and labor (Alvarez, Buera & Lucas 2007).

To this day, we do not have clear information where to integrate AI and big data insight-derived economic gains into standard economic growth theory (Puaschunder 2020). It is not clarified whether these components are enhancing the production process, hence are considered as capital K or aid as human-enhancement more the labor component L or are even imposing a burden on economic growth for set-up costs and litigation risks (Puaschunder 2020).

Future empirical validations of the proposed ideas should be tested cross-sectionally and by time series. Cross-sectional studies could differentiate between countries, while time series would allow to control for general economic trends. However, cross-sectional studies are often comparing countries at different stages of development and imply preference and technology parameters being identical for all countries in the sample. Differences in institutional conditions and social infrastructure are also to be expected in actuality, leading to heterogeneity of estimated parameters that the models (Brock & Durlauf 2001).

A time-series approach takes into account changes over time and stages of development, yet are challenged by eventual non-stationarity that requires transformation into a stationary model. Drawbacks include the possibility of structural breaks and high data requirements. Scale effects may occur as an increase in the level of state economic variables such as human capital or knowledge capital implying strong and lasting effects on the growth rate of the economy, which requires the introduction of nonlinearities. Time-series would require a high quality of data or curing unobservable variables' missing data to be replaced by observable lower-quality ones. Including non-linearities into the empirical model helps avoid scale effects which seem implausible due to diminish forces of growth.

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Community-Based Solution for a Community Spread Requires Incentive-Compatibility Considerations

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ABSTRACT: The war on coronavirus is being fought on many fronts. Unquestionably, the battle is in the ICU rooms, but nonpharmaceutical interventions (NPIs) are equally important. Humans can win a battle but lose the war with the virus. If an increase in asymmetric information in human interactions is the social consequence of a spreading virus, that information problem has to be directly addressed. The challenge is more than a task in science. It is also a socio-economic institutional challenge. Health systems of the world, while largely adopting a TTT (Testing, Tracing, Treatment) procedure in managing the virus, has not sufficiently addressed to community spreads in designing mechanisms that can signal suspects and hotspots effectively. The need for examining the system outside the healthcare structure is essential once we understand the traveling journey of a virus. Contact tracing, while direct in identifying suspects of infected individuals, may not be effective even with technology such as AI embedded. Aside from privacy issues, digital contact tracing entails human execution that is a voluntary decision in a free society. There is no assurance that the public will necessarily cooperate. This paper articulates a reason for addressing community-based solutions that are outside the normal health system management. We argue that for a community-based solution to be effective, incentive-compatibility must be considered. Our paper proposes a solution that entails the least privacy intrusion.

KEYWORDS: Nonpharmaceutical Interventions (NPIs), Contact Tracing, Community-based Solutions

Introduction

Human survival requires interactions in communities as well as across communities. Interactions can be social, economic, religious, and psychological, as people like to mingle. Isolation can be a temporary condition, but never a sustainable lifestyle for human survival. In this paper, we illustrate a need and a suggested community-based solution beyond medical remedies (i.e. NPIs) for combating community infectious virus spread. The socio-economic challenge is caused by an exponential spread with carrier of the virus being asymptomatic, i.e. without symptoms. Thus, in daily human interactions, people face what economists have called an “asymmetric information” problem in that one has no way of knowing the possibilities of being infected while interacting with strangers.

Solutions for mitigating asymmetric information problems usually entail screening, testing, signaling (Spence 2002; Connelly et.al. 2011; Lewis 2011; Hoppe and Schmitz 2015). Many of these economic concepts have applications for nonpharmaceutical interventions (NPIs). Forecasting for COVID-19, a preliminary SIR model suggested that signaling (identifying suspects) can be more important than testing (clinical proofs) (Chari, Kirpalani, Phelan 2020). The study simulated results, showing that a policy allowing discriminate isolation of those receiving “signal” and testing positive has the highest welfare gain estimated compared to other policies. This, as well as other studies, shows that there are different ways to address to the information problem caused by a spreading virus. Unless the

fundamental issue of virus-caused asymmetric information problem is solved, we are not prepared to handle the next pandemic (Desmond-Hellmann 2020).

Community spread is no small matter, especially if it is exponential. Epidemiology models of COVID-19 can be many. Studying the problem after the facts, however, cannot provide effective guidance on preventive measures for a spreading pandemic. Prioritizing the needs to develop early warnings of a contagious virus before an outbreak can reduce economic impacts from subsequent lockdowns. At a broader level of community, i.e. for a country, more stringent guidelines for traveling could have been developed before the countries of the world shut their doors to ‘foreigners’ as the only pragmatic way to deal with the spread (Salcedo et.al. 2020). It is sarcastic to note the article commenting that “the coronavirus pandemic is, [as] a negative byproduct of our hyper-connected world,..brought about a nearly complete halt of global travel and tourism”. Unfortunately, a virus does not carry a passport. Policies based on passport or ethnicity may not reduce the spread rate; as undetected leaks, however, small the number, to begin with, would spread exponentially. When it spreads exponentially, the number will necessarily be large. A country may contain a community spread temporarily, but when the border is reopened, travelers could bring the virus back in.

The importance of mitigation rather than containment has been addressed in various opinion pieces, e.g. Migration Policy Institute (Banulescu-Bogdan et.al. 2020), calling the closing of border a “blunt tool”; and yet, there are also proposals for establishing more (not less) stringent intranational lines (boundaries) based on real estate, (JLL 2020). We are seeing that an anti-foreigner sentiment has been glooming in many communities in various countries for some time now. Thus, action must be implemented starting with a community, perhaps before mitigation and containment are implemented, as latter measures may be deemed too late.

To persuade a community to consider adopting mitigation methods could be ineffective unless such practices are being embraced by a threshold population. This is difficult to be done voluntarily, as individual self-interest may not coincide with a common social goal. Voluntary participation requires an incentive-compatible design at a community level beyond the strategy of Testing, Tracing, and Treatment (TTT). The acronym has been used in numerous discussions in USA with different people referring to similar procedural steps but sometimes with a slightly different acronym or a different interpretation for the Ts. Regardless, procedural steps are usually executed in the health systems of a country (or a state) rather than voluntary community participation. Judging from a surge in positivity rate (confirmed positive case divided by the number of tests) in many states and specific counties, the strategy does not appear to be effective. Yet, reopening of an economy is a necessity, as people’s lives need to return to some type of normalcy.

Mobility must be addressed as Countries are reopening

At this juncture where countries are gradually reopening, the question on how mobility could impact the spread of the virus and also the recovery is indeed very important. Figure 1 below provides a snapshot of the situation for different countries taken on May 28, 2020, which asks the question of reopening of economies based on two metrics: mobility index and the disease recovery rate. The idea is that economies are more likely to reopen, if the recovery rate is high. The proposition is that while there are 4 types of country classification, the general pattern seems to suggest a positive relationship between mobility and recovery.

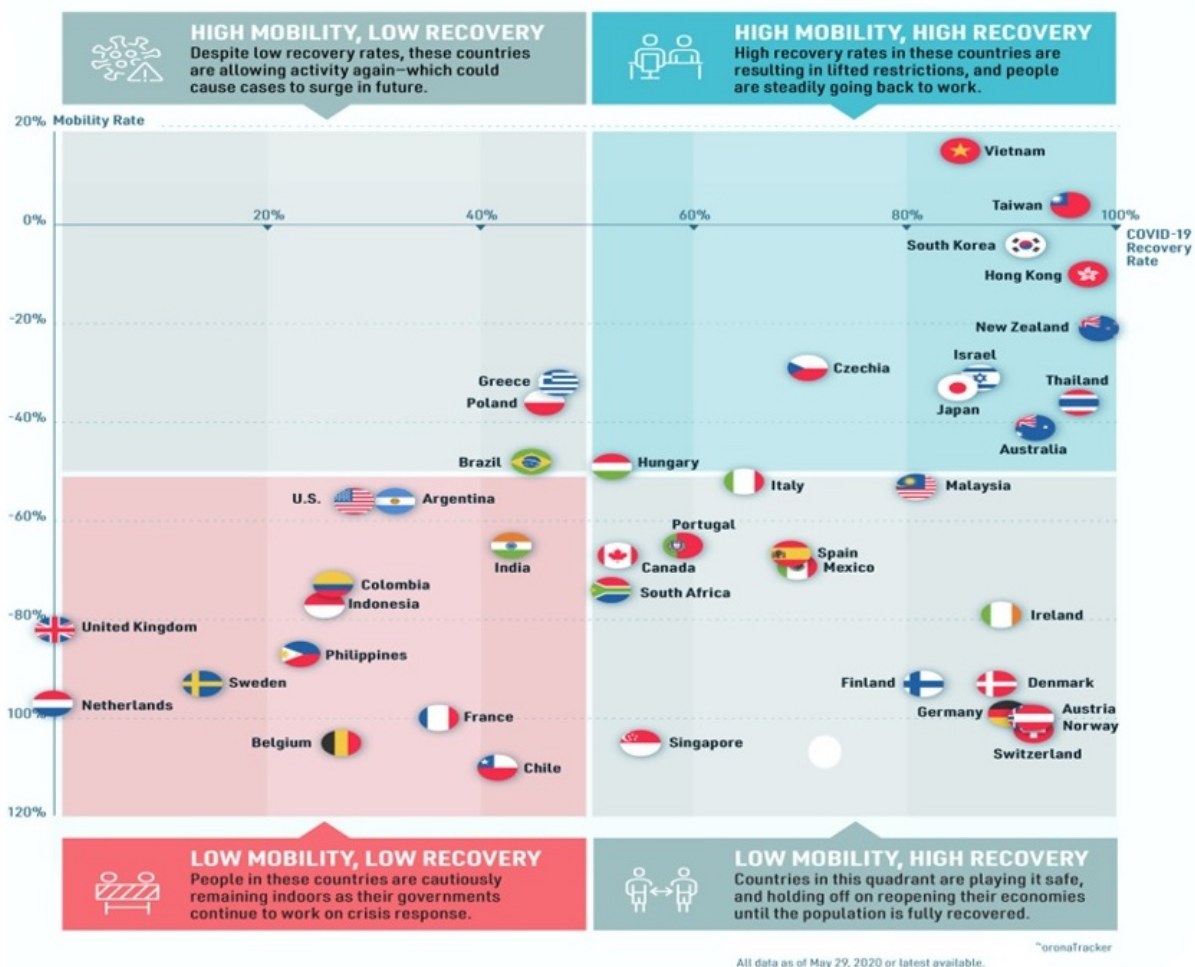


Figure 1. Mobility and Recovery - Countries Comparison

Figure 1 is adapted from a website which defines mobility as workplace mobility minus residential mobility, with the base line being zero, while the COVID recovery rate is defined as total recovered/total Covid-19 Cases. <https://www.visualcapitalist.com/the-road-to-recovery-which-economies-are-reopening-covid-19/>

The need to look at this from a world perspective has also been addressed in Puauschunder (2020) in which the role of technology, and in particular AI, has been argued to be very important in fighting infectious diseases. The author believes that countries with high internet connectivity and GDP are likely to lead on “AI-driven big data monitoring insights”. This prophecy has yet to play out in the case of United States. The hindrance could be that the pandemic is inherently not only a challenge for science, but equally and perhaps more significantly, a challenge as a political socio-economic decision. Considering the scope of technology being very board, the selection of particular technology being used is a political and a subjective decision made in a country. There is no assurance, given that public health is a “public” decision, and that some technology can be more effective in speeding up mobility and recovery rates than others, that the most effective technology will be adopted.

An area where technology can definitely be applied is contract tracing, which is one of the Ts of the TTT used by many health authorities. Technology applications in contact tracing, which entails all types of contract tracing aim to improve efficiency in identifying

suspects of virus infections, is extremely important for curbing the spread. Digital contact tracing is likely to improve efficiency over manual contact tracing significantly. However, as will be further argued in this paper, it is unlikely to be adopted quickly.

At the outset, no matter how sophisticated a technology is, there is always an element of human intervention that is necessary to enable a technology. As long as human decisions are present, there will always be some arbitrariness in implementing a technology, even if it is AI-driven. The minimum action is to turn a switch allowing connection to an energy source. The socio-economic angle of implementing a technology cannot be understated: Who is going to monitor the performance of the “agents” in implementing a technology? In other words, insofar as asymmetric information persists in human interactions, the economic problem of incentive-compatibility must be addressed.

Mitigation remedies as a matter of social engineering will not work if individuals do not find that they will benefit from participating in the fight against a contagious virus. The rational calculation for most individuals is that they will not be so unlucky to be infected; and thus, necessary precautions will not be voluntarily adopted unless the virus hit upon your own body. This phenomenon is most acutely revealed in the case of USA, where a significant population in that country still refrains from wearing masks and social distancing, despite rising statistics warning of a surge in infection rates. Likewise, a suspect uncovered in contact tracing is likely to first resort to self-healing, rather than voluntarily goes through the trouble of being tested; unless the person is doing it for the public good, or simply out of curiosity. Most people would prefer the virus being exterminated by someone else rather than they themselves.

The balance between individual liberty (freedom to interact and freedom to associate) and public safety is a matter of preference that varies between communities. Individual liberty is a concept very broad, but we have to recognize that traveling, as an integral part of many economic activities, is a bulk of what constitutes individual liberty. This is so not just for cross-border needs, but also for daily activities of most people commuting, many utilizing virus-transmission-prone public transportation which they cannot easily avoid. At the micro level, some communities may adopt a country’s broad base policy of closing the doors too, i.e. no visitors, even though visitation is a matter of basic necessities. Social distancing indeed can be extremely costly for all types of activities, retails, recreations, neighborhood caring, etc., because mobility and close contacts with one another is essential to sustain any community, large or small. Shutting the doors is the most primitive way of dealing with the problem, but it may not be the smartest way of dealing with social distancing. Worse still, it does not address to the asymmetric information problem. It just avoids it.

It is mindboggling why in this digital age, we are still using the most primitive method of dealing with a spreading virus, reliving the Antonine plague of the Roman Empire. With evolving technology and looking forward, the real issue is whether we can utilize technology to provide a mobility guideline without giving up too much of privacy. In the case that we have to give up some degree of privacy, whether the privacy to yield is over-demanding. Mobility unavoidably will utilize some forms of public goods, as privacy in a public good environment can never be total. But first of all, we need to understand the journey of a virus to truly understand why there is a need for a holistic approach in fighting a common invisible enemy involving cooperation between the health system and the community. By understanding the dynamics of the virus spread, we can more acutely develop a strategy at the community level that is incentive-compatible for solving the asymmetric information of human interactions, which is the essence of the problem caused by an infectious virus.

The Traffic Lights of a Contagious Virus

Every virus (million kinds of them) has its journey on earth, sometimes going through an incubation period, and sometimes more active and more focused in certain regions of the world. When traveling on earth, a virus is transmitted from a source to 5 different platforms. The human platforms consist of 3 types—Asymptomatic (no symptoms), Clinical Symptomatic (proven by tests), Nonclinical Symptomatic (cured by self-healing, or some traditional methods such as lemon or ginger tea, sinus rinse, etc.). Nonhuman platforms consist of dead objects (different type of surfaces), and animals (furs, feathers, etc.). There may be other platforms, e.g. food, air, water, or very broadly, in terms of a geographical region. These are platforms that can either be easily controlled (e.g. not eating certain food), or impossible to control (e.g. in the atmosphere). Scientists still do not know for sure how a virus is born. All we know is that it is discovered in a geographic region.

The spread rate of a virus can be exponential, but through what platform? The spread rate is usually tracked within the health care system of a country through clinical tests. That is usually how the spread rate is calculated. Understanding the journey of a virus via other platforms can track the spread as a traveling map of the virus, and perhaps can also point out directions for collecting missing data. This understanding may suggest more focused ways of doing social distancing, surveillance, or quarantines.

A diagram below assumes a virus comes from the 1st case identified in the health system of a geographical region (community). The 5 different platforms to propagate the virus is symbolically described as a fork with 5 prongs, with the middle prong being an individual tested positive, a Red-light individual. Because there are other media to transmit the virus (via the other prongs of a virus attack), the virus could get out of the health system. Indeed, the 5-pronged attack list the logical possibilities at every successive stage of a virus propagation (not drawn to scale). The 5 platforms are drawn only for the 1st level of infiltration, with individuals and objects at that level being subscripted by 0. At the second level of infiltration, only the middle prong platform is highlighted, while other platforms are hidden from the diagram for simplicity of exposition.

As will be shown in the diagram and explained further, individuals being affected by the virus could be labelled by the traffic lights of Red, Yellow, and Green at each level of the transmission journey of the virus. Humans affected by a contagious virus could be Symptomatic (S) or Asymptomatic (A), both types can be indexed by the time stage of a spread, subscripted by 0, 1, etc. depending on the level of infiltration. A Red light is activated when the virus is caught by a clinical test. A Yellow light is activated when a virus is alerted by individuals themselves, and is usually coped with by traditional self-help methods, which may or may not resume their health back to normal. The Yellow light can turn to a Red light in successive stages when self-help is ineffective. In that case, the individual with the virus is turned Red, and will be counted in the system.

All Reds are counted within the system. All Greens and Yellows are counted outside of the system. Thus, looking at the spread of the virus in terms of this traveling map, the management of individuals outside the health system is as important as the management of those caught by the health system. The color Red denotes all activities and individuals in the health system. As one can see, there are many other activities and individuals outside of a health system.

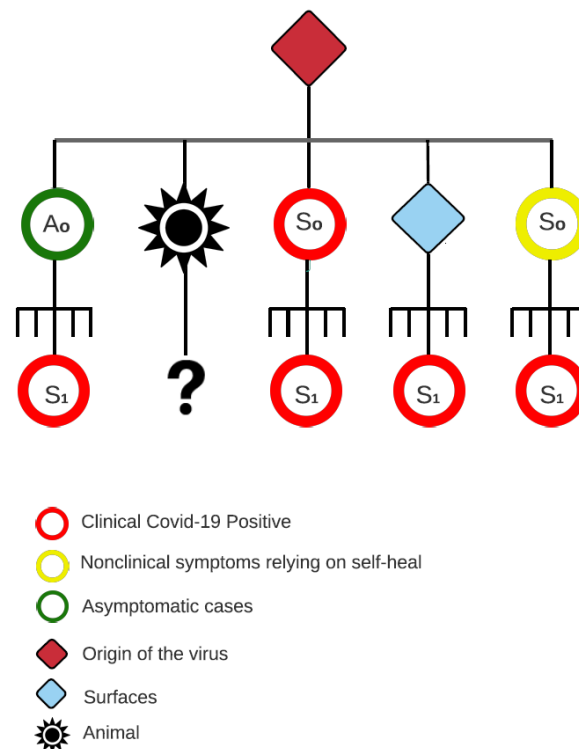


Figure 2. The 5-pronged Infiltration of Virus in a System

Figure 2 illustrates the travelling map of a virus in understanding the means and extent of a virus spread. Let's think through this process more carefully. The Green-light viruses, i.e. the asymptomatic cases, are the most problematic considering they are not detectable by the health system. The only way to limit its spread is by limiting its traveling, i.e. social distancing for 14 days. If within that 14 days, the light turns Yellow and then Red, the virus is thereby registered into the health system. If the Yellow light is switched on only for a short while and then turning to Green, the virus has existed only for a short time but conquered by the individual's antibodies, i.e. the virus dies or hibernates before the 14-day quarantine is over. Of course, there are people who turn Yellow for other ailment while they are actually Green.

Health systems in the world are spending most of their resources in managing the Red-light virus in the system. Effective slowing down of the virus spread may want to address to methods of managing the Green and the Yellow lights also. Some of the more successful cases have to rely on a government-community cooperation, e.g South Korea (Power 2020). Taiwan (Lanier and Wyle 2020), almost always relying on some degree of electronic contact tracing. However, digital contact tracing is not generally accepted as a voluntary opt-in without a great degree of community persuasion. Description of digital contact tracing across different countries can be found in many studies, e.g (Junn 2020). China's "health code" service resembles the traffic lights system described in previous paragraphs. Yet, there is a huge difference between the meaning of Red, Yellow, and Green in the China system and the one described in this paper. In China, Greens are given to healthy people with good physical mobility, while the traveling map in this section refers specifically to the asymptomatic. The Reds in the China system refers to "either a confirmed or a probable case [that] should be in mandatory quarantine", whereas the Red lights in this paper are clinically confirmed positive cases. Also, the codes assigned in China to an individual is not done voluntarily; instead, codes are assigned to individuals. Some users complained "about the lack of transparency over how codes are assigned and what data is being stored by Alipay and WeChat."

Digital Contact Tracing and why it might not work

Even though digital contact tracing is technically feasible, there is always a “soft” aspect relating to the use of digital device that makes it unpopular for voluntary participation. Already, we have seen many attempts on utilizing mobile phones for mobility tracking, e.g. (Marson et.al. 2020; Doffman 2020; Szklarski 2020). Google maps are being used to identify high density neighborhoods and high mobility hotspots, (Copeland 2020; Griffiths 2020; McLeod 2020). Yet, we are not seeing health systems in North America widely embracing digital contact tracing, even after the Google-Apple contact tracing app is announced for adoption (Albergotti 2020). Despite the best of intentions in most attempts to devise a contact tracing system, there remains many challenges. In the case of digital contact tracing, there has been much debate about privacy concerns relating to its mobile application. Several developers of such platform have repeatedly assured the public that individual’s privacy is protected throughout the course of use. To a greater extent, companies such as Apple and Google have refused to give health authorities wider control over the types of information that the latter can retrieve from app users (Albergotti & Harwell 2020).

Aside from technical challenges in enabling cross-platform Bluetooth “chirps”, the key to a digital contact tracing app entails the following procedure:

“Phone owners would get involved by downloading an app that enables this system. After a positive diagnosis, a person would receive a QR code from a health official. By scanning the code through that app, that person can upload their log to the cloud. Anyone with the app could then initiate their phones to scan these logs. A notification, if there’s a match, could tell a user how long they were near an infected person and the approximate distance.” (Foy 2020)

One can imagine that a string of “soft” questions could be asked concerning how individuals will be using the app. First a person may not want to download the app because the individual does not trust the privacy features that are being promised. Second, even if the app is downloaded, the person might not have the phone or Bluetooth switched on while in a public place. Third, the app user might not want to visit a clinic for testing even if notified, because the person is asymptomatic and feels perfectly healthy.

An evaluation of various digital contact tracing apps used in different countries have been made in (Kleinman & Merkel 2020), noting the need to merge the numerous digital contract tracing methods. Regardless of the types of method used, the situation can get complicated if digital contact tracing, after having identified infected individuals, is then followed up by phone calls, tests, consultations, possibly tracing other leads. This requires contacting other people the infected individual knows too. The infected individual may not want to intrude into the privacy of the people he knows. In countries (communities) where cultural participatory instinct is high, and indeed a matter of responsibility, the soft components will not lead to a complete failure of a digital contact tracing application. The same cannot be assumed for an intrinsically individualistic society. For such society, an incentive-compatible solution must be designed to accompany a digital contact tracing technology.

Another limitation of a pure digital contact tracking app not working well is that there is a turn-around time between testing and receiving results from the tests. During the waiting time, the individual remains active in the community, which means the person could spread the virus during the waiting period. For high potency virus, even a short waiting time can cause a lot of additional infection to the community, especially if the person feels healthy and well (i.e. the asymptomatic cases of Green lights). According to a study, there is 80% of the COVID-19 positive cases that are asymptomatic. Other studies reported a lower percentage.

An Incentive-Compatible participatory Solution

We propose for a community app that utilizes digital real time identification of hot-spots and safe-spots, based on voluntary participation of opt-in individuals. We ask individuals, on their own accord, label themselves as Green, Yellow and Red lights. This proposed app does not involve Bluetooth technology, but would require a common display across different operating systems. The goal is to make the dashboard of a community participation to be easily recognizable. The soft component of this app must be easy to use and nonintrusive. The opt-in questionnaire should be at a minimum, perhaps requiring the person to declare the light color initially when they opt-in, before symptoms are worsen. This implies that initial participants being likely to be either Green or Yellow.

Whether the Red lights are to be included initially depends on the persuasive skill of the staff in a health system, but it need not depends on a health system for the app to initiate. It poses no legal liability to a health system, and it does not entail retrieving the health information data of the infected individuals into the opt-in app. Indeed, if the program opt-in can be made incentive-compatible, and if a virus spread is real, some of the Green and the Yellow lights in the system will turn Red without health system involvement. The display on the dashboard does not need to be entirely accurate but serves only to show a rough distribution of the traffic light colors within a geographical area. If successfully implemented, the number of Reds in the app would coincides with the number of Reds that are registered in the health system. The crucial question to ask is: How to make the community-based counting system converge with the health system statistics. The answer lies on designing an appropriate incentive-compatible participatory solution.

To be sure, there are already efforts being made by use of color lights in different countries. They are similar and yet fundamentally different as commented in the previous section about the Health Service Code in China. An interactive map and dashboard developed by Harvard Global Health Institute/Microsoft AI, for example, reported regions in the USA as Green, Yellow, Orange, and Red in real time. Risk levels are calculated based on daily cases per 100,000 population (7 day rolling average). <https://globalepidemics.org/> The site uses data from the health system; but as we have argued in this paper, there is a need to monitor safety outside the health system. As far as proactively managing the Green and the Yellow in our framework, the dashboard only requires individuals who have opted-in to declare their colors. These voluntary participants will not be contacted by health authorities or the app, which is significantly different from the Bluetooth-driven contact tracing technology that many are developing, as described in the previous section.

A dashboard of the above-mentioned type is useful even if it is not entirely accurate at the initial stage of its implementation. If enough percentage of population has opted-in, existing residents as well as incoming visitors to an area can avoid cluster areas of Reds and Yellows, i.e. avoid to being close to viruses that are probably most potent. To be sure, this does not replace social distancing as a preventive measure. It is an additional layer that if one is taking necessary precautions, one can more actively control the risk level directly. Any rearrangement of risk level perceived by choosing location will allow people more open to interact and do business with people. That is the crux of the matter: how to get people back to their normal life, without being overly burden by the threat of asymmetric information.

It is true that there are soft parts of this participation scheme similar to that discussed in the above section on contact tracing, but the requirement is minimal, particularly if one recognizes that the reduction in asymmetric information to the public will be immense. It is worth emphasizing that there is no need for the individual to reveal personal identify except for their localities in the map. The degree of participation is similar to what Google is using

for tracking mobility. The only layer added is a self-declaration of Green, Yellow, or Red, noting that only the Reds are registered into the health system of a geographical boundary.

It is also possible that the described app could be subject to the same cybersecurity risks, the same vulnerability of AI robot intrusion, the same footprints of cookies and digital marketing techniques that a new core of professionals are now trained to do. However, we do not see the targeting of the said platform to be particularly lucrative for hackers to prey on. The interactive input required by the program participants are limited only to the declaration of the traffic light colors they represent. The ill-incentive of terrorizing and sabotaging the system does not appear high. Indeed, the motivation would lean towards the good side of human nature than the worse side, all striving to achieve better public safety, a common good, i.e. like not littering, not spitting, no foul language in public space, etc. These are the basic modern civility that residents and visitors most likely are already practicing.

Last but not least, and perhaps the most important aspect of this community-based solution is we are proposing is to make community participation to be incentive-compatible whereby a *bonus* (monetary compensation) will be given to the Red-lights who are clinically proven to be positive. The resource funding needed to administer this scheme is affirmatively lower than the manual contact tracing expenses that many health authorities are currently using. The bonus should be high enough to compensate for the inconvenience of checking in to the health system for tests and for the losses in days of work if found positive. However, it should not be overly high to encourage a deliberate exposure to the virus simply for purpose of winning the bonus, a jackpot. Conceptually, an appropriately set bonus scheme will incentivize individuals in two ways: It will make (1) individuals more likely to opt in to the program, and (2) individuals will be more likely to go for tests when they feel sick (i.e. Yellow), rather than practicing self-heal and in the process spreading out more virus.

Our proposed solution for voluntary community participation obviously has other aspects of implementation that need to be addressed, e.g. selecting an appropriate partner for marketing the program, the funding of the bonus, etc. However, we see this being conceptually different from either TTT, manual contact tracing, and digital contact tracing. Therefore, it is a solution that is worth considering as a component of a holistic approach to curb a pandemic. Furthermore, as a managerial economic problem, a community based-solution does not entail the same technical investment of AI/ML, which can be costly, and bureaucratically difficult to implement because of privacy considerations. The technology requirement of the community-based solution is minimal. It is more of a socio-economic challenge. A challenge that we believe entails relatively low monetary investment, community-specific and thus does not require universally being applied to all communities in the world. Most important of all, it can be implemented entirely voluntarily as a community decision.

Conclusions

The economy cannot be forever held hostage by a virus, even though Covid-19 is uniquely different. Closing any type of country borders, be it peripheral or internal, curtails a country's economic growth and development. Fundamentally, it disrupts human desire, and the *need* to move from one location to another. As globalization and interstate economic activities become increasingly inherent, border-crossing has evolved to an *essential* need for many businesses and individuals. Hence, focusing on supply chain traffic by allowing only "essential" crossing is unsustainable. This makes it all the more crucial to have in place constructive means of curbing the viral spread, rather than restraining necessary movements by sealing-off national and regional boundaries.

This paper argues that a community-based solution outside of health system administration can be designed to fight the war on a spreading virus holistically, rather than from within the health system only. This solution must find ways for the community to voluntarily opt-in to help fight the virus. If participants' efforts can be made incentive-compatible without compromising on individual privacy, a larger percentage of opt-in volunteers should be expected, which will lead to the success of the program.

Acknowledgments

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Limitation of Fundamental Rights and Freedoms in a Pandemic through Administrative Acts Issued by Public Authorities

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ABSTRACT: In Romania, the legislator considered to regulate, on a temporary basis, some necessary measures in the field of public health in situations of epidemiological and biological risk, to prevent the introduction and limit the spread of infectious diseases. Measures such as the quarantine or isolation of persons shall be ordered and applied exclusively for the protection of public health, respecting the fundamental rights and freedoms of citizens, meaning that they must be in proportion with the situation which determined them, limited in time to this and applied in a non-discriminatory manner. Public authorities such as the Public Healthcare Direction - for individual cases or the National Committee for Situations of Emergency - for populational groups, have the legal competence to assess and order either the quarantine of persons or the zonal quarantine by reasoned decision which will contain endorsements on the date and the issuer of the act, the name and identification data of the quarantined person, but also the duration of the measure and the remedy provided by the law.

KEYWORDS: pandemic, epidemic, rights of the citizens, quarantine of persons, isolation of persons at home

Introductory considerations

The major health crisis caused by the Covid-19 pandemic forced the responsible authorities to adopt measures with different degrees of restriction of fundamental rights and freedoms of the citizens, measures aimed at preventing the introduction and limiting the spread of infectious diseases in Romania.

The establishment of exceptional measures such as the isolation of individuals at home, their quarantine or zonal quarantine are usually ordered, in the context of declaring a state of emergency, according to the constitutional provisions, or a state of alert, based on the legal provisions.

This study aims, on the one hand, to analyze the constitutional and legal limits within which the state of alert can be declared and, on the other hand, the temporary exceptional measures that the authorities may order and the legal regime of the administrative acts issued for this purpose.

At European level, the created regulatory context was also influenced by the Report of the Venice adopted in Strasbourg on 19th of June 2020, which noted that, in order to combat the pandemic, states have put in place measures of emergency to limit the spread of the virus and ensure health protection. The Venice Commission examined how states have implemented these measures legitimized by an exceptional situation, emphasizing that although danger in this context is imminent, the principles of law must prevail. Thus, point 36 of the Report mentions the competence to declare a state of emergency. According to the Venice Commission, the declaration of a state of emergency can be made by the Parliament or the Government, and in the latter situation, the measure must be submitted to the Parliament for approval. The Venice Commission also states that the state of emergency can be extended, but only under the control of Parliament, so it considers this issue to be constitutional. In view of the state of emergency, certain rights may be limited, and it is for the States and national authorities to regulate these restrictions so as to comply with necessity and proportionality.

The conclusions of the Venice Commission are based on a rich case law of the European court in this area. There must be an effective parliamentary control of the instituted measures, and the adopted acts can be brought before an independent court, respectively before the Constitutional Court.

At the same time, in a study conducted by the Venice Commission, he recalled that “[he] the concept of a state of emergency” is based on the assumption that in certain political, military and economic emergencies, the system of limitations imposed by the constitutional order must surrender before the increased power of the executive. However, even in a state of public emergency, the fundamental principle of the rule of law must prevail. The rule of law consists of several issues that are all of crucial importance and must be fully maintained. These elements are the principle of legality, separation of powers, division of powers, human rights, state monopoly on force, public and independent administration of justice, protection of privacy, right to vote, freedom of access to political power, democratic participation of citizens and their supervision over the decision-making process, decision-making, transparency of government, freedom of expression, association and assembly, the rights of minorities, as well as the rule of the majority in political decision-making process. The rule of law means that government agencies must operate within the limits of the law and their actions must be subject to control by independent courts. The legal security of individuals must be guaranteed (CDL-AD (2011) 049, Opinion on the draft law on the state of emergency in Armenia, § 44, cited in the recent study Respect for democracy, human rights and the rule of law during states of emergency - reflections, CDL-PI (2020) 005rev, 26 May 2020, cited in the Decision no 457 / 2020 of the Constitutional Court).

Regarding the normative framework in Romania, according to the provisions of the Fundamental Law, the institution of state of siege and the institution of state of emergency have constitutional consecration and express constitutional rules, which configure the specific relations between the Parliament and the President of Romania in connection with their establishment, including that of approval by the Parliament of the measure adopted by the President of Romania by decree. In return, the institution of the state of alert is an exclusive creation of the legislator, based on his prerogatives to issue laws. This institution must comply - pursuant to art. 1 para. (5) of the Romanian Constitution which enshrines the observance of the Constitution and its supremacy - the constitutional framework of reference, respectively the constitutional regime that governs the relations between the Parliament and the Government and their acts. As a result, insofar as the legislator will establish that the state of alert is established by a decision of the Government, it will establish the attributions of the Government in relation to the state of alert and the acts that the Government adopts in the exercise of the mentioned attributions. within the limits of the Constitution (Decision of the Constitutional Court no. 457/25 June 2020 published in the Official Monitor of Romania no. 578/1 July 2020)

In this respect, the Constitutional Court has ruled in principle in its jurisprudence that “no law can establish or remove, by extension or restriction, a competence of an authority, if such action is contrary to the provisions or principles of the Constitution” (Decision no. 127 of March 27, 2003, published in the Official Monitor of Romania, Part I, no. 275 of April 18, 2003).

Empowering the Government to issue administrative acts with normative character having as object the establishment of the state of alert. Unconstitutionality

The adoption and entry into force of Law no. 55/2020 regarding some measures to prevent and combat the effects of the COVID-19 pandemic triggered a constitutional control which revealed that empowering the Government to establish by government decision, with the approval of the Parliament, exceptional measures such as the state of alert, is a violation of the

principle of separation and balance of powers in the state, even questioning the violation of the principle of free access to justice by the impossibility of challenging in court such a normative administrative act issued with the approval of the legislative power.

Thus, being notified by the Institution of the People's Advocate with the solution of the exception of unconstitutionality of the provisions of Law no. 55/2020, the Constitutional Court of Romania by Decision no. 457/2020 published in the Official Monitor no. 578/2020 found that part of the legal provisions violates the constitutional norms. The Constitutional Court noted that Law no. 55/2020 was initiated by the Romanian Government and according to the explanatory memorandum, the opportunity for regulation was motivated by the dynamics of the evolution of the national and international epidemiological situation, determined by the spread of SARS-CoV-2 coronavirus, which would call for the adoption of new measures to enable public authorities to intervene effectively and with adequate means for managing the crisis, taking into account the need to continue to ensure, even after the end of the state of emergency, adequate protection against disease. Since, according to art. 53 of the Constitution, the exercise of fundamental rights can be restricted only by law and in compliance with the conditions provided by the same constitutional text, and in the context of the crisis generated by the COVID-19 pandemic, it appeared necessary for the Parliament to adopt, by law, some restrictive measures, with temporary character above all and, where appropriate, in a gradual, proportionate way to its projected or manifested level of severity, for the prevention and removal of imminent threats to the rights to life, physical and mental integrity, it was promoted the draft law, which became, after the debate and adoption by Parliament, Law no. 55/2020. The draft law, with reference to the institution of the "state of alert", established measures in the sense of those shown in the explanatory memorandum, in the field of economy, health, labor and social protection, transport and infrastructure, education and research, youth and sports, culture and cults, insolvency, execution of sentences.

Law no. 55/2020 is the one that defines in art. 2 the concept of state of alert as "the response to an emergency situation of special magnitude and intensity, determined by one or more types of risk, consisting of a set of measures with a temporary character, proportionate to its manifested or predicted level of severity and necessary to prevent and eliminate imminent threats to life, health of citizens, environment, important material and cultural values or property".

According to art. 4 para. (2) of Law no. 55/2020, "The state of alert is established on the entire territory of the country or only on the territory of some administrative-territorial units, as the case may be". For the situation in which the state of alert is established on at least half of the administrative-territorial units of the country, the legislator provided the rule according to which the measure established by the Government decision is subject to the approval of the Parliament, which may approve it in full or with modifications. As, according to the legal definition, the state of alert inherently implies a set of measures, its establishment - by the decision of the Government would imply the establishment of the respective measures, described in art. 2 of Law no. 55/2020. Thus, the "approval in full or with modifications" provided by art. 4 para. (3) and (4) of Law no. 55/2020 implies the intervention of the Parliament over the Government's decision to establish the state of alert.

In the recitals of the decision of the Constitutional Court it was noted that, according to constitutional and legal provisions, Government decisions are normative or individual administrative acts, an expression of the Government's original competence, provided in the Constitution, typical for its role of public authority of the executive power. The organization of the execution of laws by way of decisions is an exclusive attribute of the Government, and cannot be, in any case, an attribute of the Parliament which, in fact, has adopted the main law/normative act. According to its constitutional regime, the Government's decision intervenes when the execution of certain provisions of the law requires the establishment of

subsequent measures or rules. As a result, Government decisions are always adopted on the basis of and in order to enforce laws, pursuing their implementation or enforcement. When a decision of the Government violates the law or adds to the provisions of the law, it may be challenged in the administrative contentious court pursuant to art. 52 and of art. 126 para. (6) of the Romanian Constitution, republished, and of the provisions contained in the special law on the matter, Law no. 554/2004 regarding the administrative contentious, with the subsequent modifications and completions.

Consequently, the Constitutional Court concluded that the constitutional norms do not distinguish, however, regarding the decisions of the Government according to their object. Thus, in the absence of a constitutional regime derogating for the decisions of the Government by which the state of alert is established, such an exceptional regime cannot be conferred, through infra-constitutional acts. As a result, the Government decision establishing the state of alert can only be a normative administrative act, so a secondary regulatory act that implements a primary regulatory act. By the approval of the Parliament of the measures established by the Government decision, a hybrid act is created without any constitutional basis, created only by a confusion of powers over the Parliament and the Government and ignoring the principles governing the relations between these public authorities, and with an uncertain legal regime from the perspective of the incidence of art. 126 para. (6) of the Constitution, likely to raise the issue of their exemption from judicial control.

In Romania, the derogations specific to the state of emergency are regulated at the constitutional level, including in terms of increased powers offered to the executive, namely to the President of Romania, and not to the Government. To "build" a new institution - the "state of alert" by law, with an obviously less restrictive regime than the state of emergency regulated by the constituent legislator - but allowing the circumvention of the constitutional framework governing legality, separation of powers in the state, the conditions of restriction of the exercise of certain rights and freedoms, contradicts the general requirements of the rule of law, as enshrined in the Romanian Constitution (Decision of the Constitutional Court no. 457/25 June 2020 published in the Official Monitor no. 578/1 July 2020).

Exceptional restrictive measures. The legal regime of the administrative acts by which they can be ordered

Law no. 136/2020 published in the Official Monitor no. 634/ 18 July 2020 on the establishment of measures in the field of public health in situations of epidemiological and biological risk, adopted taking also into consideration the current jurisprudence of the Constitutional Court in the matter, is the normative act that regulates the types of measures required in the field of public health, which are measures with a temporary character, which may be established by central or local public authorities, in situations of epidemiological and biological risk, to prevent the introduction and limit the spread of infectious diseases on the territory of Romania. Because they have the effect of restricting or limiting fundamental rights and freedoms of citizens, these measures are ordered and applied exclusively for protecting the public health, they must be proportionate to the situation that determined them, limited in time and applied in a non-discriminatory manner (Florescu, 2020).

The situations of epidemiological and biological risk, for which the measures provided by law are established, are expressly listed in the provisions of art. 6, respectively:

- Epidemic declared by order of the Minister of Health;
- Public health emergency of international importance, certified by the decision of the National Committee for Emergency Situations, based on the declaration of the World Health Organization;
- Pandemic declared by the World Health Organization and certified by decision of the National Committee for Emergency Situations;

- The case of imminent epidemiological and biological risk identified and ascertained by the structures under the coordination of the Department for Emergency Situations or by the institutions subordinated to the Ministry of Health.

In order to ensure the clarity and transparency of the norm, the legislator defined the most important notions used in the content of the law, among them being the definitions of the administrative measures that can be required in situations of epidemiological risk, as follows:

a) quarantine of persons – “a measure to prevent the spread of infectious diseases, consisting in the physical separation of the persons suspected of being infected or carrying a highly pathogenic agent from other persons, in spaces specially designated by the authorities, at home or at the location declared by the quarantined person, established by a motivated individual decision of the public health directorate, which will contain mentions regarding the date and the issuer of the act, the name and identification data of the quarantined person, the duration of the measure and the appeal provided by the law”; If the persons concerned refuse the measure of quarantine at home or at the place declared by them, and where the persons concerned infringe the measure of quarantine during that period, even if they have previously given their consent to it, the doctor or, where appropriate, the control bodies shall recommend, and the representative of the public health directorate decides to quarantine the person in the special space designated by the authorities, if they find the risk of transmitting an infectious disease with imminent risk of community transmission.

b) zonal quarantine – “a measure to prevent the spread of infectious diseases, which aims at the physical separation of persons and activities, including limiting the traffic in a perimeter affected by an infectious disease from neighbouring perimeters, so as to prevent the spread of infection or contamination outside this perimeter”; The zonal quarantine is established by order of the head of the Department for Emergency Situations or of the person designated by him, based on the decision of the county committee for emergency situations, at the suggestion of the territorial public health directorate and with the approval of the National Institute of Public Health.

c) isolation – “a measure consisting in the physical separation of the persons affected by an infectious disease or of the persons carrying the highly pathogenic agent even if they do not show suggestive signs and symptoms, at home, at the location declared by the isolated person, in a health unit or at an alternative location attached to the health unit, in order to monitor the health condition and apply a treatment, as the case may be, a measure instituted in order to cure and reduce the degree of contagion based on the consent of the persons or, failing that, by the individual reasoned decision of the public health directorate, which will have mentions regarding the date and issuer of the act, the name and identification data of the isolated person, the duration of the measure and the appeal provided by the law”.

Such measures shall apply to population groups which are likely to present an epidemiological and biological risk for the public health, by the National Committee for Emergency Situations by order and, in individual cases, by reasoned decision of the Public Health Directorate, which shall contain mentions regarding the date and issuer of the act, the name and identification data of the quarantined person, the duration of the measure and the appeal provided by the law. The measures and population groups are established by the National Committee for Emergency Situations, based on the suggestion of the Technical-Scientific Support Group on the management of highly contagious diseases on the territory of Romania.

Therefore, whether the decisions are issued by the public health directorates or the orders are issued by the National Committee for Emergency Situations, their nature is that of administrative acts of an individual or normative nature, in relation to the category of subjects to whom they are addressed to. At the same time, in relation to this distinction, the legislator regulated differently the manner of contesting and the competent court for such types of

litigations. It is found that Law no. 136/2020 contains norms derogating from the procedural norms before the administrative contentious court provided by Law no. 554/2004 on administrative contentious - the latter being the common law in matters of administrative contentious litigations, but also by those of the Code of Civil Procedure.

Thus, regarding the administrative acts with individual character by which the measures provided by Law no. 136/2020 are ordered, they can be contested by any person who considers himself injured in his right or in a legitimate interest to the competent court, respectively an action to the First Instance Court in the district where he resides or at the district where the health unit in which he is quarantined or, as the case may be, isolated is located. The object of the action is either the annulment of the contested act, the revision or termination of the measure (Bogasiu 2018, 36; Trăilescu 2018, 58; Săraru 2018, 87).

Or, by derogation from the common law on contentious matter according to which the administrative contentious court is represented by the Administrative and Fiscal Contentious Section of the High Court of Cassation and Justice, but also by the administrative contentious sections of the courts of appeal and tribunals, Law no. 136/2020 established that disputes in this matter are resolved even by the first instance court. Of course, this situation must be seen strictly as an exception. At the same time, it should not be ignored that in such cases the judge has to decide in an administrative dispute and not in a civil one because the disputed legal relationship concerns an individual, on the one hand and state authorities on the other hand and which, in regime of public power, issue administrative acts that have as object and produce restrictions of rights and freedoms, matters specific to a litigation of public right.

In this context, it appears somewhat foreseeable that there will be a conflict of competence regarding the resolution of the challenge against the judgment rendered in the appeal, which is declared against the decision given by the first instance court, namely between the civil section and the administrative and fiscal contentious section of the tribunal (Gadi and Cristea, 2020; Puiu, 2020).

As for administrative acts of a normative nature regarding the establishment, modification or termination of the measures provided by this law, they can be challenged by any person who considers himself harmed in his right or in a legitimate interest to the competent court, with an action for annulment, both for reasons of illegality and unfoundedness, within 5 days from the publication of the administrative act in the Official Monitor of Romania or from the date of taking note of the content of the act in case of its non-publication. The action for annulment is formulated in writing and is submitted to the competent court. The court competent to resolve the action for annulment filed against the administrative acts is the court of appeal, the administrative and fiscal contentious section, in whose territorial area the headquarters of the issuing authority is located.

Not even in this situation, however, we are not talking about a typical litigation of administrative contentious, subject to the provisions of Law no. 554/2004 on administrative contentious, because on the one hand, the obligation to go through the preliminary procedure is removed and on the other hand, the panel of judges which resolve such cases in their essence do not consist of only one judge as foreseen in the rules applicable to administrative disputes, but a number of 3 judges and the appeal of the recourse is resolved by the High Court of Cassation and Justice in a panel consisting of 5 judges and not 3 judges.

Conclusions

In conclusion, Law no. 136/2020 on the establishment of measures in the field of public health in situations of epidemiological and biological risk not only regulates justified situations of epidemiological and biological risk, exceptional administrative measures, with temporary nature, which limits the exercise of certain rights and fundamental freedoms of the citizens, but establishes an atypical legal regime regarding the administrative acts issued by

the authorities of the state through which such measures are instituted, a legal regime that is able to raise in judicial practice problems of interpretation and application of the provisions of the law.

Perhaps the Romanian legislator should take into account when enacting legal norms imposed by the pandemic worldwide situation of the fact that, although we are in an exceptional period, or perhaps precisely for this reason, both the legislative technique and the quality of the legal provisions must not be of the same exceptional nature, all the more so as fundamental rights and freedoms of citizens are affected. It is also worth noting the position of the French Superior Council of Magistracy, the guarantor of the independence of the judiciary, which deplored in a statement on 12 May the fact that “the state of emergency has largely upset the normal course of justice” and was concerned about “the important adaptations, both in terms of procedure and working methods”, which can sometimes lead to “a deterioration of the conditions of access to justice or an alteration in the quality of the judicial debate” (Duțu 2020).

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Pandemic Populism: An Analysis of COVID-19's Impact in the African American Community

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ABSTRACT: This paper examines the impact of the COVID-19 pandemic from the viewpoint of African American leadership (and followership) as the coronavirus pandemic continues to prompt a shift towards a global paradigm in the face of a rising counter-paradigm of xenophobic nationalism and populism. The SPELIT model (Schneider-Ramirez & Mallette, 2006) is leveraged to evaluate the varied perspectives of this complex issue from the lens of social, political, economic, legal, intercultural and technological factors. Ethnic inclusiveness is explored as well as the de-legitimation of existing global institutions. This research is intended to contribute to elevating the level of conscious awareness of any organization or individual seeking to understand the multiple viewpoints surrounding the societal impact of the novel coronavirus pandemic. The root causes of societal division and unrest are also examined and attributed to the virus of systemic racism which is referenced as COVID-401, reflective of the 401 years since the first African slaves arrived in the United States.

KEYWORDS: structural racism, restorative leadership

Introduction

Amid the coronavirus pandemic, the murder of George Floyd on May 25, 2020, sparked a call for socially conscious policing and intolerance for xenophobia. At the time of George Floyd's death, the coronavirus pandemic had already disproportionately impacted the African American community in the United States as evidenced in increased morbidity and unemployment rates. Data from a McKinsey analysis revealed that US counties with the highest risk of health and economic disruption were almost twice as likely to be inhabited by Black Americans (Howard et al. 2020). Race is directly linked to health inequities (Williams & Collins, 1995). Per the CDC, there is a direct correlation between poverty levels and both physical and mental health (Howard et al. 2002).

Different perspectives have arisen from the varied voices of leadership and followership around the global pandemic's impact particularly within the African American community. One of the varied perspectives questions if the social status quo exacerbates the pandemic's devastation within the African American community. Another one of the varied perspectives questions if patriotism is a guise for racism. An additional query is how much of an economic toll will the pandemic have on the African American community? From a legal lens of church versus state, the pandemic presents a particular challenge within the African American church, an institutional bedrock within the Black community, around their right to congregate. The pandemic also raises intercultural inquiries around how much collaboration, if any, does the African American community seek to engage in on a global scale. The pandemic also poses questions around accessibility to technology within the African American community. Each of these varied lenses are further examined in the proceeding sections from the lens of both a restorative and humanistic leadership model.

Restorative Leadership

In their book, *Evolving Leadership for Collective Wellbeing: Lessons for Implementing the United Nations Sustainable Development Goals*, the authors present a model of restorative leadership that empowers the community to fulfill its leadership potential (Steffen, Rezmovits,

Trevenna & Rappaport 2019, 62). Although the authors' focus on restorative leadership is based on sustainable development and protecting the Earth for future generations, the restorative leadership model can also be applied in the context of healing from the social, political, economic and multi-factored impact of the coronavirus pandemic. Steffen, Rezmovits, Trevenna & Rappaport posit that restorative leadership uses a participatory approach of asking, listening, aligning and co-creating (p. 49) within communities to reach sustainable solutions. Applying this approach in the broader context of the addressing community-based healing from the multi-factored impact of the coronavirus pandemic requires a worldview of all of humanity as a collective community that is interdependent on various smaller communities, including the African American community.

Amid the coronavirus pandemic the African American community experienced the re-opening of old wounds of social inequity triggered by the murder of George Floyd who died on Memorial Day 2020 after almost 9 minutes of an officer kneeling on Floyd's neck when Floyd was being restrained for allegedly using a counterfeit \$20 bill. Floyd's homicide served as a catalyzing event that awakened worldwide social movements and revived a recollection of Breonna Taylor, Philando Castile, Sandra Bland, Botham Jean, Ahmaud Arbery, Trayvon Martin, Eric Garner, Michael Brown, Laquan McDonald, Tamir Rice, Walter Scott, Freddie Gray and so many countless, unnamed others who have suffered similar fates as Floyd. Protests ensued in which the often-stifled voices of marginalized people were amplified in collective solidarity with some support from local governments, faith-based institutions, and like-minded leaders and individuals demanding social justice. Xenophobic nationalism was placed under a social microscope. Restorative leaders were afforded the perfect platform for unifying communities of color with the law enforcement community and the broader global community of humanity in order to move towards collective healing. However, the first step towards healing involves acknowledgment of wounds and moving past denial into acceptance that there is a problem that requires restoration. As such, the following sections further examine some of the pre-existing social wounds viewed by many people of color as previously disregarded by established elite groups.

Social Upheaval, Unrest and Structural Racism

During the coronavirus pandemic, rioting and looting reappeared as a historical flashback to the 1960s US Civil Rights Movement. Largely provoked by the unjustified murder of George Floyd, the riots and protests that ensued were viewed, along a spectrum of two extremes, by some as a symbolic statement to raise the social conscience of the public about police brutality towards Blacks and, on the other extreme, viewed by others as deplorable disorderly conduct. Here is what Martin Luther King said about riots:

Urban riots are a special form of violence. They are not insurrections. The rioters are not seeking to seize territory or to attain control of institutions...Often the Negro does not even want what he takes; he wants the experience of taking. But most of all, alienated from society and knowing that this society cherishes property above people, he is shocking it by abusing property rights. There are thus elements of emotional catharsis in the violent act.

These words of MLK posit the root cause and proximate causes of the problem with protests that have resurged during the pandemic. Structural racism is the root cause that prompts displaced anger and frustration directed towards police and other institutions as well as businesses that represent elite establishment. Scholars have defined structural racism as "the processes, and institutions that operate at the macro level to produce and reproduce differential access to power and to life opportunities along racial and ethnic lines" (Viruell-Fuentes et al. 2012). Proximate

causes of the problem include social inequality, wealth and health disparities, and inequitable education and employment.

Given the various historical inequities experienced by Blacks, the June 2020 plea made to the United Nations by George Floyd's brother to address police brutality is framed in an understandable context. Philonise Floyd urged the UN Human Rights Council to investigate police killings of Blacks in America (Dwyer 2020). Afterall, as noted in International Organization and Global Governance, the responsibility to protect (or "R2P") is a doctrine that "was born out of egregious examples of nations failing to intervene in the face of the most serious violations of the human rights of innocent civilians by their own governments" (Weiss & Wilkinson 2018, 531). In cases of protecting human rights, the UN Security Council can authorize the use of military force. As aptly stated by Simon Chesterman, "the problem is not the legitimacy of humanitarian intervention, but the overwhelming prevalence of inhumanitarian non-intervention. Addressing that problem requires mobilizing the political will of member states as much as it does the creation of new legal rules...The problem is the absence of the will to act at all." (Weiss & Wilkinson 2018, 542). This level of apathetic aversion to act contrasts with how casting isolated "no" votes or abstaining from voting altogether are looked upon unfavorably in the UN and the General Assembly as per M. J. Peterson (p. 241). Indeed, lack of tolerance for apathy is one hallmark characteristic of pandemic populism. A newly defined majority of marginalized groups, such as Blacks and indigenous people, has increasingly rejected apathetic acceptance of the status quo. As a "house divided cannot stand" (King James Bible, Matthew 12:25), this evolving movement of the marginalized majority has given rise to a redefined form of populism, decoloniality and de-legitimation of existing institutions and symbols.

Political Proclivity for Populism

Generations X and Y have a different perspective and tolerance level for racial inequity and injustice than baby boomers. However, when some generation Xers were asked about their feelings upon hearing about George Floyd, some simply responded "again?" Whereas some may apathetically view these events as yet another occurrence of common experiences, others are encouraged by the potential for meaningful change. This is an inflection point in history that could translate into meaningful change for the better. Yet, given that laws and public policy generally tend to lag public sentiment and the social milieu, this compels some to ask the question of how long the existing climate of uncertainty and unrest will remain in effect before meaningful change is achieved. As one example of change lagging behind social movements, consider the Montgomery bus boycott lasted 381 days (History.com Editors, 2010). Nevertheless, from the time of Montgomery buses being integrated by law on December 21, 1956, to the present day, controversy remains in the racially-polarized United States with respect to the real world application of the 1964 Civil Rights Act which was ostensibly intended to prohibit discrimination based on race, color, religion, sex or national origin.

Per the CDC, COVID-19 was first detected in the US in February 2020 and, as of the time of this writing, appears to be trending upward in cases with Blacks having a hospitalization rate that is five times that of Whites (CDC, June 2020). Will things need to get worse before they get better? Discussions about the disproportionate impact of coronavirus within communities of color are evolving as the virus spreads and extant data becomes available. Similarly, broader discussions about the social virus of structural racism that has historically afflicted the US have evolved throughout the pandemic as well. Conversations about diversity and inclusion in many circles are long-overdue. Within some circles, these conversations have been very insular and not receptive to engaging different viewpoints from people of different backgrounds. Massive change has come about in a very short amount of time putting some of "the onlys" in the spotlight with even more attention being paid to those who may have previously not been accustomed to such heightened attention. The Only is

defined by being “the only one” of any single identity within a broader majority group. As noted in a 2018 McKinsey study, “by and large, white men who are Onlys have a better experience than any other group of Onlys, likely because they are broadly well represented...and are a high-status group in society” (Krivkovich et al. 2018). From a political lens within the United States, the Senate serves as one example of the high-status of white men given that the Senate has “an affluent membership composed mostly of white men, who are about 30% of the population but hold 71 [out of 100] seats” (Robinson 2019). Within the US, a minority of elite white men govern a majority of underrepresented marginalized constituencies. As reported by the Pew Research Center, “as of 2019, there is greater representation in some areas – 52 House members are Black, putting the share of Black House members (12%) on par with the share of Blacks in the U.S. population overall for the first time in history. But in other areas, there has been little change (there are three Black senators and no Black governors)” (Pew Research Center 2020). This very visible reflection of disenfranchisement has prompted a shift in political proclivity towards populism. Author James McGann cites the election of Donald Trump as prompting nativism and extreme nationalism (Weiss & Wilkinson 2018, 406). This is evidenced in a recent Gallup poll indicating 77% of respondents view immigration favorably for the betterment of the US (Gallup 2007), despite the current US administration’s slant toward xenophobic nationalism.

Economic

Originating from the times of slavery when Negroes were forced to provide free labor, African Americans have helped build generational wealth for many of the elite within the United States. Generational wealth acquisition and accumulation by African Americans has been hampered by slavery’s legacy of discrimination, stalling progress by African Americans in obtaining wealth (Craemer et al. 2020). From an economic lens, multi-generational wealth (or lack thereof) is transferred to subsequent generations (Darity et al. 2018). Even prior to the coronavirus pandemic, the 2018 US Census Data reported 20.8% poverty rate among Blacks, the second highest in the US behind 25.4% for Native Americans as compared to 10.1% for Whites (Poverty facts | Poverty USA n.d.). A June 2020 report from the Economic Policy Institute (EPI) highlights the disproportionate impact of coronavirus capitalism on the black unemployment rate at 16.7% as compared to white unemployment at 14.2% as of April 2020 (Economic Policy Institute 2020). The EPI report further highlights that Black women experienced the largest drop in employment, noting 16.9% unemployment as of April 2020, which has a ripple effect within African American households where Black women, according to the US Census Bureau, are 3.6 times more likely than White women to be head of households with minor children (U.S. Census Bureau, 2018). Compounding the concerns of transmission of coronavirus, Black households have twice the likelihood of having three or more generations (e.g. grandparents) living in the same household as do White households and are twice as likely to live in densely populated housing areas than Whites (U.S. Census Bureau 2018). As a result of persistent racial wage and wealth gaps (Gould 2020; Wilson and Rodgers 2016), Black families have less access than Whites to cash reserves that may be required to weather the financial storm of COVID-19 (Federal Reserve Board 2016). Indeed, as cited by the EPI, institutionalized racism and economic inequality were underlying pre-existing conditions exacerbating the adverse effects of coronavirus within the African American community (Economic Policy Institute 2020).

Legal: De-Legitimation of Existing Institutions

At this momentous time in history, the coronavirus pandemic has converged with a surge of global anti-xenophobic protests. Amid the coronavirus pandemic and social unrest, patriotism is being redefined. The removal of confederate flags, statues and renaming of institutions are some

examples of the de-legitimation of existing institutions and the decolonialization movement that has emerged. Weiss and Wilkinson (2018, 206) offer the Black Lives Matter movement as one example of decoloniality. Renaming institutions and similar change efforts have been questioned by some, at one extreme, as defiant acts of unpatriotic anarchists and upheld by others as long-overdue testaments to equal rights and human dignity. Research conducted by the Southern Poverty Law Center of the over 1500 confederate symbols on display throughout the US as of February 2019 reveals that they predominantly reside in former confederate states (Southern Poverty Law Center 2019). Monuments are built to honor history. While the confederate symbols may be viewed by some as a tribute to the Civil War, given that the majority were dedicated between 1900-1920 at the height of Jim Crow laws in the South, one might be compelled to ask whose history are these monuments honoring?

By examining the trauma of microaggressions experienced by many people of color, one may be able to better understand the context framing these actions as de-legitimation of existing establishments and symbols of the elite class. Microaggressions have been described as “subtle, stunning, often automatic, and non-verbal exchanges which are ‘put downs’ of Blacks by offenders...Psychiatrists who have studied Black populations view them as ‘incessant and cumulative’ assaults on Black self-esteem” (Davis n.d.). As surmised by Peggy Davis in *Law as Microaggression*, “so long as legal decision making excludes Black voices, and hierarchical judgments predicated upon race are allowed insidiously to infect decisions of fact and formulations of law, minorities will perceive, with cause, that courts are fully capable-and regularly guilty-of bias. Minority communities will therefore continue to struggle with a mixed message of law: announced as the legitimate assertion of collective authority but perceived as microaggression.”

One example of a socially-conscious readjustment to the current climate of heightened awareness about racial injustice occurred at Princeton University in June 2020 when the board of trustees deemed that Woodrow “Wilson’s racist thinking and policies make him an inappropriate namesake” thereby reversing a decision they had previously dismissed in 2015 to remove Wilson’s name from their school of Public and International Affairs and one of their residential colleges (Princeton to remove Woodrow Wilson’s name from public policy school 2020). Ironically, one of Princeton’s alumni awards will retain Wilson’s name to maintain an endowment that legally obligates the University to name the prize for Wilson per the Trustees. This caveat of not having Wilson’s name eliminated completely from Princeton’s alumni award serves as an example of the limits of incremental change when economic trade-offs weigh into decision making.

Intercultural Implications

From an intercultural lens, the pandemic presents an opportunity to revisit the benefits of collaboration in a global setting. Hofstede (1980) defines being interculturally sensitive as being “aware of the points of view of others and to recognize differences in culture.” Additionally, Hofstede advises on the avoidance of ethnocentrism which is defined as an “exaggerated tendency to think the characteristics of one’s own group or race superior to those of other groups or races” (Hofstede 2001). Hofstede also posits that Maslow’s theory which “categorized and ordered human needs according to the U.S. middle-class culture pattern” (Hofstede 2001) is reflective of the mental programming that is prevalent in those who remain embedded in the same cultural environment. As reflected in the widening racial and economic divide in the U.S. middle-class, one might conclude that there is unique intercultural programming of Black, White, Hispanic and other ethnic groups concerning their respective perspectives of Maslow’s hierarchy of needs. The intersectionality of Maslow’s hierarchy of needs with the ethnoracial hierarchy that exists within the United States results in “limited access to life opportunities, with negative consequences for

the health [of groups ascribed to a lower status], including those related to well-documented stress-response physiological processes” (Viruell-Fuentes et al. 2012).

It is interesting to note that, as observed during the writing of this text, a day that has traditionally been reserved for celebrating independence was markedly different in July 2020 due to concerns about large crowds gathering amidst the coronavirus pandemic. The predictions of historian Yuval Noah Harari appear to have eerily manifested in the current reality where patriotism and nationalism are dwarfed by the need for global cooperation to solve the world’s most pressing issues. Indeed rather than a celebration of the United States Independence Day in 2020, the followership of Harari may be inclined to instead call for a Day of Interdependence where there is a recognition of the global connection that all nations have with each other, and the need to reverse any prior mental programming towards individualistic orientations to shift towards collectivist orientations. The pandemic marks an intercultural inflection point where the nationalism of Independence Day has been transformed to global awareness of our interdependence as a human race.

Technology

Instant access to social media that is available to many in society has enabled the realization of how the media has portrayed images and propaganda to prompt fear, reinforcing certain identity-based biases (Lerman 2018). During the pandemic, namely with the access to the live video of George Floyd’s death, social media has raised awareness of the reality that many Blacks live in fear of their lives despite stereotypical, psychological programming that has historically portrayed Black men as prone to violence and to be feared, and Black women as angry with attitudes.

The well-researched digital divide has also received additional attention during the pandemic. According to the Pew Research Center, Blacks and Hispanics are significantly less likely than Whites to be equipped with broadband internet and computers, with both groups being more likely than Whites to depend on their smartphones as their sole source of internet access (Perrin and Turner 2019). This puts these marginalized groups at a disadvantage in limiting their ability to work from home or to receive online education. Therefore, livelihoods are jeopardized if unable to access technology, and the continued education of children and generations to come is compromised by lack of digital access.

Conclusion

COVID-19 has resulted in disparate impact in Black communities due to endemic racism tracing back to 1619 as the historic starting point of slavery in the United States. Although no one globally had immunity to COVID-19 initially, the disease has exposed levels of socio-economic immunity within the ethnoracial hierarchy of the United States where opportunity has not been equally distributed. Intercultural cooperation and global collaboration are required to inoculate all of humanity against the pervasive threat of structural racism, described as “COVID-401” (Congressional Black Caucus Foundation 2020).

In redefining a new model of restorative leadership (Steffen et al. 2019) in light of COVID-401, a sustainable solution starts with developing a sensitivity to recognizing an absence of divergent perspectives and non-monolithic cultures. Racism is learned behavior that can be unlearned, although structural racism is essentially on auto-pilot as it remains embedded in institutions, processes and mindsets despite the passage of the 1964 Civil Rights Act. Socioeconomic indicators of the continued existence of structural racism are evidenced in racially-based gaps in healthcare, economics and education. The worst disease that humanity can possibly face is not COVID-19. Long after a vaccine has been developed for coronavirus, we will be held accountable for how we have responded during this tipping point time in history to annihilating institutional racism. The racial divide in the United States (and globally) stands before us as a looming gap analogous to how crossing the Edmund Pettus

Bridge may have appeared ominous to some who dared to cross it on Bloody Sunday in 1965 marking a turning point in the Civil Rights Movement. As humanity faces our current historic turning point during this double pandemic of civil unrest during a health crisis, a collective call to global action is aptly summed up in the words of civil rights icon John Lewis, “If not us, then who? If not now, then when?”

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Legal Limitations of the Constitutional Rights of Institutionalized Persons Imposed during the SARS-CoV-2 Pandemic

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ABSTRACT: The rapid emergence and evolution of the SARS-COV-2 epidemic in Romania has led national state authorities to adopt a series of measures limiting citizens' constitutional rights. These measures were ordered to limit the spread of the pandemic on national territory and were established by Presidential Decree on March 16, 2020. The Presidential Decree no. 195/2020 - on the establishment of emergency status on Romanian territory, allowed the limitation of certain constitutional rights, including those of institutionalized persons, for 30 days. The main rights affected were the right to free movement, the right to intimate, family and private life, the right to education, and the right to private property. Later, the government decree under which the state of alert was ordered extended some of these legal limitations, to the present day. In Romania, the persons in institutions, including the elderly, persons with disabilities and children, remain among the most vulnerable during the current state of alert. In the present study, we will analyse the effects of limiting the constitutional rights of institutionalized persons during the state of emergency and state of alert, pointing out the main issues raised by the Ombudsman and referencing some legal and practical solutions proposed by NGOs and the EU institutions.

KEYWORDS: human rights, SARS-CoV-2, institutionalized persons, elderly, adults and children with disabilities

Introduction. The evolution of the SARS-COV-2 pandemic in Romania and the chronology of the preventive measures taken

Since the start of the SARS-CoV-2 pandemic on its national territory, Romania has taken exceptional safety measures that involved the massive restriction of citizens' rights and freedoms. From the range of exception states provided for by national legislation, the emergency state was first chosen (Decree No 195/2020, then Decree No 240/2020 of the President of Romania) and then the alert state.

The first measures to limit the spread of the SARS-CoV-2 outbreak were adopted by the National Special Emergency Situations Committee (CNMSS) on March 9, 2020, and aimed at Imposing restrictions on traffic to and from States affected by the infection with SARS-CoV-2; prohibition of public or private events, open or closed, with large numbers of participants; prohibition of hospital practice for medicine and pharmacy students, except in situations of voluntary service in support of doctors; banning visits to hospitals for patients' families.

In the CNMSS meeting on March 9, 2020, were also adopted measures to suspend education in preschool, secondary, secondary, post-secondary and vocational schools as from 11 March 2020; Suspension of road passenger and rail transport for all journeys to and from Italy; cessation of student and student students' post-secondary school students' programs of studies such as exchange of experience and internships in hospitals, unless they were started before 9 March 2020; the obligation for food establishments, as well as public and private providers of passenger transport, to disinfect frequent areas, to avoid crowding of people in commercial premises, to disinfect the passenger compartment frequently in means of transport; to enable public and private institutions to carry out their work from home.

The emergency state was established in Romania, starting with March 16, by Decree No 195/2020 (on the establishment of the emergency state on the territory of Romania). The first case of SARS-CoV-2 infection was recorded on 26 February 2020 and at the time of the establishment of the emergency state, 168 cases of persons infected with the SARS-CoV-2 virus were confirmed. The rights restricted by declaring the emergency state were: Freedom of movement; the right to private, family and private life; inviolability of home; the right to education; freedom of assembly; private property; the right to strike; economic freedom (Hegheş 2020, 90). Decree No 195/2020 included a series of measures with immediate implementation and some of them gradually applicable.

The recommendations of central public authorities to reduce the risk of spreading SARS-CoV-2 aimed in particular at limiting the movement of persons and avoiding direct contact between persons. To limit the exposure of employees in public institutions and citizens to the risk of infection, the following measures have been considered: The use of e-mail and teleconferences to reduce physical contacts and business travel if not necessarily necessary; Suspension of the audience program and introduction of alternative measures such as telephone and email requests; reduction of waiting time in the public working hours as far as possible by sending requests by email. In cases where it was not possible to avoid contact between the employees of public institutions with the citizens, public authorities were obliged to provide protective equipment.

The adoption of these measures has led to some controversies in society, with some of the population considering them disproportionate to the extent of the SARS-CoV-2 epidemic at the time of adoption.

At the same time, the situation was aggravated by a political crisis triggered by the accusations of abuse of power by the president and the Prime Minister in the context of the unconstitutionality notification of the Government Ordinance (GO) no. 1/1999 on the state of siege regime and the regime of emergency and implicitly of the acts issued in this context. On the part concerning the fight between the “palaces”, against the background of the pandemic, we note that the President initially established the state of emergency by Decree No 195/2020, which was approved by Parliament decision No 3/2020 (Buta 2020) .

The extension of the original decree was made by Decree No 240/2020, and even though the legislation speaks only of a declaration of approval or rejection of the state of emergency, Parliament, by decision No 4/2020, approved the extension decree setting out additional amendments and conditions, with indications in the preamble such as: “Concerned about the way the government acts in medical, health care to prevent the spread of the epidemic, concerned about the lack of rigorous and rapid measures to mitigate the economic effects of the crisis, taking into account the need to resume economic activities and the functioning of central and local authorities' institutions as soon as possible”.

The Ombudsman also published on the institution's official website the fact that he had made an exception to the provisions of Article 9, Article 14(c1)-f) and Article 28 of the GO no. 1/1999, and of the GO no. 34/2020 by which the first normative act was amended.

By way of exception, the Ombudsman argues that the President had overstepped his powers by arrogating powers of the legislature (Parliament), facilitated by the GO No 1/1999 which would infringe Article 53 of the Constitution by the contested articles.

In short, the Ombudsman says the President (according to the Constitution) has only a formal role in declaring the state of emergency, having the obligation to set by decree only the reasons, duration, and area of the establishment, and that the decree was issued in excess of the legal powers (Ghencea 2020).

Equally, legal professionals filed petitions and claimed violations of the law and constitution, including serious charges for emitters such as “coup” or “high treason”.

All this casts serious doubt on how the measures are taken and the acts issued in the context of the current state of emergency are adopted and whether they are legal or not (Dragnea and Coraci 2020).

We will not focus on this article on the constitutional conflict and will limit ourselves to a brief presentation of the legal regime of the state of emergency and alert state.

The state of emergency and the state of alert. The legal framework for the limitation of certain constitutional rights

The legal regime of the state of emergency (and state of siege) is governed by the GO No 1/1999 on the siege and emergency regime, approved with amendments and additions by Law No 453/2004 to the subsequent amendments and supplements, in reference to Article 93 of the Romanian Constitution, while the alert state is regulated by the GO no 21/2004 on the National Emergency Management System adopted with amendments and supplements by Law no. 15/2005 with amendments and supplements made by the GO no 68/2020 for amending and completing some relevant normative acts emergency management and civil protection.

In accordance with the provisions of Article 3 of the GO No 1999, the State of emergency shall mean “the set of exceptional political, economic and public policy measures applicable throughout the territory of the country or in certain territorial administrative units which are established in the following situations: A) the existence of serious current or imminent threats to national security or the functioning of constitutional democracy; b) the imminent occurrence of disasters necessitated the prevention, limitation or elimination, as appropriate, of the consequences of disasters’, while the rule contained in the GO No 21/2004 - as amended and supplemented by the GO No 68/2020, states that the alert state is “the response to a situation of particular magnitude and intensity, determined by one or more types of risk, consisting of a set of temporary measures, proportionate to the level of seriousness shown or forecast and necessary to prevent and eliminate imminent threats to life, health of persons, the environment, important material and cultural values or property” (article 41).

Among the main elements that characterize and establish the legal regime of the state of emergency, we will present those that have a direct impact on citizens’ rights and freedoms.

The state of emergency is thus limited in time and is therefore only established or maintained to the extent that it is required by the circumstances which determine it (Article 31 of the GO No 1/1999). During the state of emergency, certain rights expressly provided for by law (Article 32 (a) to (d) of the GO No 1/1999), including free access to justice, cannot be limited/restricted, but the exercise of other fundamental rights/freedoms may be restricted, in keeping with the provisions of Article 53 of the Romanian Constitution and only in so far as the situation which led to the establishment of the state of emergency demands it, as well as with the observation of international treaties Romania has committed itself to.

The state of emergency allows, with its establishment, the taking over of civil authorities of the central or local public administration by military authorities. Military orders may be issued during the state of emergency, by the civilian or military authorities.

Unlike the state of emergency, the alert state is not of constitutional rank and is not listed among the exceptional measures covered by Article 93 of the Constitution.

Alert state is the response to a situation of particular magnitude and intensity, determined by one or more types of risk, consisting of a set of temporary measures, proportionate to the level of seriousness shown or forecast and necessary to prevent and remove imminent threats to life, the health of persons, the environment, important material, and cultural values or property. The alert state shall be triggered, as appropriate, at local, county or national level, after identification, recording and assessment of the factors and types of risk and determination of the severity of the emergency which imposes all specific measures, other than the emergency which fulfils the conditions for triggering the emergency (according to Article 93 of the Constitution) and lasts until the risk is removed and the state of normality restored, or, as the case may be, the state of emergency is established or the time limit for which it was established has been reached.

From the point of view of limiting citizens' rights and freedoms, the exercise of fundamental rights and freedoms may be curtailed *de jure* during the state of emergency (as well as during the state of siege), except for the rights and freedoms expressly provided for by law, the exercise of which cannot be restricted (Article 32 of the GO No 1/1999), while during the alert state certain rights/freedoms, depending on the type of risk produced, may be affected *de facto* due to the specific intervention involved in the presence of force majeure, so the rules governing the alert state do not provide, it does not regulate the possibility of restricting the exercise of any fundamental right/freedom as a form of expression of state will.

Due to the exceptional nature of the state of emergency, during this period, some deviations from legal normality are permitted, such as, for example, in the case of legal arrangements for establishing and sanctioning conduct contrary to the rules and special measures introduced, employing administrative acts not covered by the common legislation (for example the military orders, orders covered by the GO No 1/1999), while during the alert state, which is not an exceptional state, the common legislation is fully applicable.

Specific measures applied in the social assistance system and the limitation of constitutional rights of institutionalized persons.

In this section, we will present the social assistance measures implemented by the state during the spread of the SARS-CoV-2 pandemic. We will also look at the extent to which these measures have restricted the constitutional rights of institutionalized adults and children.

In early March 2020, the National Authority for the Rights of persons with disabilities, children, and adoption (ANDPDCA) have sent to the county General Directorates for Social assistance and Child Protection (DGASPCs) a set of general methodological norms and several recommendations for the provision of social services to prevent the spread of SARS-CoV-2 outbreaks in social centers. These recommendations regarded (ANDPDCA 2020): The provision of disinfectants and/or protective masks to residential staff and beneficiaries; Training of staff and beneficiaries in the application and enforcement of protection measures; Repeated disinfection of surfaces in the common areas of social centers; Suspension of recreational activities organized for beneficiaries involving a group of participants or their contact with congested areas; Suspension of the reception of visitors to social services; Suspension of family invocations/visits of beneficiaries; Regular consultation of the beneficiaries of special protection services by the family doctor; Developing plans to ensure continuity in residential social services where the employees are isolated at home or in quarantine;

Also, in order to make social service provision more efficient and to limit the spread of the virus, ANDPDCA issued several recommendations for public and private social services and a set of measures to prevent and manage the situation generated by the SARS-COV-2 pandemic, regarding the relationship with the beneficiaries in the community (communication with them, flexibilization of procedures, organization/management of inputs and outputs, internal control) and residential services (organization, management of entries and exits from the residential service, support of beneficiaries, prevention measures for the beneficiary, internal control, steps in case of suspect cases, use of disinfectants) (ANDPDCA 2020).

In early April 2020 Military Ordinance No 8/9.04.2020 established a set of measures for the organization and functioning of social services of a residential type, during the SARS-CoV-2 pandemic: Prohibition of cessation or suspension of the activity of public and private social services such as residential care and assistance centers for older people, residential care facilities for children and adults, with and without disabilities, and other vulnerable groups; Preventive isolation for 14 days, at the workplace or in special dedicated areas where no outside persons have access for staff employed in public or private residential centers. The period of preventive isolation at the workplace or especially dedicated areas is cyclically followed by a period of preventive isolation at home, also for 14 days. This ensures that staff is present in the centers in

shifts/shifts. During preventive isolation at work, local public administration authorities are obliged to provide daily food for staff; the institutions' obligation to provide the staff of these centers with the necessary hygienic and protective equipment; Prohibition of access to residential centers by visitors/owners/supporters/legal representatives of social services beneficiaries.

The Ministry of Labor and Social Protection (MMPS) and ANDPDCA have made a series of recommendations for implementing the provisions of the Military Ordinance No. 8 to help the DGASPCs (ANDPDCA 2020).

In addition to general recommendations on hygiene, self-protection of staff and residents, the ANDPDCA methodological norms also provide for some measures that impact on the constitutional rights of institutionalized persons: Suspension of leisure activities organized for beneficiaries involving groups of participants or their contact with congested areas (shopping mall, camps, cinemas, event halls, shows, etc.); suspension of the reception of visitors to the premises of the social services under their control; Suspension of family meetings/visits of beneficiaries, in particular in cases where their families originate from areas where suspected cases of contamination with SARS-CoV-2 virus have already been identified.

These general rules were subsequently supplemented by ANDPDCA in March with several recommendations to suspension of activities between the child and the adoptive family and suspension of field activities concerning the monitoring of circumstances which have been the basis for taking a special protection measure, except in certain emergencies which may arise (ANDPDCA 2020).

The measure of suspension of family meetings/visits of beneficiaries was subsequently reiterated in other addresses of the ANDPDCA while recommending that the child/adult be maintained in personal relations with the parents or other persons to whom he has developed attachment relationships using alternative means of communication.

ANDPDCA representatives also recommended that in cases where some children had been permitted family visits/events to be isolated when returning to the social center, for 14 days.

Following the submission of these methodological norms by ANDPDCA, the local DGASPCs developed their own measures plans taking into account the specific activities, number of residents, and other factors. Most of the centers banned travelling by residents, meeting with families, and NGO actions, with beneficiaries, actually being isolated at the centers.

After leaving the emergency state and entering the alert state ANDPDCA drawn up a protocol for social service providers (both public and private) with methodological norms and recommendations for resuming activities. Despite the absence of a legal framework similar to the state of emergency, the recommendations also provide for many limitations to the rights of institutionalized people – whose application is left to the appreciation of the social service provider.

The measures aim to gradually resume visits by parents, family, or people to whom beneficiaries have developed attachment relations. Visits to the head office of the head office are permitted following the health rules laid down by the authorities responsible for the matter, in premises specially equipped for keeping a minimum distance of 1,5 meters, and with use of protective equipment. Where space permits, visits may be organized outside the social service building, while maintaining prevention measures and reducing the risk of illness, as mentioned above (ANDPDCA 2020).

Beneficiaries are permitted to exit the centers, but only for justified reasons such as travel to work, carrying out physical activities, shopping, or other justified activity and not incurring delays. Except for travel to the workplace, the other exits will be preceded by written information to the beneficiary of the public safety recommendations issued by the INSP and the establishment of a clear route of travel outside the center. The written information shall not apply to children under 16 years of age who may leave the social service only supervised by staff members.

We, therefore, note that the rules indirectly limit the movement of institutionalized persons, who are obliged to justify their travel, and that this opportunity remains at the discretion

of the social service provider. For minors under 16 years of age, but also adults, the prohibition of family visits/invitations is maintained de facto, being limited to meetings at the premises of the residential center, in so far as it has available facilities.

The impact of the SARS-COV-2 pandemic on institutionalized people and prospects for overcoming the damaging effects. Conclusions

The provision of social services was affected by the SARS-CoV-2 crisis as a result of measures taken by authorities to limit the transmission of the virus. Sometimes, the pre-existing problems in the system have been compounded by the new conditions, a good example being the lack of staff in residential centers or specialized primary services, increased by fear of illness (UNICEF 2020, 10). At the same time, the activity of day centers has been reduced or even suspended, which has affected children from vulnerable families.

In other cases, specific problems emerged, such as limiting the mobility of social workers (social workers, community nurses, social workers) in the territory, especially given the lack of adequate protection materials (CRJ 2020).

According to some studies (UNICEF 2020, 21), only two of the seven respondents working in residential centers consider that one of the vulnerable groups most affected by the SARS-CoV-2 pandemic is the institutionalized children. The main problems mentioned by those working in the residential centers included in the study are lack of hygiene and health materials for both young people/children living in residential centers and for the staff of the centers; lack of integrated services for institutionalized children/young people. On the other hand, there were also problems with understanding by adolescents/young people about the importance of limiting travel.

Access to health services for institutionalized children has been significantly reduced due to the limitation of direct consultation of doctors in the centers and the use of mostly online or telephone services and the closure of the dental practice. Difficulties were also mentioned in purchasing medicines for chronic diseases, auto-immune diseases. The measures proposed by the center's staff to overcome these barriers are aimed at opening up medical offices, as their deployment to hospital emergencies is much riskier in terms of contamination risk, as well as the reopening of dental cabinets for emergencies and the introduction of work procedures in emergencies.

Access to education services has been made difficult for teenagers and young people in the end years (8th or 12th grade), who have to take exams this year. At the same time, the school's vocational advice has been suspended, which may have effects in the future.

The main barriers to access to education services are related to insufficient provision of tablets, phones adapted to the educational needs of children, and the reduced digital skills of teachers. For this reason, it is necessary to purchase its devices by authorities to be offered to institutionalized children.

The development of the institutional capacity of the public sector to provide social services is, in summary, a step to be taken to overcome this crisis in the best possible way. This is a multi-dimensional measure, which includes: Staff complement, professionalization (vocational training, employment of qualified staff) and adequate equipment; establishment of functional collaboration between the institutions relevant for the provision of social assistance services at county and local level (DGASPC, DSP, DAS, local authorities); digitization, where possible and where this would help to continue the activity, by providing access to the necessary infrastructure, both for direct service providers and beneficiaries (CRJ 2020).

Partnership with civil society organizations should also be strengthened at the local level to better respond to the social problems identified in crisis conditions.

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Value at COVID-19: Digitalized Healthcare, Luxury Consumption and Global Education

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ABSTRACT: The new Coronavirus (COVID-19) accounts for the most severe health and economic threat since about a century. The human, medical and economic shock with major fallout in social, humanitarian and international development domains is the most tragic event having occurred since the Great Plagues of the medieval times, the Great Depression and the two World Wars. Yet in every crisis and lasting economic, societal and humanitarian shock, there are always positive externalities as well. While the author foremost respects the more important literature on the tremendous negative consequences and hidden inequalities and unnoticed despairs of COVID-19, this paper sheds heterodox light on the positive externalities and economic growth potential of the Great Pandemic of 2019. Three positive outcomes of the novel Coronavirus pandemic are captured in a foresighted outlook: (1) A digitalization disruption with particular focus on healthcare, preventive medicine and whole-rounded, ecofriendly lifestyles is perpetuated by COVID-19. (2) As in previous pandemics, luxury consumption that is prospected to flourish after consumption constraints and lockdown endurance may play a role in driving economic growth in the post-COVID-19 world. (3) Digitalized education and conglomerates in the educational sector may lead to universities becoming truly global temples of information exchange. The paper closes with potential ethical imperatives to ennoble our prospected future post-COVID-19 world to come. Overall, this paper aims at providing a glimpse of hope in despair and grievance over COVID-19 and advocates for equal access or redistribution of the merits of the gains from COVID-19 for living the dream of a better, more beautiful society than COVID-19 has hit before.

Keywords: Access to education, Coronavirus, COVID-19, Digitalization, Economics, Education, Equalizer, Healthcare, Luxury, Medicine, Pandemic, Technology, Value

COVID-19

The new Coronavirus (COVID-19) is an infectious disease that was first diagnosed in Wuhan, China, in December 2019. The majority of infected only develops mild symptoms such as fever, cough, difficulty breathing and tiredness as well as loss of smell and taste, but also rashes and other diffuse symptoms (Center for Disease Control and Prevention 2020). Depending on age and prevalence, COVID-19 can lead to acute complications such as organ failure, cytokine loads, blood clots and septic shock (Center for Disease Control and Prevention 2020). Pre-existing conditions, such as obesity and diabetes, but also the general status of the immune system, are crucial determinants whether the new Coronavirus is of severe danger to the individual (Salzburg Declaration 2020). Prevention and holistic medicine play an important role whether the disease turns out to follow a mild or severe symptom trajectory (EcoWellness Group 2020).

In January 2020, the World Health Organization declared a state of emergency with international relevance over COVID-19, and in March 2020 the outbreak of a global pandemic. As of September 2020, almost 35 million infected cases are known and almost one million deaths have been recorded in over 200 countries in all six World Health Organization territories (Sachs, Horton, Bagenal, Amor, Caman & Lafortun 2020). Exponentially growing numbers of infections and a lack of an effectively-tested vaccine or completely-curing medication so far project that there may not be a fast end to the crisis in the near future (United Nations 2020).

Economic growth potential

The COVID-19 pandemic is an external shock that implies tremendous negative consequences ranging from human health risks to economic shortfalls and socio-psychological despair. Already now, the novel Coronavirus caused a dramatic downturn for general mobility and international tourism including gastronomy (Gössling, Scott & Hall, 2020; Puaschunder, Gelter & Sharma, 2020). In April 2020, more than half the world's population resided in countries enforcing lockdowns, which disrupted individual lives, business activities and international mobility (International Monetary Fund 2020). All major world economies suppressing human social interaction, which spilled over into an economic decline around the globe comparable to the onset of the Great Depression (Sachs et al. 2020; UNDP 2020). In the wake of "social distancing" measures, consumption decreased by 32% in China, 49% in Germany and 50% in the US as well as 78% in Great Britain (Jones, Palumbo & Brown 2020). The Financial Times Stock Exchange Group, Dow Jones Industrial Average and Nikkei plummeted in the first quarter of 2020 drastically (Jones et al. 2020). Unemployment and furloughs rose in all major market economies (Jones et al. 2020). The International Monetary Fund (2020) estimates a 5-15% chance of a recession after the first quarter of 2020 measured by Gross National Product (Sachs et al. 2020). The world economy shrunk by 3% in the first quarter and is expected to decline around 5% throughout 2020 (IMF 2020). The 2021 global growth is projected at 5.4%, which leaves the 2021 GDP some 6.5 percentage points lower than in the pre-COVID-19 projections of January 2020. All these measures resemble the onset of the Great Depression of the 1930s, which – together with subsequent events – changed the corporate governance structure and conduct dramatically, unprecedentedly and lastingly (Sachs et al. 2020; Gelter & Puaschunder forthcoming).

Despite the enormous economic growth decline already obvious and prospected in the years to come, there are also positive externalities of COVID-19 that includes attention to preventive healthcare coupled with digitalization; zest for excellence luxury consumption in light of human suffering, consumption restrictions and lockdown endurance as well as digitalized education with a truly international outlook.

The value of preventive medicine in the digital age

A prospective post-COVID New Age Renaissance will *advance healthcare* (Piper 2020; Puaschunder 2019b). With the COVID-19 pandemic, the connection between preventive medicine, general health and prevalence has gained attention. Due to a weakened immune system being related to a severe disease trajectory, preventive medical care has become more important for emergency medicine. In the novel Coronavirus crisis, prevention and general, holistic medicine determine whether COVID-19 puts patients on a severe or just mild symptom trajectory. Obesity, but also the general status of the immune system are decisive in whether the Coronavirus becomes a danger for the individual.

In light of the heightened health risks of COVID-19, employers will naturally select healthier workers that may have to positive externality effect of an overall more productive

labor at work (Gelter & Puaschunder forthcoming). Already now elder and chronic patients' passing and vulnerabilities risks change labor market demand towards favoring young, healthier and Corona-survivors, who may benefit from a natural immunity, and being more virus-resistant (Schwartz Center for Economic Policy Analysis Older Worker's Report 2020). Needless to say, the expected economic growth potential should also be considered to be taxed and the extra fiscal space used to offset the socio-economic losses and social misery implied in inequalities in market selection.

As for outside working conditions, those corporations that are placed in benevolent health-promoting territories will have a competitive advantage and gain in terms of labor quality (Puaschunder forthcoming c; Puaschunder & Beerbaum 2020). Countries around the world are currently paying attention to preventive medical care in the wake of pandemic outbreak monitoring. Those nations that can offer technological advancements to monitor pandemic outbreaks but also medicine of the future that helps prevent diseases instead of just treating their consequences will produce positive labor advantages (Salzburg Declaration 2020).

On the corporate level, those corporations that manage to build a healthy environment that is attentive to prevention will gain from COVID-19 on the long run. Corporations that invest in hygiene but also group learning and team skills of hygienic working conduct will likely see a long-term labor-driven economic growth. In light of pre-existing conditions and obesity determining the likelihood of severity trajectory, corporations may also focus on fostering a healthy and ecological diet of their employees. Measures that can guarantee continued health in employment will account for corporate success and economic growth. Corporate governance could therefore foster self-monitoring of the state of health of employee and the comprehensive prevention in a holistic lifestyle. For instance, the German Prevention Act of 2015 of the German Federal Government compensates corporations to foster prevention in preventive self-care but also team learning of healthy lifestyles in the workforce, acknowledging the power of preventive care for economic productivity. Focusing on collective health as a common good will on the long run make labor components more productive. All these means of a hygienic environment, healthy preventive care and workplace interactions may be summed up in learning-by-preventing economic growth potential.

What is new these days is the entry of artificial intelligence (AI), algorithms and large data sets into the medical field, which raise prevention to a new level. As early as November 2019, experts identified new technologies such as robots, AI, algorithms and large data-generated findings as helpful innovations in the medical sector (Puaschunder 2019e, f). Customized data-driven preventive medicine is considered to be one of the most groundbreaking achievements of today's medicine (Puaschunder 2019f). Efficiency, precision and better quality work are highlighted as advantages of AI, robots and big data in healthcare. Decentralized preventive medicine and telemedicine enable personalized preventive care that makes health more accessible to large parts of the population (Puaschunder 2019f). The power of big data aids our understanding of group behavior and trend predictions as well as preventive health care – such as through genetic predisposition and origin tests in the USA and handpicked genetic material selection. Health apps target at preventing COVID. Bluetooth-tracking of medical devices helps overcome bottlenecks and fraud while protecting privacy. Telemedicine cures remotely. Future global digitalized healthcare innovations are likely to come from corruption-free AI pioneering countries that tend to have better general medical care (Puaschunder 2020; Puaschunder & Beerbaum 2020). Internet connectivity and AI-human-compatibility are growing competitive advantages (Puaschunder 2019g).

Puaschunder (forthcoming c) compiled three indices in order to compare international differences in digitization, economic potential, anti-corruption and access to good public medical care. Different aspects and combinations of artificial intelligence and economic growth, freedom from corruption and public health care showed that digitized connectivity as a proxy for artificial intelligence goes hand in hand with freedom from corruption, which in

turn is correlated with good medical care (Puaschunder forthcoming c). These nations and especially Europe in an international comparison have the best prerequisites for a leadership role in global pandemic containment and risk management through new technologies in medicine but also to be able to offer predictive prevention excellence to the entire world (Puaschunder forthcoming c).

Based on macroeconomic modelling, Puaschunder and Beerbaum's (2020) empirical research brought forward four indices shedding light on health inequality in the 21st digital century. International data on digitalization, economic prosperity, healthcare standards and innovation market financialization revealed that Europe and North America feature excellent starting positions on economic productivity and relatively low levels of corruption. Internet connectivity and high Gross Domestic Product are likely to lead on AI-driven big data insights for pandemic prevention, of which Europe, Asia and North America have optimal global healthcare leadership potential. Europe benefits from highest standards on public preventive medical care, while the United States has the most prosperous market financialization to advance medical innovations. Oceania performs well on general healthcare but has comparatively less international medical market power. Asia and the Gulf region are in the middle ranges of healthcare provision and market innovation financing but are critical on corruption, which also appears to hinder access to quality healthcare in South America. Africa ranks low on healthcare and raising funds for medical purposes in corruption-prone territories.

Luxury

From a socio-psychological point of view, crises and proximity to death and illness lead to eccentric consumption and price insensitivity (Bourdieu 1979/2010; Schmelzing 2019). Historically, the time after the great plague of the 14th century was characterized by extraordinary luxury consumption, which advanced the Middle Ages into the Renaissance (Keynes 1936; Making Marvels 2019; Piper 2020; Schmelzing 2019; Veblen 1899). The survivors' joie de vivre and self-determination were released in industrial enthusiasm with a focus on the now and here in the renunciation of fatal religious obedience (Piper 2020; Schmelzing 2019). Thanks to low inflation and social change, luxury became affordable for larger parts of the population who – after a period of death, physical suffering and emotional deprivation – refreshed themselves in the joys of life (Piper 2020; Schmelzing 2019). Cities flourished, trade pulsed, and intellectual-driven innovations dominated social progress.

From the Renaissance to absolutism, luxury was enjoyed in the form of a figure that was more than its individual parts. Luxury was socially accepted if it was linked to a social identity that included a collectively shared experience as well as unique new innovations that signaled a mastery of nature and the environment (Making Marvels 2019; Puaschunder 2020c; Rousseau 1750; Serdari 2016; Tajfel & Turner 1979).

Future booming industries may include luxury spending on health and prevention, which not only promotes general health in society but also drives economic growth (Puaschunder 2019a). In the digital age of social media, luxury could force more comprehensive health prevention based on big data. In contrast to other types of consumption, large amounts of data enable exponential basic benefits to be generated. A bit more information therefore has exponentially growing added value, which in the medical field appears particularly helpful for finding connections and behavioral patterns in prevention (Schumpeter 1934). Consumption of information is also not exclusive – reading information and learning from it does not diminish someone else's chances or diminish their consumption (Puaschunder 2018a, 2019a, c). Information consumption on the internet could become an environmentally-friendly luxury. Future innovations in the medical field are predestined for digitized health care and self-monitoring with the help of electronic self-measuring devices. Self-monitoring devices and big data insights can provide uniquely valuable educational work for individuals who need

to be encouraged to lead a holistic lifestyle focused on prevention. Coupled with insights derived from big data in the extrapolation and in relation to society, computational power in the digital age can become a preventive healthcare luxury moment.

Luxury society enjoys in (1) a Gestalt greater than its components; (2) serving the common good fostering social identity in collectively-shared experiences; and (3) groundbreaking innovations demonstrating mastery over nature of the world (Making Marvels 2019; Puaschunder 2020c; Rousseau 1750; Serdari 2016; Tajfel & Turner 1979). Anti-discrimination efforts must protect excellence (Puaschunder forthcoming b). Contrary to naturally-constrained, saturable consumption of ordinary goods with declining marginal utility, data transfer online offers exponentially-increasing marginal utility of information in network effects and non-rivalrous consumption of information alongside exponentially-increasing multi-procal emotional gratification in world-wide virtual collective experiences (Puaschunder 2018b). One of the most powerful ways to enjoy luxury in the digital age is online education, which now has leveraged into a truly international experience.

Intellectual conglomerates in virtual spaces

COVID-19 unleashed the online technology world. Physically distanced, we became digitally closer than ever. On a flat globe, data traffic exploded. A multi-tasking online workforce gained global outreach and flexibility in digitalization cutting red tape (Puaschunder 2020d). The digitalization trend has become prevalent in education. Since the outbreak of the 2019 novel Coronavirus crisis, COVID-19 entailed massive changes in the education sector (Corlatean 2020). Teachers, pupils and students, parents, schools and local communities and, last but not least, the state were suddenly put in a position to change their rules of operation, teaching techniques or examination methods (Corlatean 2020).

With most university campuses around the world currently performing a speedy transition to online teaching and remote learning, it is certain that hybrid learning and online classwork will be perks that last forever, even after COVID-19 will have its influence on our behavior. Disruptive technology use will enable universities to cater to the whole world on education at lower cost and offering more flexibility that attracts students without any consideration of their location. The actual on site work will be focused on research, while learning will be more likely to happen online in the virtual space. Large consortia that allow swapping and sharing courses within the larger online consortium will take over.

Disruptive technologies will be effective at helping students around the globe and open doors for studying “abroad” to everyone. Taking classes remotely will not cost as much as physical relocation did in the past. Classes will also open up free from visa and administrative hurdles. So the digitalization disruption may become a great equalizer that opens access to elite education to previously politically unfavorable visa applying nationals. Education therein has the potential to be the great equalizer international development has wished for ever since. Future partnerships of the technology and universities governed by international institutions will offer a broad range of hybrid online-offline teaching solutions in ample virtual spaces that serve as truly international educational hubs.

Access to virtual consortia will also offer the opportunities to cherry-pick an individualized education based on interests and afar from physically reachable learning repertoires. Mass teaching with a cohort of similarly educated will pass for a new cadre of individualized and highly specialized graduates that could select very individualized study schedules. For this, the institutional support and openness to accept courses within the conglomerate consortium has to be emphasized. But with the currently ongoing digitalization disruption requiring more and more refined skills in a world where the gap between skilled and unskilled labor has become the widest, the time for refined and individualized education appears to have come.

In addition, universities with students that do not have to be attending campus classes not only can offer flexible education with broad international outreach. Not having to be on one particular campus offers two flexibilities: international but also over time. Online classes can be attended by people from around the world. But also with no relocation costs and visa requirements having to be met, individuals are able to remain in education longer and more flexibly. Online degrees that can be acquired over long time become reasonable if people only have to attend a week a year, during which they may choose to get educated on a specific subject they need right at the moment in time in their career. Imagine signing up for a 10 year MBA program that is completed with one course per year over a decade. The advantage would be a long-term bond with education institutions and temporally flexible education – picking educational contents at the right moment in time in one's career. Especially in highly flexible fields, such as IT, medicine or law, in which constant education is mandatory and/or necessary, an as such long-term online degree would be beneficial. In addition, the signing up for such a long term degree accomplishment process may be easier as it stretches out reduced online costs. Further, the emotional bond to institutions may grow over the long term, and educational and reputational capital can be maximized to be harvested for a long time.

A market polarization is expected, in which the big conglomerates may swallow smaller and financially weaker colleges. The universities that will likely offer these kind of programs are the large Ivy Leagues, who can wait out the pandemic given large endowments, constant stream of funding from alumni and students drawn from waitlists. These are the ones that will outwait the smaller and lower tier colleges that are dependent on tuition. Being flexible to adapt and partner with technology providers but also in a favorable location will likely be beneficial features of the universities of tomorrow. These universities surviving the COVID-19 crisis will be able to expand their enrollment dramatically, once they transitioned effectively into remote online teaching and the market has accepted this new normal. Universities that are not able to adapt to online teaching or are not even close to a consortium solution are expected to be in trouble.

While the affordability of entering these virtual spaces will serve as a great equalizer offering access to affordable education around the globe, there may be the risk of an inflation of many degrees offered to students without any space constraints and a discreditation of already existing degrees lurking. Additional problems arise from missing real in-person learning and on-campus networking opportunities. Children staying with their parents to take classes may grow up less attentive to be around people their age, and there may be the risk of social isolation, heightened levels of depression and a generation of socially awkward geeks without empathy coming up in contrast to students that have had the real world learning experience in classrooms. However, if we can lower the cost of education for the upcoming generation, the educational debt burden may be lifted that was recently referred to by the New York Federal Reserve as to be putting generation internship into a prison of debt from which they cannot escape even after graduation. Virtual learning experiences may also shun students from all social-psychological burdens and peer-pressure downfalls of on-campus education if we manage to create virtual spaces upholding a healthy climate of online exchange grounded in mutual respect, ennobling culture of ethics and embracing diversity in elevating levels of inclusiveness.

Discussion

International preventive solutions against the current Coronavirus lie in finding joint solutions to contain the pandemic. Global disease prevention should be guided by innovative artificial intelligence and algorithm-supported digital tracking. Digitization and big data-based human decision-making aids enable unique, never-before-seen trend analyzes and risk prevention mechanisms. Since the status of artificial intelligence varies widely across the globe, so-called

data hubs, in which artificial intelligence is used to an advanced degree, but at the same time freedom from corruption also offers generally favorable conditions for prevention diagnostics, trend analyzes and risk prevention, should ensure global health. These technology pioneers have high internet connectivity, which is often used as a proxy for general digitization, an excellent general health check-up and medical care that is awarded fairly and free of corruption (Puaschunder forthcoming b). These artificial intelligence health centers should take global leadership against pandemics in the international tracking of health information (Puaschunder forthcoming b).

Taxing data transfer and generating profit with data and targeted advertising in the digital age should generate fiscal leverage to cushion societal losses through social inequality and to promote a general health network more strongly. While the European Commission is planning a new type of taxation of digital profits of 3%, European nation states are still unclear about its implementation. As reported by the New York Times, Austria is a pioneer in the attempt to tax data transfer. With the planned digital tax, Austria could set international standards around the world. Taxation could also curb innovation and lead to the monopoly of large data collection companies. Any country or location that was the first to implement a data tax would suffer. So what would be needed would be a Europe-wide or international implementation of data taxation. Whereby no nation dares to take the first step in order not to be thrown back in the general competition. The one who clearly loses to untaxed data commercialization is the general population. Because taxation of data transfer could cushion the negative consequences of the market entry of artificial intelligence. Tax revenue from taxing data transfer could thus catch market losers from the use of new technologies. Financial strength could help to retrain workers and create the institutional framework to train citizens to get involved with new technologies and to use them successfully. At the same time, financial resources could also offer the necessary training opportunities to carefully prepare consumers for an informed decision about digital information exchange and knowledge gain on the Internet. Protection of particularly vulnerable population groups, such as the sick and the mentally weak, is a matter of concern here in order to achieve a human and ethical introduction of new technologies.

The new approaches to teaching and learning also imply novel inequalities in regards to private learning spaces and access to information dependent on the level of digitalization and internet connectivity. With access to healthcare and education in virtual luxury boutiques we need to rethink democratization of internet access and online availability. Public and private sector forces on the local, national, international and global levels should bundle and cross-pollinate to find create ways in embracing the masses equally with connectivity. Ethical cliffs of online access and technology affinity determining access to health, education and emotional well-being should be outlined in order to avert societal downfalls.

In the future, ethical limits of privacy and the democratization of information should also be considered (Puaschunder 2017a, b, d, 2018b, 2020a, forthcoming a). It remains on young tech-entrepreneurs, breaking the most innovative waves to implement the New Age Renaissance in the Digital Age whilst upholding highest ethical standards (Puaschunder 2017c). To boldly envision, design and craft the virtual luxury platforms of tomorrow connecting us for collective information exchange fueled by emotions. But the beauty of enjoying lavish network effects and delving into world-wide collective emotional feasts also bears a responsibility to worship our common virtual luxury temples together wisely, conscientiously and sustainably (Puaschunder 2019d, 2020a, b).

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COVID-19 Pandemic Health Effects

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ABSTRACT: This paper addresses the topic of coronavirus pandemic, an epidemic that has affected almost the entire world, and the consequences that society has faced since its beginning. To better understand what this condition means, we defined the notion of coronavirus and COVID-19, which are the symptoms and how it spreads. We have shown people's perception on the evolution of this disease since the early stages of its spread and also pointed out how the pandemic has created an emotional imbalance, affecting mental health and its effects on memory. Regarding the pandemic effects on nutrition, we showed what its role is during this period and what impact the isolation imposed by the authorities had on the elderly people, as well as on their eating behaviour.

KEYWORDS: Covid-19, scourge, vulnerability, vicissitude, social distancing

Introduction

Since this disease occurred, scientifically called SARS COVID-19, the whole world has been affected in different ways in almost all areas of society. People have become more vulnerable, feeling lost and powerless facing this scourge.

Questions such as: *What changes will Coronavirus bring to our society? What will be the effects of this pandemic on humanity?* These questions have taken possession of the human mind, and what seemed natural to us before, has now become almost impossible. We can say that we have been limited because of this unprecedented pandemic in our lives.

New rules have been established, and accepting them was not easy at all. People had to follow these rules, often tending to circumvent them, thus imposing punishments to correct him. From here, the enclosure of each of us was felt. COVID-19 pandemic came up, producing real blockages and totally changing people's priorities.

The goal of the scientific community is to find a solution to prevent the spread of this pandemic that has covered almost the entire planet and also to be aware of the consequences we feel. Somehow, we need to know our vulnerabilities and reshape our lives so that we are no longer surprised by a new pandemic.

The authorities are also working to fund public health systems so that any of us can receive appropriate treatment in the event of contamination.

Basically, we will have to build, metaphorically, that boat that is solid and resistant to such shocks and, sailing together, we will be able to keep the balance and face the vicissitudes of life. The pandemic seems to have become our main concern today. What we are experiencing now seems to be a defeat. For a few months, time seemed to stand still, and the silence and lack of people on the streets took the place of daily fuss. But, as in every fight we become stronger, more responsible, more balanced.

Most of the time, the defeats give us the opportunity to learn. The occurrence of this pandemic represented a real lesson for humanity and in order to be able to change something, we must take advantage of it, in a positive sense, to analyse and review our behaviour towards our fellow human beings.

During all this time, man became more attentive both to himself and to those around him, he rediscovered certain qualities, talents, values that he had stored somewhere, left in the past, and today he capitalized them.

Every gesture of responsibility, by wearing a mask, for example, has shown care and solidarity towards others, but also towards ourselves. It is up to us to get involved and be able to prevent those consequences which affect the entire population.

Covid-19 pandemic affected not only our country but also foreign policy relations, making international meetings impossible (only online), so that all countries had to lose. In this situation, it is required to rethink the world's economy, more solidarity between people, fighting together for the same goal.

Coronavirus and COVID-19 infection

What is Coronavirus?

Coronaviruses are a large family of viruses that can cause disease in animals or humans. In humans, it causes respiratory infections, from the common cold to more severe diseases such as Middle East Respiratory Syndrome (MERS) and Severe Acute Respiratory Syndrome (SARS). The latest coronavirus discovered causes COVID-19 coronavirus disease.

What is COVID-19?

COVID-19 is an infectious disease caused by the most recently discovered coronavirus. This new virus and disease were not known before the outbreak in Wuhan, China, in December 2019.

What are the symptoms of COVID-19?

The most common symptoms of COVID-19 are fever, fatigue, and dry cough. Some patients may still suffer from headache, nasal congestion, sore throat, or diarrhea. These symptoms are usually mild, with a gradual onset. Some people get infected, but they do not develop any symptoms and do not feel sick. Most people (about 80%) recover without the need for special treatment. About 1 in 6 people with COVID-19 becomes seriously ill and has difficulty in breathing. Older people, as well as those with underlying medical conditions, such as high blood pressure, heart problems or diabetes, are more likely to develop a severe form. About 2% of people suffering from this disease have died. People with fever, cough and difficulty in breathing should seek medical attention.

How does COVID-19 spread?

People can get COVID-19 from others who are infected with the virus. The disease can be transmitted from one person to another through small drops of secretions, which are spread when the infected person coughs or sneezes. These drops are spread on the surrounding objects and surfaces. Other people get COVID-19 by touching these objects or surfaces, then touching their eyes, nose or mouth. People can also get COVID-19 if they breathe directly into the secretions spread by an infected person who coughs or sneezes. (www.cdt-babes.ro/)

Mental and psychosocial health during the COVID-19 pandemic

Our mind and body are in a symbiotic relationship and cannot be separated or treated separately. Therefore, everything that happens on the mental level affects the physical level and vice versa. Thus, our body perceives the thoughts we have and transposes them on a physical level, in the form of emotional feelings, and the way we react, positive or negative, will depend on the nature of the emotions we experience.

While positive emotions give us a good mood, fill us with energy and help us relax, negative emotions lead us to tense states, giving rise to a series of unpleasant physical reactions (Zaharia 2016).

In the early stages of the coronavirus pandemic, there was a lot of uncertainty about the nature of the disease, its spread and extent. This has created strong emotional discomfort even among those who have not been directly exposed to the disease, as a public health

emergency such as the current one can have an impact at different levels on the psychological balance of individuals. Therefore, there was a risk of adverse relapses in the psychopathological field. Specifically, various elements that have been proven to generate anxiety and danger following the COVID-19 epidemic have been identified (Stopani 2020).

During this pandemic, social distancing made us face two fears, namely: fear of loneliness and fear of death. Loneliness leads to a behaviour change, because behind it there is always a permanent fear. Confusion and anxiety occur. The most exposed people are the elderly and those already affected by mental disorders. To understand confusion and anxiety, we must understand care. Care is that state of mind captivated by an object, and this concern unsettles or disturbs even moral suffering.

This concern leaves us neither time, nor rest. Hence its consequence, worry: to be worried means to be anxious (Andre 2009, 135).

In this context of the pandemic arise questions such as: "What are you doing?", "How long will it last?", "What will happen?", Questions that create a vulnerable psycho emotional state that affects people's health.

Anxiety is a state of mind that belongs to the family of fear, which corresponds to it as a strong emotion that becomes ill. Anxiety attacks are most often associated with the impression of imminent death or depersonalization and loss of judgment, with the impression of feeling insane (Andre 2009, 138-139). In this case, anxiety is manifested as violent emotional moods, with intense participation of the body and a feeling of an imminent catastrophe. Thus, on a strong emotional background, it feels his bodily integrity threatened.

Obsessions occur, those persistent images. The most common obsessions are those related to contamination (the person is obsessed with becoming infected if he touches certain objects or shakes hands with various people).

Also, compulsions, such as hand washing many times per day, although isolated at home, represent repetitive behaviours with an open or masked character (i.e. prayers) (Holdevici 2009, 279). They are always worried that their loved ones may get sick and tend to somatise.

Somatizations are actually the way our body raises the signal and sends us the message that somewhere there is a strong conflict (internal or external). Somatizations are the response that the body gives to very strong emotional blockages. And behind every symptom, the affected area or organ is a message. For example, in the case of heart disease we can list emotional blockages such as: loss, rejection, regret, sadness; and in the case of liver and gallbladder diseases we can talk about anger, rage, repressed feelings (Zaharia 2016).

The distorted interpretation of reality (suspicious origins of the infection, attributing the unidentified entities the will of spreading the virus, conspiracy theories, the feeling of constant threat with persecuting ideas) belongs to an area of psychotic disorders, maintained by various types of false news (Stopani 2020).

Amid all these feelings, caused by this period, there is a general anxiety, expressed through excessive worries (When will the state of emergency end? When will the Coronavirus disappear?) and not justified. In this case, the anxiety amplifies and the individual becomes more and more tense, thinking about what will happen in the future, thus reaching an increased irritability, insomnia, lack of ability to concentrate, panic attacks. Whenever they feel insecure, they imagine the worst-case scenario. Also, for themselves or those close to them, they have developed far too intense and frequent worries, related to the risks of daily life. Physical tension is often excessive (Lelord and Andre 2003, 10-11).

Social, psychological and medical studies have conclusively shown that there is a direct correlation between the levels a person feels connected to others and his or her physical and mental health. There is now clear evidence that social isolation and the associated feeling of loneliness significantly increase the risk of premature death, and this risk is higher than many health markers.

Among the common effects of social isolation on physical and mental health we find, first of all, chronic fatigue and the increased risk of developing chronic diseases.

Middle-aged and elderly people who feel lonely report more chronic stress and feelings of helplessness. Social isolation can also lead to more episodes of illness and a longer recovery time after illness or trauma. It also increases the risk of depression, while the onset of Alzheimer's disease is twice likely to happen in the case of people suffering from loneliness (Mustață 2018). All this time, people have become aware of the inner emptiness caused by sadness and absence of their loved ones.

The elderly, who live alone, express various attitudes, sometimes aggressive. Anger, that negative feeling which dominates the individual due to insecurity to the fact that something might happen, occurs. All of these affect the whole body. For example, I feel a pressure in my chest, the sensation of shortness of breath, a lump in my throat, tense muscles. Therefore, the first episodes of depression occur.

COVID-19 increases the risk of depression, affecting the ability of each of us to solve problems, to be efficient at work, to relate to those around us. The fear of losing our job, in these conditions, arise mental problems that are difficult to control, such as: fear, anxiety, intense emotions, crying episodes, which lead to significant mental disorders, such as reactive depression. People disconnect themselves from the reality, becoming more and more vulnerable, and the state of sadness, fatigue, despair, caused by the current situation, is installed. Moods of despair are often composed of a mixture of moral pain, unpleasant lucidity (it seems to us that we have lost the positive illusions that protected or blinded us) and the inability to act to change the course of existence.

There is also a strong feeling of fatigue, loss of vitality, that mystery that makes us "living machines" (Paul Valéry's words), but which no longer works (Andre 2009, 261). In the case of depressed people, it is known that, in any situation, they only see the dark side of it (i.e. the growing spread of the disease), the possible risks (i.e. contamination even if it does not exist in reality), overestimating the negative aspect and minimizing the positive one. They also have a sad and gloomy mood, even when there are no unpleasant events to justify this mood (Lelord and Andre 2003, 164). For example, they think that their loved ones may have coronavirus, but in reality, they have no problem.

The spread of this virus will leave scars in everyone's memory. After this event, there will be many people who will have lost a loved one, their job or will be forced to close their businesses. The neurological effects of coronavirus are rather indirect, not necessarily caused by infection. There are cases of COVID-19 positive patients who have suffered strokes due to blood clots that have disrupted the flow of blood and oxygen to the brain (Rotaru 2020). It has been found that this disease can have devastating effects on the human body, including the brain, thus affecting memory. The strokes encountered during this period, caused by coronavirus infection, triggered certain deficiencies in vision, language, memory and coordination. The lack of oxygen of the brain due to respiratory problems caused by coronavirus, led to simple migraines to very serious brain damage.

The effects of the pandemic on nutrition

This period of time that we are crossing has drawn our attention to the importance of nutrition and maintaining a healthy lifestyle. Nutrition is also an important therapeutic means, well known since antiquity, and the rules related to nutrition and lifestyle have remained valid until today. The isolation imposed by the authorities has led to a change in the habits of the population in terms of nutrition, exercise, socialization, essentially radically changing the lifestyle.

During this period, in the shopping baskets there were mainly ultra-processed foods, poor in nutrients, such as potato chips, ice cream, popcorn, chocolate, etc. There was also a

tendency to spend more time in the kitchen and to cook, to search the internet for different recipes. Eating behaviour changed in the context of the pandemic, people were forced to cope with stress and adapt. People forgot to have an organized, structured behaviour in terms of nutrition, did not keep a food diary or it was no longer a priority (Dumitru 2020).

During this period, many of us suffered, especially the seniors, because they were isolated with their family or maybe they had to go through this event alone, this leaving deep marks on the psyche. Some of their habits (for example, walks in the park, and visits to the loved ones) could no longer continue, leaving traces on the psyche and, thus, they changed their eating behaviour into a defective one.

Deviation of nutrition behaviour occurred due to fear, doing some abusive, unhealthy shopping, which led to overeating. Therefore, inadequate nutrition can be considered an indicator against destabilizing health, often leading to negative effects over a long period of time. Elderly people living alone, who do not have the necessary support to get through this period, have tried to fill their inner void caused by sadness with an inadequate diet. Isolation in one's own home affects everyone's life, including daily habits and eating habits, which are influenced, during this period, by emotional disorders and high levels of stress.

Poor nutrition is associated with both physical condition and mental health. People with severe pathologies tend to grow a negative mind-set, feeling their body integrity threatened. Among these altered emotions, they can project aggressive attitudes. We can talk about a disorderly eating behaviour, mostly developed by compulsive people. Basically, during this period, we had to control our dietary balance, each having a deviation in this respect.

The most affected people were the sedentary ones who, all this time, have not made any physical effort and, consequently, became more depressed, overwhelmed by negative thoughts, which intensified a lot. However, they have become aware of unhealthy eating and knew what it meant to rationalize food, but everyone handles this problem differently. Overeating leads to obesity and the onset of diabetes. Even if the disease is not established, it must be prevented.

Social distancing, implicitly isolation at home, led to a considerable increase in the number of eating disorders because of the consumption of unhealthy foods, and the time devoted to physical effort has completely disappeared. From here, there were manifestations such as stress, panic attacks, and exacerbation of insomnia, anxiety and fear, despair, the thought of never ending.

A healthy diet is very important to prevent the risk of chronic diseases, such as cardiovascular disease, diabetes, or obesity, or diseases such as depression and anxiety. Therefore, our responsibility is to choose a healthy lifestyle, to follow the advice of specialized doctors and not to listen to those false care messages circulating on social networks on certain protective diets against this condition.

Conclusions

The spread of the new coronavirus infection has led to major changes in our lives. The most affected people were the vulnerable ones who failed to manage the current situation, causing them stress with special consequences on the psyche.

Both the direct confrontation with this pandemic and the actual isolation made people develop certain fears, leading to panic and, implicitly, to increased anxiety. At the end of this pandemic, society will be somehow different from the previous one and will feel the scar of isolation on the psyche.

Personal memories, which have been lived so intensely, will determine our future choices according to the needs of each of us. Feelings such as fear, uncertainty, desolation or danger will remain in our souls for a long time and we will learn how to be more cautious.

All this time, people have learned to defend themselves against the threat of the COVID-19 virus, a defence built in time. It can be said that the pandemic has changed our way of life, thinking and socializing; it caused us the need to adapt quickly to the conditions of social distancing. To overcome the moment of self-isolation, each individual must create and maintain a daily routine that allows them to interact with loved ones online, to rediscover the pleasure of reading, watching a movie; all this representing defence strategies against the possibility of mental health problems.

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Aggressive Behavior during Covid-19

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ABSTRACT: This article describes the causal link between COVID-19 and the perpetrator's aggressive behavior, influenced by the traumatic experience of the new social conditions imposed by the pandemic. The victims of domestic violence are during this period affected by social restrictions, lack of communication with the authorities, the presence of the perpetrator in the family environment. Alcohol and drug use, temporary loss of employment, traffic restrictions, lack of livelihood, financial insecurity and poor hygiene conditions negatively affect the perpetrator's mental state. Scientific studies on suicide attempts of adolescents and adults, patients with COVID-19, as well as aggressive behavior after treatment and after discharge from medical centers are analyzed. A meta-analysis of the causal relationship between the virus and other environmental factors that may contribute to the formation of neurological disorders is also presented.

KEYWORDS: aggressive behavior, neurological disorders, COVID-19, domestic violence

Introduction

The World Health Organization considers that during this period COVID-19 can affect the mental health of the population, by increasing the level of stress and anxiety. Quarantine and the new rules imposed by the authorities can sometimes have negative effects on ordinary social activities. Ever since the state of alert was launched in order to prevent and combat the effects of the COVID-19 pandemic, the fear of illness, the death of loved ones, alarming statistics on the number of infected people, distrust in the medical system are elements that can aggravate the depression of vulnerable people, a situation that results in suicidal actions. Alcohol and drug use, isolation, lack of social relationships contribute to the development of criminal thinking and aggressive behavior. Patients and their families, victims of COVID-19, must receive compassion from society without being discriminated against or stigmatized. The stigma of patients, who are trying to recover in medical institutions, associated with the state of depression caused by the disease, leads to a general negative state of health. The intervention of mental health specialists must be urgent and effective in critical situations. The death of family members can amplify the stress and despair of patients, psychosocial help being necessary during the recovery period, but also after healing. Children and adolescents are emotionally affected by the unbalanced behavior of adults, the COVID-19 pandemic producing attitude changes that express the inability of family members to control the difficult existential situation. Emotional, medical, economic and social support, care and assistance are recommended for the elderly, as well as for people with mental disorders, residential centers for children and adults, with and without disabilities, as well as all vulnerable categories. Access to medicines and medical treatment, cleaning, hygiene, limiting social contact, exercise, maintaining routine and clear and official information on reducing the risk of infection are recommendations of health organizations to combat the effects of the pandemic.

The obligation to wear a mask and aggressive behavior

Wearing a mask in closed public spaces, in shops, in means of transport, pharmacies, banks, and accommodation units is an obligation imposed by the authorities, which can be considered by some individuals a restriction on the expression of freedom and a disturbing constraint that can

cause an aggressive attitude, sometimes difficult to control. Health control, temperature measurement by non-contact thermometer bothers a small part of the population, which sometimes opposes these protection measures, retaliates and asserts its dissatisfaction with the violation of civil rights. The mask is seen as a muzzle by those who do not tolerate the restriction of freedom. The mask is for them a tool that limits the expressiveness of the human being's face, an awkward accessory that negatively influences your behavior and health. Unfortunately, at the beginning of the pandemic, the authorities did not know how to react, some decisions were not firm, but even contradictory, and some specialists were not very convinced of the usefulness of the masks. Those who dispute the existence of the virus consider the mask a sign that is applied to the faces of those subjected, a stigma that has no medical quality, but only dishonors those who wear it, the mask highlights the power of authority and humility of those who fear. Those who do not accept the obligation to wear protective masks in enclosed public spaces, in commercial spaces and in public transport, at work or in crowded urban areas are usually people who believe in conspiracy theories, theories about the non-existence of the virus, in the conspiracy of certain powerful states or in the illegal business of the pharmaceutical industry, which seeks to increase its economic dominance. The conspiracy theory is also fueled by social networks, the misinformation about COVID-19 being considered by the World Health Organization an "infodemia". The philosopher Alain Cambier analyzed this situation for France Culture, stating that people want to find explanations for the appearance of coronavirus, want absolute certainty, make many scenarios, and it seems that there is even a parallel between infection of bodies and contamination of spirits. Laurent Cordonier, PhD in Social Sciences, University of Paris, believes that conspiracy theories give the impression of an unknown threat, and people, tired and frustrated by the state of isolation, feel encouraged to act. The conspiracy epidemic is global (Cordonier 2020), all over the world there are groups that support the non-existence of coronavirus, I think governments are to blame for the difficult situation of society, because they have secretly agreed to support the existence of the COVID-19 pandemic, to impose measures reducing individual freedoms (Cordonier 2020). The conspiracy focus is difficult to combat, because the epidemic causes concern among the population, the fear of death is present, and the risk of disease appears as a disturbing threat (Cordonier 2020). The feeling of helplessness in the fight against the disease was also created among the population, as well as the illusion that we can act to remove the danger (Cordonier 2020).

In some public areas, non-contact thermometer temperature measurement is mandatory, but this can lead to violent behavior on the part of those who refuse. There are even conspiracy theories that consider the thermometer a means of delisting the population, and medical treatment in specialized institutions is seen as an experiment that can affect the health of the population.

In France, a 59-year-old bus driver from Bayonne was punched violently in the upper body and head after being insulted and thrown from the bus for checking the ticket of one of the suspects and he asked three other young men to wear protective masks. The bus driver was left unconscious on the sidewalk and died a few days later.

The mental process of crime

The suspects acted directly, instantly, without the psychological barrier that the Moral Ego should impose (Tănăsescu 2012). The lack of inhibition is justified only by the action of the destructive drive and the deadly drive that pushes the will of the criminal self towards the act. The neurotic always turns his back on reality, because he finds it unbearable (Freud 2017). Taking action is a process of finding the object; the suspects free themselves from stress and anxiety by acting against the law imposed by the authorities, against the humiliating living conditions, against the existential failure and fatality caused by an uncontrollable virus. They

respond to provocative death by discharging the death drive. Psychic activity is unbalanced and he wants pleasure. In the abysmal darkness of consciousness, in the dark space of preparation dwells the primordial image of evil (Jung 2011). The mental process of crime is revealed as a physiological process of the action of the criminal personality. Each act committed shows the meaning and significance of the representation of criminal thought for the commission of the criminal act. Aggressive epilepsy is an uncontrollable condition that wears out only when the aggressive tension decreases in intensity (Sacks 2017). Oliver Sacks describes this phenomenon of personal epilepsy, considering that its origin is found in the temporal lobes, when there is a fine electrical stimulation of the points prone to attacks in the cerebral cortex. Sometimes the homicidal ideation creates a certain state of pleasure for the subject, who is aware of living the images of violent acts. These images, although not produced in reality (violent acts are committed only in the author's imagination) can de-stress the perpetrator and at the same time strengthen and justify the process of carrying out the aggressive action plan (James, Beauregard, Proulx 2019). Social exclusion and isolation generate feelings of despair and failure. Life appears meaningless, the human being has no purpose, and this favors the appearance of negative personality traits that influence the decision to act and the materialization of violent behavior (James, Beauregard, Proulx 2019). Sex killers experience social isolation, loneliness and low self-esteem (James, Beauregard, Proulx 2019).

Philosophical interpretation of aggressive behavior

Psychologist Helene Romano made an analysis for the French station Cnews, claiming that the mask also has a mortuary, funerary dimension. Symbolically, what we wear now to protect ourselves from coronavirus has long been a mortuary mask, this dimension being present in all cultures and is buried in the collective unconscious (Romano 2020). The obligation to wear a mask awakens the instinct for fear, and at the same time reminds people that the virus is still present, circulating and spreading, which can cause the risk of death; this situation is unbearable for many people, the Ego of the being, dominated by the fear of death, does not accept it (Romano 2020). This constant reminder of the presence of the coronavirus bothers and frightens certain subjects (Romano 2020), which determines the appearance of a certain opposition to reality and insubordination to the voice of authority. Fear of the effects of the disease and the risk of death become unbearable, vulnerable people reject the cruel reality, do not want to adapt, deny the existence of victims and more easily accept the solutions proposed by the conspiracy theory. The new rules imposed by the pandemic limit freedom of movement, without mobility the human personality transforms; limiting social contacts can cause depression and aggressive behavior. People are aggressive because they are mentally exhausted (Romano 2020). The refusal to wear a protective mask means the unconscious presence of the aggressive drive, born of anxiety and distrust, waiting only for the triggering event to manifest itself violently, especially when the authority asks the perpetrator to comply. Most people accept the mask and consider it a means of protection, the obligation is not viewed with hostility as a command imposed by the authorities, which destroys freedom of action. Thus, aggressive behavior is inhibited, because the action on health protection is considered to be much more important (Romano 2020).

Aggressive behavior develops when cities are closed and quarantine is imposed; isolation in the home, maintaining social distance, interrupting social contacts with family and loved ones, suspending personal affairs and losing a job can turn a state of anxiety into an act of aggression, sometimes degenerating into violent activities that relieve the perpetrator of tension accumulated by accepting the impulses of destruction. The victims are assaulted in car washes, shopkeepers in shops, nurses in medical institutions (two women start a conflict in the tram for social distancing that degenerates into violent acts).

Coronaviruses and psychiatric disorders

Respiratory coronaviruses have the ability to infect nerve cells, can remain in the human body for a long time, and can destroy the activity of the human brain (Zandifar, Badrfam 2020). The highest birth rate among schizophrenic patients occurred after the flu epidemic of 1957 (Zandifar, Badrfam 2020). The virus can cause neurological problems; prominent spongiform degradation has been observed that can initiate basic neuropathology (Zandifar, Badrfam 2020). The link between the effects of birth time and schizophrenia is based on the theory of the influence of environmental factors on the formation of psychiatric disorders (Zandifar, Badrfam, 2020).

Judith Allardyce and Jane Boydell published a study in 2006 examining the influence of the social environment on health, especially the onset of schizophrenia. The evidence presented in the study shows a significant increase in the number of cases of schizophrenia in urban areas compared to rural areas. The highest rates are found in areas characterized by ethnic conflict and social disorganization (Allardyce, Boydell 2006). In areas characterized by high levels of disorder, fear of death, fear of violence, there are higher rates of schizophrenia. Single people are more vulnerable, and were most at risk for psychiatric disorder or schizophrenia (Allardyce, Boydell 2006).

Turhan Canli conducted a study in 2014 to support the reconceptualization of major depressive disorder as an infectious disease. Major depression can be caused by a parasitic, bacterial or viral infection (Canli 2014). The presence of inflammatory markers in the brains of depressed patients or those suffering from major depressive disorder has been reported by several post-mortem studies (Canli 2014). Victims of female suicide had high levels of IL-4, and victims of male suicide had elevated IL-13 levels in the Brodmann area, a region of the brain associated with suicidal ideation (Canli 2014).

During COVID-19, doctors reported cases of aggressive patients during medical treatment. A woman committed suicide after coronavirus infection, although the body responded positively to the effect of the drugs and her health had improved. Situations of domestic violence and aggressive behavior of patients who have been cured of coronavirus have been reported after discharge.

Intimate partner violence increased during COVID-19, so there were several cases of physical or sexual violence, emotional abuse (Mazza, Marano, Lai, Janiri, Sani 2020). During the quarantine, the victims of domestic violence were women (Mazza, Marano, Lai, Janiri, Sani 2020). Due to feelings of frustration and agitation, sometimes caused by quarantine, acts of domestic violence have increased (Mazza, Marano, Lai, Janiri, Sani 2020).

Conclusions

A legitimate question is whether in this serious period, influenced by profound social and economic changes, the aggressive Ego chooses to move on to the criminal act without being influenced, or if its discernment is diminished, reasoning is affected by the internal transformation of emotional impulses, and sometimes. In more severe cases, the virus can impair brain function and personality (a 49-year-old nurse from Jesolo, Venice, committed suicide; she worked with coronavirus patients. The medical director of the emergency department at New York committed suicide without a history of mental illness, the woman was infected with coronavirus but recovered very well, she continued to work and treated many people with coronavirus, but the end is unfortunate. The 20-year-old from London committed suicide with an overdose of drugs and worked in the intensive care unit, where many deaths. A 70-year-old woman infected with coronavirus committed suicide in hospital, although she was receiving medication for depression).

The state of aggression is sometimes manifested instinctively, the destruction drive, repressed for a period by the Ideal Ego, can no longer be inhibited. At the moment of projecting the criminal ideation, the perpetrator discovers through the will power of evil the essence of his personality. In this essence, the will would be closest to itself (Kierkegaard 1999). The project of criminal ideation is a reflection of the criminal Ego that comes to discover in a moment of despair the essence of the criminal will of its own Self. By the criminal Self I mean the personality of the perpetrator. Criminal ideation opens into the being as an appearance from the dark space of preparation (Jung 2011).

The International Committee of the Red Cross has recorded more than 600 incidents of physical violence, threats, attacks, harassment and discrimination against health professionals. The triggering event was caused by fears of the spread of the coronavirus, or by grievances over the death of relatives. There have been violent situations triggered by the revolt against the rules prohibiting funerals and rituals. Esperanza Martinez, the ICRC's chief of health, believes patients and healthcare professionals should not be stigmatized or blamed for the spread of coronavirus and the death of those infected.

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SARS-CoV-2 Pandemic – Implications for Society

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ABSTRACT: The year 2020 has started with an unprecedented situation in humanity's recent history by globally extending cases of SARS-CoV-2 virus infection, which has led the World Health Organization to declare pandemic status. In Romania, the COVID-19 pandemic did not only come with social and economic restrictions, but also with a whole series of psychiatric trauma, anxiety, isolation and uncertainty of tomorrow. The surgical mask has become an indispensable accessory without which access to closed spaces and crowded areas is no longer possible. The aim of this paper is to try to present, from its own perspective, issues related to society's evolution in a social and psychological plan, continuing with technological progress. Also, worth mentioning are the legislative changes during this period, as well as the transfer of education from the traditional form to the online. I believe that this subject is very topical and needs to be addressed from as many perspectives as possible in order to understand the scale of the transformations it has brought to today's society.

KEYWORDS: pandemic, isolation, mask, social distance, online work, health crisis

Introduction

Coronaviruses are a large family of viruses that can cause disease in animals or humans. It causes respiratory infections in humans, from the common cold to more severe diseases, such as Middle East Respiratory Syndrome (MERS) and Severe Acute Respiratory Syndrome (SARS). The latest coronavirus discovered causes COVID-19 coronavirus disease.

COVID-19 is an infectious disease caused by the most recently discovered coronavirus. This new virus and this disease were not known before the outbreak in Wuhan, China, in December 2019 (CDT-Babes.ro. 2020, Dr. Victor Babeş Medical Center for Diagnosis and Treatment).

Even almost a year after the first outbreaks, there are people who wonder if there is SARS-CoV-2. Some believe in the existence of the virus, others do not, and reject the idea of restrictions. SARS-CoV-2 affects people in different ways. It has been found that most infected people develop a mild to moderate form of the disease and recover without hospitalization.

The most common symptoms observed by specialists are fever, dry cough and fatigue. There are also uncommon symptoms such as headache, muscle aches, or loss of taste and smell. Researchers have shown that people who suffer from other diseases are much more likely to develop pneumonia-like complications.

The association between a highly globalized world and a rapidly spreading pandemic puts us in front of human, medical, economic and social challenges for which there do not seem (or do not want) to be solutions, only partial answers that give birth to us questions. The pandemic provides an overview of the ability of different models of society to manage large crises.

A main factor of this pandemic would be the launch of false news in the public space and the installation of a state of generalized panic among the population. In Romania, the SARS-CoV-2 pandemic changed the behavior of the population. It is now longing for a return to normalcy, but the reality is that the world has changed and is no longer as we know it. People's preferences, attitudes and behaviors are trying to adapt to the new reality in a society with new and more and more rules.

The economy, school, jobs and human life were definitely disturbed. The surgical mask has become the new mandatory accessory, although many do not agree, some opinions being even recurring during the censorship of the communist years. More and more people are wondering what other surprises await us this year until the end.

Pandemic in the economy

“Economics is the science of decisions aimed at improving living conditions” (Coșea 2006, 5). An interesting definition is given by the historian Niall Ferguson in *The Sunday Times*, saying that we have before us a “public health crisis with financial symptoms” (Lăzărescu 2020).

The existing pandemic has had an impressive negative effect on the global economy. If in the past the economy was massively affected by the housing bubble, now we are witnessing a health crisis, the fear induced by it causing panic in the financial markets. The novelty of the current crisis is its atypical origin.

Many people face the problem of unemployment and job insecurity and have begun to revise their consumer behavior, even by reducing comfort, which leads to a domino effect on all high value-added services, especially those that offer experiences in luxurious spaces or to large groups of people.

Small independent malls will suffer significant losses and will need financial support from the state to continue their operations in the coming years or will close, not to mention the fact that many employees will be laid off or they will go into technical unemployment (Mihălțianu and Gugoasă 2020).

Another major effect of the sanitary measures is the fact that several Europeans, including Romanians, will spend their holidays this year in their country.

More and more places have started to successfully develop services such as home deliveries, in some cases keeping their important customers who have used their services more often and even managed to increase their turnover.

Pandemic and school

“Education is a phenomenon and, at the same time, an individual and social process” (Suciu 2018). The closure of schools has put teachers in difficulty, as they have to experiment with new ways of teaching students who have stayed home during this period. Thus, educational platforms have taken the place of physical teaching, the learning process becoming predominantly digitally. Interest in home teaching, work from home, teleconferencing, timekeeping and online presence and workflow monitoring applications has grown exponentially. Now, since access to education has been brutally interrupted by the suspension of courses and their relocation to the virtual space, the school has been forced to apply the model of online teaching and examination.

Cristian Ștefănescu Journalist says that “Romania has one of the best internet speeds in Europe, but in many Romanian cities there is no fixed internet, and the signal for mobile data is somewhere between the branches of a cherry perched on a hill, in a curve, or on the railing of the bridge at the entrance to the village” (Ștefănescu 2020, dw.com).

It remains a mystery what Romanian students will do in the new school year, given that the course of the courses is still unclear. Attempts have been timidly resumed in the European Union, but without success, an eloquent example of this being France, which opened its doors to schools in the midst of a pandemic, and in less than a week since then COVID-19 cases have exploded.

Although in the first stage the children enjoyed the interruption of school, the pandemic also came with the temporary cessation of outdoor play and social distancing. After all, it is not the pandemic that is the ultimate problem, but social status. It is much easier to overcome the

pandemic in a pleasant environment such as a house with a garden and playground, but we should also think about what happens to those who do not have this opportunity and are forced to live more people in the same room in a block of flats.

Nobody knows exactly what the future holds for us, but surely society will change the economy, the medical system, the legal system, our lifestyle, etc. (Hegheş 2020a, 114).

Pandemic and Justice

Justice is the backbone of any democratic society (Dănilă 2009, 8). The COVID-19 pandemic had serious consequences on the Romanian judiciary and, in particular, on fundamental rights and freedoms during the state of emergency and the state of alert. Both in the case of the rights and freedoms provided by the Constitution, and of the rights established by legal acts of international law, strict rules are imposed on the possibility of the state to restrict fundamental rights and freedoms in certain situations. During this period it was issued Military Ordinances no 12 which restricted some fundamental rights such as free movement, the right to education, the right to health etc. (Hegheş 2020b, 90). During this period, several emergency ordinances were issued and the alert status was extended.

The COVID-19 pandemic has an impact on the exercise of procedural rights of suspects and defendants. Direct communication with lawyers, interpreters or third parties (when suspects or defendants are deprived of their liberty) is more difficult.

During the COVID-19 pandemic, the procedural rights of suspects and defendants must be respected in order to ensure a fair trial. The limited derogations, which are provided for in the directives, if there are mandatory requirements, should be interpreted restrictively by the competent authorities and should not be widely used (E-justice.europa 2020).

The use of audio and video conferencing or other remote communication tools is encouraged. In addition, security measures should be taken, such as the installation of glass protection devices in police stations or detention centers, in order to allow the exercise of the right of access to a lawyer or an interpreter.

According to the Constitution, Romania is an independent, democratic and social sovereign state in which the rights and freedoms of citizens, the free development of the human personality, justice (...) are guaranteed (Romanian Constitution 2003 art. 1 and 2).

Although we are in a pandemic, we must not neglect justice so that Romania becomes a “criminal paradise” even if the crime rate has been kept under control by the authorities.

Crime is a social, objective and material phenomenon, but at the same time antisocial and particularly dangerous, both through the negative and distinctive consequences regarding the social and normative order, the integrity and safety of individuals and social groups, and through the social reaction that provokes also through the repressive-coercive sanctions adopted (Banciu 2017, 16).

In resolving this thorny issue, the European Union has adopted several directives. As an example, we mention the Victims' Rights Directive, Member States are obliged to ensure that all victims of crime have access to general and specialized support services that are confidential, free of charge and meet the individual needs of victims. Access to support and protection that meets the specific needs of victims should be available in all circumstances. This is also true in the specific context of the COVID-19 pandemic (E-justice.europa.eu 2020).

Psychological and social

Psychology is the science that studies the psyche, using a set of objective methods, in order to detach its legitimacy of functioning, in order to know, optimize and improve human existence (Zlate 2005, 11).

This pandemic came not only with social, economic or movement restrictions but also with psychological traumas. Isolation has brought insomnia and restlessness. A special case is the situation of victims of domestic violence which has been amplified especially by social distancing during this period of isolation. Victims of abusive behavior are, on the one hand, more exposed to control, violence and neglect and, on the other hand, have more limited access to support and protection. Most people in such a situation do not have a home, money, a job or can be mothers with one or more children in their care to take special support and protection measures for victims of domestic violence. In particular, it is essential to ensure effective access to online and offline support services, including psychological assistance and other social services. Victims of domestic violence should have, in particular, access to shelter, psychological assistance and support for overcoming trauma and counselling. National law enforcement authorities should also be particularly vigilant with regard to both registered and new cases of domestic violence. It is also essential to ensure the physical protection of victims.

The COVID-19 pandemic can have the effect of depression triggered by job loss or forced isolation. The emotional state can feel fluctuations from drama to ecstasy and *vice versa* (E-justice.europa.eu 2020).

Anxiety attacks or emotional problems can also occur, most of them springing from the past and brought to light due to the pandemic.

Everyday life has changed and nothing will be the same, but it is up to us whether we can get over it all so that in the end everything will be a bad memory.

The most important thing is to keep our calm and mental health so that we can make the best decisions regardless of the situations that will arise in the future.

Conclusions

Despite the countless warnings of specialists in the field, in Romania there are still two camps in which some believe in this virus and others do not.

What is certain is that this whole pandemic has had serious consequences for the economy, such as job losses and technical unemployment. Socially, measures of social distancing and isolation were imposed, generating states of depression and fear of the unknown. The health system was also caught unprepared, with few specialized medical staff and an acute shortage of medicines and equipment.

In my opinion, this virus exists and we must all show solidarity and respect for the rules imposed in order to succeed in overcoming this difficult period in our lives.

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Assessing Online Teaching in Higher Education Amid the COVID-19 Pandemic: A Case Study from Saudi Arabia

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ABSTRACT: On March 8, 2020, the Saudi Arabian Ministry of Education forced all universities and schools to shut down due to the COVID-19 pandemic. The Ministry required all universities and schools to initiate online schooling as a replacement for face-to-face teaching methods. This research investigates the sudden change into online learning at two Saudi Arabian universities on the West coast. The study focuses on six instructional strategies that show the current online teaching experience by faculties in the two selected universities. The strategies are as follows: (1) initiating emergency preparation plans, (2) breaking down course contents, (3) indicating the importance of “tone” during online teaching, (4) more roles for teaching assistants, (5) enhancing students’ proactive learning abilities, and (6) effective incorporation of online learning with home self-learning. Finally, six useful principles are provided to improve online teaching’s impact on small- and large-scale online classes in higher education.

KEYWORDS: COVID-19, online education, instructional strategies, higher education, Saudi Arabia

Introduction

The COVID-19 pandemic has required Saudi Arabian universities to shift their traditional face-to-face classes to online classes all at once. This decision was set on March 8, 2020, by the Saudi Arabian Ministry of Education. The Ministry followed the closure decision with the “The COVID-19 Pandemic Protocols” document for universities to follow, where online teaching becomes the only teaching method, students are not allowed on campus, and no staff or faculty gatherings are allowed on campus. Since then, students and faculties have not been able to meet face to face but only via online means, such as Blackboard and Zoom (an online video communications application). This substantial change occurred in a short period of time; thousands of faculty members were required to give their classes in front of a computer monitor, with students watching from home via the Internet. The shift to online teaching was implemented in 61 other countries by March 13 due to the rapid global spread of COVID-19 (Unesco 2020). This research presents some useful guidelines for online teaching and learning in higher education, as implemented in a case study at two Saudi Arabian universities.

Since the early 2000s, Saudi Arabian universities have provided limited online education options as a form of open education network. The number of online courses has increased slowly throughout the years because the information and network technologies infrastructure were not well established. Further, students and faculty members showed relatively little interest in online teaching due to a lack of computer access for some students and the poor computer skills of some faculty members (Alashwal 2019, 2020). The number of online courses before the COVID-19 pandemic compared to the face-to-face course was rather low (Abouelnaga et al. 2019). The sudden outbreak of COVID-19 urged Saudi Arabian universities to offer extensive training on online course tools and skills to students and faculty members and boost online course numbers to ensure normal teaching operation (Hoq 2020). It was a substantial challenge to shift all current courses into online platforms in a matter of days. Furthermore, preparing and building online

courses require accurate lesson design, specialized training, technological tools, and IT team support. However, the sudden outbreak of COVID-19 uncovered the lack of online teaching skills in faculty members and the unpreparedness of departments and colleges for completely online approaches. Students had fewer difficulties with online technologies and platforms, yet they had challenges regarding self-discipline, offline learning environments, and learning behavior (Bao 2020, Alashwal 2019).

In Saudi Arabia, the government gives education a significant amount of attention and care. Many studies have investigated the types and challenges of e-learning in Saudi Arabian universities (Hamdan 2014, Alamri 2011). However, the effectiveness of e-learning has not been sufficiently examined (Rajab 2018). In the early 2000s, Saudi Arabian higher education began to implement some e-learning programs as part of their delivery models (Aljabre 2012). In 2006, the Saudi Arabian Ministry of Education established the National Center for e-learning (NCeL), which had a major role in the integration of technology into higher education (Alebaikan and Troudi 2010). The NCeL also supported research into e-learning and offered expertise for universities and colleges around the kingdom of Saudi Arabia regarding online education (Alturki 2014). Moreover, the Ministry of Education encourages public universities around the country to establish centers or deanships for e-learning and distance education. The purpose of these centers and deanships is to promote online learning by delivering workshops and seminars to faculty members regarding the use of technology and the effectiveness and advantages of e-learning (Alkhalaf et al. 2013). However, not all public universities in Saudi Arabia have adopted online learning as a part of their education, and, in some instances, online learning is limited to specific disciplines (Alturki 2014).

The first case of COVID-19 in Saudi Arabia was diagnosed in February 2020. In March 2020, coronavirus began to spread to a significant degree; hence, the government prohibited students from attending schools and universities. The Ministry of Education then decided to shift traditional education in all schools and universities to a distance-learning format. All education entities changed to distance learning, using their education technology platforms to continue to teach their students at all levels. This sudden shift had previously occurred for a short time period in 2016 in Najran, Saudi Arabia, during the war between the Arab Coalition led by Saudi Arabia and the Hothi rebel groups in Yemen (Rajab 2018).

However, COVID-19 became a pandemic across the country. Previous research has demonstrated that education can be provided despite the presence of a crisis (Nash 2015). Such research relied on the evolvement and development in online education during recent years (Walabe 2020, Alahmari 2017). The interactions of online learning are based on three elements: instructor–student, student–content, and student–student interactions (Smith 2020). However, the sudden development of COVID-19 has necessitated teachers to shift to providing lectures online essentially overnight. Thus, teachers have had to post and upload all course materials into different online learning platforms and applications (Alshehri et al. 2020). This unique, rapidly occurring situation has negatively impacted higher education and the global economy. Major events and conferences have been canceled, and many more were shifted to a virtual mode, such as the G20 summit meeting in Saudi Arabia. Many studies have evaluated the effect of COVID-19 on financial, political, psychological, and sociological behavior in Saudi Arabia (Yezli and Khan 2020, Rajab, Gazal, and Alkattan 2020, AlHumaid, Ali, and Farooq 2020, Ebrahim and Memish 2020). Many more works measured the impact of COVID-19 on education globally (Archambault and Borup 2020, Bozkurt and Sharma 2020, McCartin 2020, Schrading, Pigott, and Thompson 2020).

This research will investigate the difficulties faced by faculty members and students in online education at two Saudi Arabian universities. The study aims to demonstrate how to increase online education's effectiveness and how to implement beneficial instructional strategies to improve student learning attitudes and engagement.

Methodology

The current work was implemented using a phenomenological qualitative research design. Phenomenology is the study of a phenomenon by examining the reality of individuals who are associated with this phenomenon (Creswell and Poth 2007). To comprehend the experience of faculty members and students with online teaching and learning during COVID-19 in Saudi Arabian higher education, the researcher used phenomenology as the research framework.

Data were collected using semi-structured interview questions that were developed based on the aforementioned instructional strategies in the previous section. Sixteen participants (7 males and 9 females) were interviewed individually via audio and video calling to discuss their experience of shifting to online teaching during the COVID-19 pandemic. Interviews were recorded after obtaining participants' permission in order to generate a report after completing the interview. The reports were then sent to respondents to ensure the accuracy of the information conversed during the interviews and to allow respondents to add any details they may have neglected to mention during interviews.

The data were analyzed by identifying emerging themes from the transcribed interviews. First, the significant statements pertaining to faculty experience with online teaching were highlighted. These statements were then classified into common themes, which were used to understand participants' experiences.

Results and Discussion

The research results discuss the six instructional strategies that show current online teaching experiences of faculties in the two selected universities. The strategies were as follows: (1) initiating emergency preparation plans, (2) breaking down the course contents, (3) indicating the importance of "tone" during online teaching, (4) more roles for teaching assistants, (5) enhancing students' proactive learning abilities, and (6) effective incorporation of online learning with home self-learning.

Initiating emergency preparation plans:

Initiating the emergency preparation plan should be established by providing sufficient computer servers to host the substantial increase in new online users; this approach will avoid server shutdowns due to the many new users overloading the system. The faculty also recommends establishing a new way to communicate with students and prepare other plans in case the servers fail or shut down.

Breaking down the course contents

Teaching online courses can be made more efficient by delineating course contents into small modules. Face-to-face course contents can be further divided while maintaining the same level of clear knowledge structure as set out in the syllabus. This approach helps online students maintain a steady level of focus and ensure that they do not become distracted. Therefore, the class time may also be decreased, and more time breaks should be provided during lengthy online classes.

Indicating the importance of "tone" during online teaching

In face-to-face classes, body language, hand movements, facial expressions, and instructors' tone are all essential to grasp students' attention, and these factors help in the teaching process. However, when classes are shifted to online modes, the only functional teaching tool is the instructor's "tone", whereas all other factors are restricted. Therefore, instructors should maintain a different tone of speech, articulate the wording, and emphasize salient points to help students capture key lesson concepts.

More roles for teaching assistants (TAs)

TAs have fewer teaching roles in face-to-face than online classes. TAs can fill the gaps for faculty members who face technical difficulties and technologies. Communication between faculty members and TAs must be increased before and after online classes. Discussions will help understand each class objective, knowledge, class activities, and assignments; these discussions can be conducted via phone calls, emails, WhatsApp chatting, or other social media applications.

Enhancing students' proactive learning abilities

Faculty members in online classes have less control of students than in face-to-face classes. Online students are inclined to become easily distracted during lectures, skip classes, and lose interest in the course. Therefore, instructors must improve the proactive learning abilities in their students, potentially by assigning more varied types of homework, more reading assignments, and site-visit projects.

Effective incorporation of online learning with home self-learning

During face-to-face classes, common problems include students' poor pre-class reading preparation, less student participation, and poor discussion. These problems are still observed in online classes. However, the instructor should not become concerned and distracted by such problems in online classes. Instructors should focus on two teaching phases in online courses: offline (self-learning phase) and online. The offline phase is about assigning students to read the lesson material pre-class and submit a brief paragraph that shows their understanding of the main lesson points. The instructor, in return, provides prompt feedback and evaluates students' cognitive level. This strategy helps instructors to adjust the lesson material before online classes based on their evaluation. On the other hand, the online phase occurs during the online class by having open discussions and a dialog with students to evaluate their pre-class reading assignments. This approach helps students develop their knowledge and allows them to experience a deep level of learning.

Conclusions

This study has proposed six useful principles to improve online teaching's impact on small- and large-scale online classes in higher education. The first principle is "appropriate relevance", highlighting the importance of matching course content length and difficulty with students' online learning behavior. The second principle is "effective delivery", which involves controlling the teaching pace to a level where most students can grasp the lesson and not lose concentration. The third principle—"sufficient support"—provides students with prompt and effective feedback and personal guidance if necessary. The fourth principle is "high-quality participation", which measures the level and depth of students' participation in order to improve their participation. The fifth principle—"contingency plan preparation"—sets contingency plans to avoid technical problems in online teaching platforms. The final principle is "differentiated teaching", focusing on building students' knowledge and skills to improve their performance and ensure that the course is mastered.

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The Effects Brought by the SARS-CoV-2 Virus over the Civil Law Reports in Romania

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ABSTRACT: The birth and spread of the SARS-CoV-2 virus has exerted an influence over social and professional areas. Many domains of activity had to be restrained and suspended, due to the measure represented by the social distancing, implemented for the safety and protection of the citizens. In this manner, numerous social relationships were reduced, other being postponed for an unknown period. Also, the hold posted on the courts processes made the closing of some civil cases rather impossible. The right to property suffered modifications, composed by the restrictions placed on it. As an example, we can bring into evidence the option to transmit a property from one person to another, which could not be done in the last months at full capacity. The presidential decree emitted in Romania, in the first part of the pandemic, with the purpose of instating the state of emergency, has brought consequences over the civil law reports. The current paperwork will analyze the effects of the state of emergency over the civil part of the law. Next, the article will explore the alternatives used by the subjects of the law to complete the civil processes in the conditions provided. The conclusions will clarify the information in order to provide a better understanding of the consequences resulted from the tackling with this disease.

KEYWORDS: pandemic, civil law, legal, decree, restrictions, Civil Code, The Romanian Constitution, rights and freedoms, social relationships

The impact of SARS-CoV-2 on social activities

The year 2020 began with the appearance and widespread spread of the new type of coronavirus, a plague that is characterized in particular by the fact that it is highly contagious, can last a long time on surfaces and is contacted by air and touch. This disease mainly affects the elderly and those suffering from serious medical conditions, helping to increase the risk of accelerated development of existing injuries.

The symptoms of the virus may or may not be felt depending on various factors, including immunity, the degree of degradation of the body, the already existing medical conditions of the infected subject and others. Thus, there may be people who, although they have come into contact with the disease, have no symptoms, and this makes the pathogen all the more dangerous as it can pass from one person to another without leaving visible traces, and therefore, it can spread in different environments for which a history of the contagious route cannot be made, most often passing from young to old.

The massive presence of SARS-CoV-2 among young people can be explained by the fact that they carry out a much wider and more energetic range of social activities compared to older people, interacting with a wide range of subjects who may be carriers disease, and their health and increased immunity make them often asymptomatic, making a significant contribution to the spread of infection.

In an attempt to stop the spread of the infection, the Romanian state has adopted a series of mandatory measures that have affected social activities and certain civil rights and freedoms. In this way, several intertwining branches of law have been affected, such as labor law, constitutional law, criminal law, tax law, commercial law, administrative law and, last but not least, civil law.

Among these branches of law, civil law was more seriously affected, the situation being explained by the fact that one of the main measures adopted was social distancing, which made it

difficult to form new civil legal relationships or continuity in the situation of existing ones. Two psychological components also contributed to the decision-making factor in creating such legal relationships, namely the individual fear of the citizen to contact the virus and the instinct of conservation and protection of family and loved ones.

Another element that hindered the possibility of initiating civil relations was the suspension of the activity of the courts, a measure aimed at minimizing physical contact between citizens and officials of legal institutions. Thus, more and more people who wanted to set up companies, associations, non-governmental organizations or other entities were forced to postpone their decision until the resumption of court activity (Truşcă P. and Truşcă A. 2017, 46).

Also during this period, the time limits for extinction stopped from their normal flow, being suspended and thus leading to a freezing of the expression of will of the parties who were in civil legal relations before the adoption of measures to prevent and combat the spread of the disease, This resulted in very significant financial losses of some production, retail or service execution companies.

The effects of the pandemic on constitutional rights in close connection with civil rights

On March 16, 2020, the state of emergency was established by the President of Romania by Decree no 195. After 30 days this measure was extended by another month. During this period it was issued Military Ordinances no 12 which restricted some fundamental rights such as free movement, the right to education, the right to health, freedom meetings, the right to strike, economic freedom, the right to private property and others (Hegheş 2020, 90).

A fundamental right guaranteed by the Romanian Constitution is the right to strike or any other protest activity against one or more decisions adopted by the decision-making body in the state and which is manifested by the possibility of citizens to protest to express their dissatisfaction with certain laws, certain decisions or legislative impositions arising from the legislative activity carried out by the competent institutions endowed with this prerogative (The Constitution of Romania, The European Convention for Human Rights, The Chart of Fundamental Right of the European Union, 10th Edition, 2018, Chapter II, Article 43).

In Civil Law, this prohibition materialized in the suspension of the activity of certain organizations whose object of activity is the organization and coordination of protests, socio-cultural manifestations meant to warn the political class about certain social dissatisfaction and other social activities (Ionescu 2014, 314).

Another constitutional right affected by the presidential decree is that of free movement, the effect of which, by making it difficult for citizens to move or work in certain areas or territories, has led to a lack of opportunity to express their will at the conclusion of certain civil acts which would otherwise have ended (Truşcă P. and Truşcă A. 2016, 67).

The right to private property, which is a fundamental constitutional right and is closely linked to the civil obligation to give, do or not do something by transferring ownership to another person, has undergone substantial changes amid the forecast of a crisis affecting the entire furniture and real estate market (Boroi and Anghelescu 2012, 73).

Regarding the freedom of assembly, the imposition of social distance between citizens who are not part of the same family made it impossible to convene general meetings in the management forums of certain companies, which contributed to the impossibility of new acquisitions, even in some cases, there was a decrease in their assets.

Not only individuals and legal entities were directly affected by the measures taken by the authorities, but also public administration institutions suffered some significant losses during the pandemic. Certain civil relations that are closely linked to administrative law have undergone functional changes. This was done by reducing the physical contact between interested parties and civil servants at the tax collection points, at the pension or health houses and at any of them (Mihăilescu 2016, 134).

Thus, the institutions of public administration and those of control and management of the state have significantly changed the way of exercising their prerogatives. In this way, the Romanian Parliament, which is the authority in charge of adopting laws, had to approach a way of organizing the meetings of the two reunited chambers based on the online system, reducing the number of deputies and senators present in the chamber, often encountering technical problems transmission of information (Bejan 2010, 28).

The influence of the state of emergency on labor law with effects in civil law

The issuance of the presidential decree, which materialized through the establishment of the state of emergency on the entire territory of Romania, affected many small and medium-sized companies whose object of activity was, in particular, social interaction. Thus, many service providers, numerous restaurants or bars and an impressive number of small casinos had to suspend their activity, and, from a financial point of view, this measure was manifested by significant losses of assets (Chelaru 2012, 128).

Significant budget cuts among small and medium-sized enterprises have led employers to the inability to meet their salary obligations stipulated in the individual or collective employment contract concluded between the company and employees. That is why many jobs have become vacant, the staff occupying them being forced out of technical unemployment (Ciochină-Barbu and Popescu 2016, 317).

The state thus took over the salary obligations of the companies, adopting a bill that would allow those left without a source of income to meet some primary needs, allocating a certain amount of money, calculated as a percentage of gross income of the unemployed citizen.

With regard to simple civil relations between natural and legal persons, the reduction of the budget as a result of the partial or total loss of employment has made it possible for potential debtors to waive the obligation to give creditors' claims reflected on the global economy of the state (Ungureanu and Munteanu 2013, 83).

There were also changes in the debtors' plan of obligations to do. Some service providers have been unable to meet their existing civil liability at the time of the emergency, because, due to social distance, they have been unable to interact personally and physically with customers or third parties, in the absence of which the object of the assumed contract could not be realized (Ungureanu 2013, 62).

Manifestation of the effects of the pandemic on bank receivables

The most important economic contribution to a state budget is the financial activity of the National Bank and the branches of private economic entities. Any change that has the effect of decreasing their turnover directly affects the state economy and thus the smooth running of social activities (Coșea 2006, 117). During the pandemic, credit applicants, due to their forced entry into technical unemployment, were unable to honor the loan obtained before this period, contributing to the impossibility of banks to recover their debts. Therefore, economic entities had to find ways to survive without claiming compliance with contractual obligations. One way to achieve this was to implement a form by which the unemployed citizen can suspend the fulfilment of his contractual obligation, assumed after obtaining the loan, until a date that allows him to honor the agreement.

Another cause for which the economic entities decided this way to keep their active receivables was the suspension of the bailiffs' activity, in the absence of which the bank does not have legal and efficient tools to determine the payment of the credit rate by its clients.

The effects of the decision to suspend bank receivables have made their benefits felt on several levels of interest. On the one hand, they meant a psychological and financial relaxation for credit borrowers, which allowed the continuation of vital and low-value economic activities for

them, ensuring the continuity of the existence of as many small and medium enterprises as possible their object of activity is retail and the food industry. On the other hand, it has significantly contributed to the state's ability to implement certain decisions to ensure the needs of its citizens such as directing important funds to the health and medical system, facilitating the cleaning and disinfection of the public domain, taking over the obligations of employees and many others.

Conclusions

The year 2020 began with the emergence and spread of the new type of coronavirus SARS-CoV-2 which had a devastating impact on the social activity of citizens in all states of the world. It manifested itself on several levels both from an economic-financial point of view and from a psycho-social point of view.

In Romania, the presence of this impact was felt starting on March 16, 2020, when the incumbent President imposed by presidential Decree no 195, the state of emergency, a situation that influenced several branches of law. The most important measure to prevent and combat the spread of the virus was social distancing. In this way it can be stated that the branch of law most affected by the pandemic was Civil Law, all other branches that are closely related to it being affected in the intersection elements.

Thus, from the point of view of Constitutional Law, we find certain restrictions on fundamental rights guaranteed and protected by the Romanian Constitution such as the right to free movement, the right to education, the right to private property, the right to association and others. By restricting the right to association in close connection with social distancing, it has become impossible to organize demonstrations of popular discontent such as strikes, protests and the activities of trade unions and employers.

Another effect of the pandemic was felt in the field of Labor Law in which, due to lack of training, but also due to decreased capacity for social interaction, many small and medium enterprises were forced to suspend their activities, thus causing an economic collapse on profit and the need to lay off technically unemployed employees. This measure was materialized by the impossibility of the citizens to conclude certain patrimonial civil legal acts or to honor certain previously assumed obligations, which had a significant impact on the economic activity of the society.

In order to reduce the impact of security measures, the Romanian state has adopted a method by which it has taken over some of the salary obligations from employers through the commitment to pay technical unemployment for all those who have been temporarily or permanently unemployed.

The banking economic entities in Romania also contributed to this state initiative by suspending the loans contracted by customers before and during the pandemic, a method that had the effect of a psychological and financial relaxation of the people. The decision of the banks to suspend the payment of loans until a later date more favorable from a financial point of view for customers was also due to the suspension of the activity of bailiffs and courts, their trials being postponed until the critical situation is overcome.

Currently, the state of alert has been established throughout Romania, which has meant a relaxation of restrictions and, implicitly, an economic and social recovery, which leads to the legal and financial stabilization of the Romanian state and which generates new opportunities for recovery a normal labor market.

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Exercise of the Right to Visit the Child by the Non-Resident Parent in Case of Declaring a State of Emergency in the Context of the Covid-19 Pandemic

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ABSTRACT: For raising and educating their minor children, parents have rights and duties, including the right to have personal relations with the minor if, as a result of a divorce, the child lives with one of them. In this respect, the law establishes that the parent at which the child does not reside has the right to have personal connections (relations) with the minor at his or her home. During the period when the state of emergency was established in Romania, the right of the child and of the parent to accomplish their natural connections in the best possible conditions was made with difficulty, but the courts ruling the best measures for such situations were decisive. This study analyzes how the minor's visitation schedule can be carried out by the parent with whom the child does not actually live, in case of declaring a state of emergency in the context of the Covid-19 pandemic when, for a certain period of time, in order to prevent the spread of the virus and to ensure the public health of its citizens, public authorities have restricted the exercise of several human rights.

KEYWORDS: minor, parent, right of visit, personal relations with the minor, pandemic, state of emergency, Covid-19, restriction of rights

Introductory concepts

In Romania, according to the provisions in art 487 of the Civil Code (Law No. 287/2009 on the Civil Code, published in the Official Gazette of Romania, Part I, No 511 of July 24, 2009), "parents have the right and duty to raise the child by taking care of his/her health and physical, mental and intellectual development, his or her education, learning and professional training, according to their own convictions, the qualities and needs of the child; they are responsible for giving the child the guidance and advice necessary for the proper exercise of the rights which the law recognizes to him/her".

At the same time, Article 36(1) of Law No 272/2004 on the protection and promotion of the rights of the child, republished (Official Gazette of Romania, Part I, No 607 of 30 September 2013) states that "both parents are responsible for raising their children", and in paragraph 2 of the same Article, the law states that "the exercise of parental rights and the fulfillment of parental obligations must take into account the best interests of the child and ensure the child's material and spiritual well-being, in particular by caring for the child, by maintaining **personal relations** with him/her, by ensuring his/her raising, education and support, as well as through his/her legal representation and the administration of his/her assets" (s.n.).

From the interpretation of these rules, as well as from the analysis of the various opinions expressed in literature (Florin 2018, 538-544; Avram 2016, 487-488; Bodoașcă 2015, 565-568; Lupașcu and Crăciunescu 2017, 545-552; 2017 Irinescu 2015, 208-2011; Moloman and Ureche 2016, 699-702; 324 326 Barbur 2016, 64-67) it follows that in order to fulfill the obligation to raise the child, parents have several rights and obligations (duties), including **the right to have personal relations with the minor**.

The right of the child and the parent to have personal connections

Internationally, *the fundamental right of the minor child and the parent to have personal connections (relations)* was enshrined in Article 21 of the Hague Convention on the Civil aspects of International Child Abduction of 25 October 1980 (ratified by Romania by Law No 100/1992, published in the Official Gazette of Romania, Part I, No 243 of 30 September 1992), according to which “(...) central authorities, either directly or through intermediaries, may initiate or favor legal proceedings in order to organize or protect the right of visitation and the conditions under which the exercise of that right may be subject to”.

This *fundamental right of the minor child and the parent to have personal connections (relations)* was taken over by the Convention on personal relations concerning children (concluded in Strasbourg on 15 May 2003 and ratified by Romania by Law No 87/2007), Published in the Official Gazette of Romania, Part I, No 257 of 7 April 2007) which in its art. 4, stipulates that the parents and their children “have the right to obtain and maintain constant personal relations. Such personal relations may not be restricted or excluded unless this is necessary in the best interests of the child”.

At European level, Article 24(3) of the Charter of Fundamental Rights of the European Union (published in Official Journal of the European Union No C 326/391 of 26 October 2012) provides *the right of every child to maintain regular personal relations* and direct contacts with both parents, unless they are contrary to his or her interest.

Under national law, according to Article 496(5) Civ. Code, the parent to whom the child *does not reside in a constant manner* has the right to have *personal connections (relations)* with the minor at his/her home. However, *the family court may limit* the exercise of this right if it is in the best interests of the child. It should be noted that in keeping with the principle of the best interests of the child, *the court is sovereign* in determining the best way for the minor in carrying out the visiting schedule established in favor of the parent who does not live with the minor [Frențiu in Avram (coord.) 2018, 79 and footnote 30].

The forms of realization of *the right to have personal relations* with the minor child are complex, as they are illustrated in Article 18(1) of Law No 272/2004, republished, namely: “(a) *meetings of the child with the parent or another person who has, under this law, the right to personal relations with the child*; (b) *visiting the child at his or her home*; (c) *accommodation of the child for a fixed period by the parent or other person with whom the child does not normally reside, with or without supervision of the way in which personal relationships are maintained, in accordance with the best interests of the child*; d) *correspondence or other communication with the child*; e) *the transmission of information to the child on the parent or other persons who, under this law, have the right to maintain personal relations with the child*; f) *transmitting information on the child, including recent photographs, medical or school assessments, to the parent or other persons entitled to maintain personal relations with the child, by the person with whom the child resides*; g) *meetings of the child with the parent or other person to whom the child has developed attachment links in a place neutral to the child, with or without supervision of the way in which personal relationships are maintained, depending on the best interests of the child*”).

As one can notice, among the different forms of realization of *the right to have personal relations* with the child, under point (b) of that Article, *the right of the non-resident parent to visit the child at his or her home* is also regulated.

The right to visit the child in the context of the Covid-19 pandemic

In Romania, taking into account the evolution of the international epidemiological situation resulting from the spread of SARS-CoV-2 coronavirus to more than 150 states, and the declaration of ‘pandemic’ by the World Health Organization on March 11, 2020, following in-

depth analyzes by specialists on the evolution of the epidemiological situation on the territory of Romania and the assessment of the risk of public health for the forthcoming period, the president of the state rightly decreed the establishment of a state of emergency on the entire national territory, for a duration of 30 days (Decree No 195/2020 on the establishment of the state of emergency on the territory of Romania, published in the Official Gazette of Romania, Part I, No 212 of March 16, 2020). By Decision No 3/2020 (published in the Official Gazette of Romania, Part I, No 212 of March 19, 2020), the Romanian Parliament granted the state of emergency throughout Romania for a period of 30 days, as of March 16, 2020, as an exceptional measure adopted by the president of the state.

According to Article 2 of Decree No 195/2020 on the establishment of a state of emergency in Romania, in order to prevent the spread of COVID-19 and to carry out the consequences management in relation to the evolution of the epidemiological situation, the exercise of several rights during the emergency situation has been restricted, namely:

- The right to free movement;
- The right to private, family and intimate life;
- The right to inviolability of residence;
- The right to education;
- The right to freedom of assembly;
- The right to private property;
- The right to strike;
- The right to economic freedom.

Also, under Decree No 195/2020 on the establishment of the state of emergency at national level and taking into account the provisions of the Government Emergency Ordinance No 1/1999 on the regime of the state of siege and the emergency state regime (published in the Official Gazette of Romania, Part I, No 22 of January 21, 1999, approved with amendments and additions by Law No 453/2004, published in the Official Journal of Romania, Part I, No 1.052 of November 12, 2004, as amended), as well as the assessment carried out by the national Committee for Special Emergency Situations, approved by Decision No 14 of 24.03.2020, the minister for the interior issued Military Ordinance No 3 of March 24, 2020 on measures to prevent the spread of COVID-19 (published in the Official Gazette of Romania, Part I, no 242 of March 24, 2020).

Article 1 of Military Ordinance No 3 of March 24, 2020 provided for a number of restrictions on the free movement of persons:

- moving for work purposes, including between house/household and place(s) of work and back;
- travel to provide goods which cover the basic needs of persons and pets/domestic animals, as well as goods necessary for the pursuit of the professional activity;
- travel for medical care which cannot be delayed or made from a distance;
- traveling for justified reasons, such as childcare/assistance to the child, assistance to elderly, sick or disabled persons or the death of a family member;
- short journeys, close to the house/household, linked to the individual physical activity of persons (excluding any team sports) and to the needs of pets/domestic animals;
- travel for the purpose of blood donation to blood establishments;
- traveling for humanitarian or voluntary purposes;
- traveling for the purpose of agricultural activities;
- traveling of agricultural producers to sell agro-food products.

In view of the issuing of these restrictions, a number of questions have been raised in all days' life on how it will be possible to carry out during this period of emergency, the minor's visiting schedule where the parents are separated as a result of the marriage dissolution (divorce) and a court ruling or notarial agreement has established the execution of a visitation

schedule by one of the parents or if the parent to whom the child resides and where he/she has his/her home can refuse to hand over the minor to the other parent. (For an analysis of the effects that the declaration of state of emergency on Romanian territory and the coronavirus pandemic may have on the right of the non-resident parent to have personal connections with his/her minor child, see Barbur 2020; Lupu and Stoica 2020; Viorescu 2020; Trifan 2020, all studies available online at <https://www.juridice.ro>).

The answer to these natural questions was given by the courts, which, in our opinion, decided the best measures for personal relations between the non-resident parent and his/her child to be achieved under the best conditions and during these periods of exceptional measures. Thus, in a dispute, *the court has established that, on a provisional basis*, pending the final settlement of the application in case file no 935/235/2020, the personal connections of the claimant (father) with the minor will be made on a *gradual schedule*, given that one of the parents lives in Gherla and the other in Cluj-Napoca, the distance between the two localities is 45 km (about 27.96 miles). In this respect, the court ruled that *‘until the end of the state of emergency introduced by the President of Romania’s Decree No 195/16.03.2020 (...), the claimant will have personal connections to the minor by making daily telephone and video calls, by means of distance communication, with the assistance of the mother, to prevent the minor from moving between parents’ homes. After the end of the state of emergency introduced by the President of Romania’s Decree No 195/16.03.2020 (...), the claimant will have the following schedule of personal connections with the minor, having the possibility of taking the minor from the mother’s home and the obligation to return her at the end of the schedule, as follows:*

A. An alternative weekend (one weekend with mother and the next weekend with father) from Friday, after the end of the kindergarten program of the minor from 17:00 to Sunday 17:00.

B. During the periods of holiday of the minor: (a) During the summer holiday, each parent will spend with the minor half of each holiday, depending on the program of the minor (b) During the winter holidays, the mother will spend time with a minor in the first half of the holiday in the odd years, and the father will spend time with the minor on the first half of the holiday in even years, so that every year, the minor to spend Christmas with one parent and New Year with the other parent. The parties shall divide their winter holiday in such a way that the minor spend time equal to their parents, except for Christmas and New Year, which shall be spent alternately. (c) During the spring holiday the father will spend time with the minor on the first half of the holiday in the odd years, and the mother will spend time with the minor on the first half of the holiday in even years, so that the minor will spend her Easter holiday alternately each year with another parent. d) For the rest of the holidays, half will be spent with each parent’ (Gherla Law Court, Civil judgment No 221 of March 27, 2020).

In another dispute, the claimant noted that *“in 2016 she divorced her husband and under the divorce agreement agreed that the minor would live alternate one week at a time with each parent and two weeks in school holidays. The claimant also showed that the defendant has a well-known concubine relation with a female person working as a flight attendant for Blue Air and, in the current global context, the spread of infection with COVID-19 virus she fears that her son could contract the virus from his father’s partner during the intervals he was at his home. She also reported that she had learned from the minor that the defendant had planned skiing holiday in Italy, Austria and Germany, areas already affected by the viral infection, and that despite her efforts to negotiate with the defendant a way to limit the minor’s exposure to the risk of contracting the virus, he did not come up with any response.”*

Consequently, for the protection of her son, the claimant brought that action. The defendant (father of the child), in his turn, lodged a statement of defense and a counterclaim requesting the rejection of the main application as inadmissible and, in the alternative, as

groundless. He also requested, by counterclaim, that the claimant, under the penalty of the fine, be forced to allow him to contact his son in accordance with the notarial agreement concluded in divorce proceedings, to order the establishment of the defendant's right to spend time with the minor for a period of 3 consecutive weeks in view of the infringement of the convention by the claimant and the minor's detention during the periods when he was to stay with the father.

Following the producing of the evidence, the court ruled that *"the claimant's request is, as far as the possibility of the minor was being contaminated by the father and in relation to the events shown, not only without urgency, but without the much grounded character."*

As regards her second argument, namely the risk that the minor will contact the viral infection from the partner of the defendant working in the aviation environment and traveling a lot, the court again takes the view that the request is groundless.

In order to decide thus, the court takes into account the fact that the claimant's fear is not a concrete one caused by an imminent danger, but a generic, presumed one.

The court understands that the crisis situation currently faced by the public may give rise to high suspicions of the health of any person in relation to their contacts and the possibility of infestation, but it also considers the protective measures taken by the authorities, prohibitions and limitations imposed.

It establishes, therefore, that the defendant and his partner, although in transit and the latter goes to work, none is subject to surveillance and containment measures as they do not present a suspicion of infestation because they have no symptoms and are not known to be contacts of infested persons.

Without any concrete reference to a possible suspicion of infestation, the general fear that one of the two might take the virus and transmit it to the child is all the more unreasonable because the applicant himself can contact an infected person without knowledge, by passing on the virus to its children without intending it, and especially despite all the precautionary and safety methods taken.

For these reasons, the court considers that its request is groundless and the unilateral decision to isolate and protect the child from the father, taking into account the possibility of infestation, is seriously detrimental to the father's relationship with the child, all the more so since, in explaining the decision, the claimant faces the minor with the fear of taking the viral disease from his father and creates an unjustified fear and reluctance in his interaction with his father.

These minor's experiences are proven by the documents deposited in the file, transcripts of the minor's conversation with the father, in which the former agrees to the decision not to spend time with his father, he requires evidence to analyze them and to ensure that his father is not a danger to him.

These are, in the view of the court, unnatural attitudes for a child of his age, which only create an unfounded panic in the consciousness of such a small child who has to face the inherent tension of the global crisis caused by the COVID-19 virus.

For the above reasons, the court considers that the claimant did not prove concrete aspects that would cause the urgency, the worthiness and the validity moving the minor's house exclusively to her, so that her request shall be rejected (...)" (Law Court 1 Bucharest, Civil sentence no. 2068 of March 13, 2020).

Conclusions

From the analysis of these decisions, we believe that in Romania there has started to develop a consistent case law of the courts confronted with requests from non-resident parents to have personal connections with their children, even in such emergency situations, with courts refusing the request of parents who, for various fears, more or less justified, intended to limit the other

parent's right to have personal relations with the minor for fear of transmitting the virus to their child.

Although, as is well known, mere telephone or online communication between the non-resident parent and his or her child is insufficient to develop normal parent-child relations, the decisions of courts which, for a short period of time, also having in view the situation in cases brought before the court (the long distance between parents' homes), decided that relations between the minor and the non-resident parent would be achieved in this way.

We also appreciate that in this situation, when the state authorities have to take the most drastic measures to limit the spread of the pandemic and to ensure a safe environment in terms of the public health of its citizens, the good faith of parents and cooperation between them is very important, so that, at all times, to seek new solutions that allow the non-resident parent to communicate with his or her minor, all of which are in his or her best interests.

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Constitutional and Humanitarian Guarantees of the Patient, Subject to Procedures Assimilated to Detention in the Context of Epidemic Prevention

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ABSTRACT: The aim of this study is to analyze the patient's rights in relation to the epidemiological evolution of the SARS-CoV-2 virus in Romania, balancing the humanitarian principles by which the detention of an individual for health reasons, must be carried out in the least restrictive manner and the legislative evolution that regulates in Romania the action of the invested authorities with taking the indispensable measures to reduce the risk of infection. To this end, the study proposes to debate the protective foundations underlying the rulings of the European Court of Human Rights regarding patients' rights in relation to coercive measures aimed at public health issues, foundations that are supported in the recent jurisprudence of the Romanian Constitutional Court, invested in solving problems regarding the unconstitutionality of the measures adopted by the authorities in reaction to the epidemiological evolution. In this sense, is developed the hypothesis according to which the compulsory hospitalization, considered as a form of detention, must be a last resort solution. In this context, the present study is of increasing importance in relation to the legislative uncertainties found both nationally and in the European regulatory environment, the methods used consisting in conducting qualitative analyzes of the national and international regulatory framework and of the jurisprudence found in constitutional but also humanitarian forums, leading to the prescription according to which democratic states are required to provide protective guarantees to their citizens, who must be protected from interference with the rights to liberty and privacy, when are subject to medical procedures assimilated to detention.

KEYWORDS: patients' rights, compulsory hospitalization, unconstitutionality, freedom restrictions, contagious diseases

Introduction

In view of the restrictive implications on the fundamental rights of individuals, generated by legislative measures taken by national public authorities to limit the epidemiological spread, we find it necessary to analyse the extent to which the state coercive legislative force can exercise its repressive prerogatives on governed citizens.

Thus, is of interest the comparative approach between the way in which the Romanian authorities have implemented the mandatory hospitalization and quarantination in order to prevent the spread of contagious diseases, on the one side, and the protective guarantees stated by international humanitarian treaties and the human rights court, on the other side.

According to the European Court of Human Rights jurisprudence, the application of the compulsory hospitalization and quarantine measure comes as a last resort, which is directly proportional to the level of severity of the contagious disease presented by the person concerned. *Per a contrario*, the moment when the observance of the right for freedom and self-determination of the subject is put in the background, any measure taken by the authorities in this context regarding the prevention of epidemiological spread of the virus comes in contradiction with article 5 paragraph (1) letter e) of the Convention (Radu 2016, 71-72).

The Treaty of the European Union provides that the EU is based on principles of *liberty, democracy, respect for human rights and fundamental freedoms and the rule of law*. The European Court of Justice has the duty to guarantee that these principles are respected by its institutions (McHale Jean 2010, 295).

The emergency measures adopted by the authorities must respect the principles of legality, legal certainty and proportionality but also the need for constant reassessment (European Commission 2020, 2).

Article 5 paragraph (1) letter e) of the European Convention on Human Rights specifies that the prevention of the spread of infectious diseases is one of the reasons why a person may be deprived of his liberty. Before resorting to such measures, States must check the existence of a relevant legal basis and consider whether measures concerning deprivation of liberty are strictly necessary against less stringent alternatives (Council of Europe 2020, 5). However, in the case of Romania, there were compulsory hospitalizations of infected persons, even if they did not show symptoms, both during the state of emergency and during the state of alert (People's Advocate 2020, 2).

During the epidemiological evolution of the virus, the member states of the *International Covenant on Civil and Political Rights* have been forced to take some emergency measures which are seen as limited derogations from the Convention. Therefore, their character must extend over a short period of time, have a well-defined material purpose and be applied over certain geographical areas and the sanctions applied in the light of these derogations must be directly proportional to the nature of the actual infringement of a measure (Human Rights Committee 2020, 2). With regard to the impossibility of obtaining the consent of the person concerned due to an emergency situation (Council of Europe 2020, 2), any type of indispensable medical measure may be carried out immediately, but necessarily aiming at the patient's benefit (Council of Europe 1997, Article 8).

In this context, it is necessary to have mechanisms in place to favor the possibility for persons whose freedom has been restricted to challenge the manner in which they apply and the conditions under which the restrictions are applied. If in a scenario of establishing a state of emergency, it has not been possible to guarantee these rights for extrinsic and intrinsic reasons, the possibility of re-examining and challenging these measures should be feasible without undue delay (World Health Organization 2016, 31).

Protective guarantees established by the European Court of Human Rights

In order to determine the standards imposed by the Strasbourg Court on the states obligation to ensure that their citizens fundamental rights and freedoms are respected, we will examine, on the one hand, the rules on the right to liberty and security, in a generic sense, and on the other hand, human rights of the patient.

Thus, the right to liberty within the meaning of the European Convention on Human Rights concerns the physical freedom of individuals, resulting in their protection against arbitrariness, as opposed to the restriction of freedom of movement, regulated by article 2 of Protocol no. 4 to the Convention (ECHR 2012, Paragraph 84). The determination of *deprivation of liberty* in the meaning given by the Convention is made by analysing the concrete situation, taking into account the circumstantial set of events, namely the type, duration, effects and manner of execution of the custodial measure (ECHR 1976, Paragraph 59).

Deprivation of liberty refers not only to detention following arrest or conviction, which comes in several forms, given that the distinction between deprivation of liberty and restriction upon liberty consists in the intensity degree of deprivation of liberty, and not in its nature or substance (ECHR 1980, Paragraph 93), the lawfulness of detention being determined by the concordance between national law and the protective purpose of Article 5 of the Convention, against arbitrariness, which establishes an exhaustive list of exceptions for which persons may be

deprived of their liberty (ECHR 2011, Paragraph 232), whose interpretation in accordance with the purpose of the Convention is achieved only in a restrictive and strict manner (ECHR 2003, Paragraph 33).

Considering that the restrictions on freedom may be close to measures ordered by the state authorities that no longer correspond to the standard cliché represented by imprisonment, we note that in a democratic society there may arise situations in which, in order to protect the common good, citizens are required to bail restrictions on personal liberty (ECHR 2012, Paragraph 59), the filtering of the imposed measures in relation to the auspices of Article 5 of the Convention, manifesting itself according to the type and manner of their implementation (ECHR 2012, Paragraph 226).

It was noted in this direction that deprivation of liberty entails, on the one hand, the restriction of the person to a secured area for an extended period of time and, on the other hand, that the person envisaged has not given his consent to his imprisonment (ECHR 2005, Paragraph 74), the deprivation of liberty in this situation, consisting in the person's inability to leave the place of detention, the intensity of supervision and control exercised over the person's movements, the degree of isolation and the possibilities to have contacts (ECHR 2005, Paragraph 91).

In the spirit of the person's right to liberty protection, it cannot be accepted the hypothesis of waiving the guarantees of Article 5 of the Convention when the person subject to the restrictive measure has agreed to be detained (ECHR 2012, Paragraph 119), even the absence of coercive measures, such as handcuffing or incarceration, not constituting a factor excluding the existence of liberty deprivation (ECHR 2013, Paragraph 193), precisely in view of the fact that it may be qualified in the sphere of deprivation of liberty the protective measures or the ones taken in the interest of the subject (ECHR 2016, Paragraph 71), the state being required to take necessary active actions to protect their own citizens against the violation of the right to liberty (ECHR 2012, Paragraph 239).

Guaranteeing the right to liberty of individuals presupposes that the circumstances of the restrictive measures imposition are clearly defined, the applicable regulatory framework is foreseeable (ECHR 2013, Paragraph 125) and that there is a causal and proportional relationship between the reason for deprivation of liberty and the regime of application (ECHR 2012, Paragraph 195).

In the light of these considerations, it should be noted that the right to liberty is covered by a number of legal exceptions, including the exception of the legal detention of *a person liable to transmit a contagious disease, of an alien, of an alcoholic, of an addict or of a vagabond* (Article 5 of the European Convention on Human Rights), the common factor between these categories of persons being medical or social policy considerations (ECHR 2005, Paragraph 43).

The Strasbourg Court holds in its case-law that the deprivation of liberty of an intoxicated person appears justified only if less severe measures have not been sufficient to protect the individual or the public interest, which presupposes that the person concerned be subjected to detention, equivalent to the fact that deprivation of liberty is not sufficient to be guaranteed by national legal provisions, but must also constitute a circumstantial necessity (ECHR 2000, Paragraph 78).

In another case, the Court rules that a person may not be deprived of his liberty on account of his or her mental impairment unless his or her mental disorder involves an increased degree of danger and the deprivation of liberty measure may be ordered only for as long as mental instability persists (ECHR 2000, Paragraph 45), the purpose of deprivation being also to prevent the person concerned from harming himself or others (ECHR 2003, Paragraph 52).

With regard to the detention situation of persons, in order to prevent the spread of infectious diseases, the Court considers that national authorities must clearly establish that epidemiological spread is a danger to public health and safety, and that detention of an infected person is a last resort measure to prevent the spread, following the finding that a less severe measure than deprivation of liberty was found insufficient to protect the public interest (ECHR

2005, Paragraph 44), in all these situations, the common feature being that the extent of the custodial measure should not exceed a reasonable period of time, necessary to achieve the purpose of the measure (ECHR 2008, Paragraph 74).

Summarizing the issues presented in relation to the concrete situation considered, namely the response of states to the epidemiological spread of the Sars-Cov-2 virus, we note that restrictions on human rights for public health reasons must be in accordance with the law, necessary and proportionate, and that deprivation of liberty of persons who shows symptoms of infection with a contagious disease must be applied in minimum conditions, based on scientific evidence, seeking to avoid the application of deprivation of liberty arbitrarily and discriminatory, as seen in practice, where the measures hastily imposed by the competent authorities had demonstrated otherwise (Human Rights Watch 2020).

The right to liberty in relation to the derogating measures instituted in Romania

Interference with human rights with regard to freedom must respect the condition of legality that of existence in domestic law through specific legislative regulations, in order to be accessible, predictable and susceptible to guarantees against arbitrariness. For these reasons, derogating measures are exceptional, serious limitations on human rights. Thus, their transparency must be all the more rigorous, strictly meeting the requirements imposed by the European Convention on Human Rights and also by the Romanian Constitution (European Union Agency for Fundamental Rights 2020, 13).

In the progressive application of measures depending on the severity of the case, are incident other precepts designed to guarantee the protection of the right to privacy, family and individual freedom, namely, the express regulation of the conditions and procedure for the establishment and termination of restrictive measures, the competences of each public authority in their execution and the possibility of a gradual judicial amendment of the measures (Romanian Constitutional Court 2020, Paragraph 17).

The terms *compulsory hospitalization* and *quarantine establishment* are seen as being abstract notions, without consistency, lacking predictability, leaving to the discretion of the administrative bodies the burden to decide the manner of implementing these measures (Romanian Constitutional Court 2020, Paragraph 14).

In this context, it is worth mentioning that one of the forms under which the *compulsory hospitalization* operates, that of *involuntary hospitalization*, finds its exhaustive regulation in criminal matters, in the Law on mental health and protection of persons with mental disorders no. 487/2002. However, the incidence of the legislative provisions given by the Minister of Health Decisions regarding the restrictive measures cannot be assimilated to the criminal law not even by the extensive interpretation.

Following the evolution of the normative framework in the matter, we emphasize that, by Ministry of Health Decision no. 414 of 11 March 2020 on the introduction into quarantine for persons found in an international public health emergency caused by COVID-19 infection and the establishment of measures to prevent and limit the effects of the pandemic, it was regulated the measure of compulsory hospitalization, and later, by Ministry of Health Decision no. 622 of 14 April 2020 was instituted the measure of home quarantine, only in the situation where the space allows individual quarantine, including for asymptomatic persons confirmed with COVID-19. Subsequently, through the Ministry of Health Decision no. 629 of 15 April 2020, the category of asymptomatic persons confirmed with coronavirus were excluded from those for which is established the home quarantine.

As a result, the People's Advocate shows that there are incidental restrictions of the individual's right to liberty by the deprivation of liberty measures in the medical spectrum taken by state authorities. What the People's Advocate recommends is that the Minister of Health should

rapidly analyse the need to regulate the situation of asymptomatic people found positive with COVID-19 (People's Advocate 2020, 3).

Thus, Law no. 136 of 18 July 2020 on the establishment of measures in the field of public health in situations of epidemiological and biological risk, seeks to bring the legislative regulation on restrictive measures, in accordance with constitutional and European requirements. However, the People's Advocate raises a new exception of unconstitutionality arguing that *the legislative solution regarding the isolation in a health unit or an alternative location attached to the health unit is constitutional only in the event that this measure is implemented after all other less restrictive ways that could have had the same purpose were taken*.

Therefore, through Ministry of Health Decision no. 1309 of July 21, 2020 issued in application of Law no. 136, the placement in isolation in special designated spaces of the unit or the alternative location of the health unit is made *ope legis*, without providing the possibility for medical staff or representatives of the public health directorate to decide home isolation for persons envisaged, which is a far less severe measure (People's Advocate 2020, 5).

Conclusions

The lacunar regulation of the decrees establishing, respectively prolonging the state of emergency on the entire Romanian territory lead, through contamination, to the illegality of the subsequent inferior administrative acts on the derogating measures regarding the fundamental human rights and freedoms.

Given that deprivation of liberty is a last resort solution that national authorities should apply only in the event that the person concerned represents the most serious social danger, in the context of preventing the epidemiological spread of the virus, international and national forums call for exhaustion of all other slightly restrictive measures, prior to deprivation of liberty.

The current social and economic climate calls for clear legislation that would facilitate more effective quarantines by creating safety nets for those individuals that are not willing comply with the required limitation on personal freedoms, taking into account the building of such a framework based on sound, science-based policies, to the benefit of all and inclusive with the disenfranchised.

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Granger Causality Analysis of the Economic Cycles of the Tourism Industry and the EU Regional Economy

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ABSTRACT: The relationship between tourism and economic growth has become an important topic of many empirical studies, and various models of analysis can help us understand the contribution of tourism to economic growth, due to the methodological approaches used by researchers. This article analyzed the causal relationship between the economic cycles of the tourism industry and those of regional economic growth between 2004-2016 using the Granger causality test and validated all the causal hypotheses between tourism and economic growth for 21 countries and 158 of regions in the European Union.

KEYWORDS: tourism industry, EU regional economy, economic cycles

Introduction

The first and most popular interpretation of the relationship between tourism and the economy is the causal link according to which tourism is a major factor of economic growth, also called the TLEG hypothesis which suggests that tourism activities can form a strategic direction to stimulate economic development of destinations. and the empirical works that validated this hypothesis analyzed in particular developed and developing countries.

Brida & Pulina (2010) analyzed the relationship between tourism activity and economic growth through a review of the literature comprising 38 empirical econometric studies covering the period 2002-2010. They concluded that the studies are mainly based on econometric techniques, such as cointegration and error correction models, and that in most studies evidence of a strong relationship between tourism revenues and economic growth was confirmed.

Similar results are also reported by Croes & Vanegas (2008) for Nicaragua and Fayissa, Nsiah, & Tadesse (2011) for countries in the Latin American region. In addition, Schubert, Brida, & Risso (2011) argue that an increase in tourist demand in Antigua and Barbuda leads to economic development and better trade conditions. In the Mediterranean, Dritsakis (2012) focused mainly on tourism revenues, tourist arrivals, exchange rates and GDP per capita for seven countries, covering the period 1980-2007, to confirm the hypothesis. the contribution of tourism to economic growth. Thus, it used FMOLS type panel (the least normal squares completely modified), and the estimates of the cointegration panel found that there is evidence of the relationship between tourism development and GDP in the case of seven Mediterranean countries.

Eeckels, Filis, & Leon (2012) provided favorable evidence for the TLEG hypothesis by examining the cyclical components of GDP and tourism income in Greece with an analysis covering a 1976 interval. until 2004. Read more Parrilla, Font, & Nadal (2007) found a positive link to the impact of tourism on the development of Spanish regions. Similarly, Mello-Sampayo & Sousa-Vale (2012) verified the growth induced by tourism in Europe concluding that impact levels are higher in the north than in the south. Continuing on the same hypothesis, (Surugiu & Surugiu 2013) analyzed tourism spending, GDP growth rate and real exchange rate between 1988 and 2009, to demonstrate a positive causality of tourism on the economy Romanian. In addition, Ivanov & Webster (2013) evaluate the positive contribution of tourism to real capital growth in 167 countries. Pratt (2011) also documents that the higher the level of tourist arrivals in Hawaii, the greater the impact of tourism on the

economy. Finally, Matarrita-Cascante (2010), recognizes the potential role of tourism as a catalyst for economic growth.

Eryiğit & Eryiğit (2011) demonstrated the long-term relationship between tourism revenues and economic development by using a sample of Mediterranean countries for the period 1995-2009 and by applying unitary root tests of the type panel and panel techniques based on error correction

Gökovali & Bahar (2006) empirically investigated the TLGH hypothesis for Mediterranean countries for the period 1987-2002 through research based on a panel approach, and their study validated the hypothesis that tourism is an important factor in economic growth. Aslan (2014) investigated the causal relationship between tourism and economic growth for a group of 12 Mediterranean countries covering the period 1995-2010. In his study, the results of Granger causality indicated that an increase in tourism leads to economic growth for the Mediterranean countries.

Although the economic impact of tourism on economic growth is positively assessed in most studies, there are also negative aspects of tourism criticized in the literature. In the event of a shortage of resources, tourism can compete with the development of other sectors of the economy. Wall & Mathienson (2006) consider that tourism can cause an increase in prices or even a negative impact on the country's economy if it is dependent on tourism or there is a high seasonality. However, the negative effects of tourism are not addressed in this research.

Even if many studies validate the TLEG hypothesis, there are also studies in the literature, which paint the opposite picture, namely that the tourism sector is positively affected by economic fluctuations.

Payne & Mervar (2010) explain the hypothesis (GLTH) by which economic growth contributes to the development of tourism and argues that the development of a country is the result of the application of well-designed economic policies. They create a socio-economic climate that encourages tourism activities to proliferate and flourish, given the availability of resources, infrastructure and political stability. On the empirical side, Narayan (2004) through his study of Fiji during the period 1970-2000 reveals that the increase in per capita income has contributed to a higher number of tourist arrivals on the island. In South Korea, Oh (2005) uses quarterly data from 1975-2001 to propose that the country's economic expansion has had a positive short-term effect on international visits. Similar observations are made by Payne, & Mervar (2010), which focuses on Croatia in the period 2000-2008 and observed a positive impact of GDP on the country's tourism revenues.

Moreover, Tang (2011), using monthly data from Malaysia between 1995 and 2009, provides evidence that tourism markets support the long-term GLTH hypothesis.

A two-way causality (RH) could also exist between tourism revenues and economic growth according to Chen & Chiou-Wei (2009) and Ridderstaat, Croes & Nijkamp (2014). From a political point of view, a reciprocal relationship between tourism and the economy implies that government agendas should be responsible for promoting both areas simultaneously. The evidence supporting this claim can be found, among others, in the work of Apergis & Payne (2012), which recognizes a short long-term bidirectional effect in nine Caribbean countries throughout the period 1995-2007.

Tugcu (2014) analyzed the relationship between tourism and economic growth for the case of the Mediterranean region. The results showed bi-directional causality for tourism revenues and economic growth in European Mediterranean countries, bidirectional causality for tourism expenditures and economic growth in Mediterranean Asian countries.

Also, Chen & Chiou-Wei (2009) redefined the tourism-economy connection in South Korea as mutually beneficial, which contradicts the previous results of Oh (2005) in favor of the GLTH hypothesis. Moreover, Lee & Chang (2008) identified bidirectional relationships in non-OECD countries between 1990 and 2002, and Ridderstaat, Croes, & Nijkamp (2014) found bidirectional causality by their study in Aruba from 1972 to 2011. Seetanah (2011)

reinforced these findings, confirming a bi-causal link between tourism and economic growth through a sample of island economies for the time period 1990-2007.

However, it is worth noting that his evidence contradicts the studies of Holzner (2011), Mello-Sampayo & Sousa-Vale (2012), Narayan (2004) and Schubert, Brida & Risso (2011).

There are also some studies that do not support any of the hypotheses mentioned above, and they claim that there is no long-term causality (NC). Based on this view, the relationship between the impact of tourism and economic growth is insignificant. A study that supports the neutral hypothesis is Figini & Vici (2009), which uses cross-sectional data on GDP per capita and tourism revenues during 1980-2005. Unlike Holzner (2011), Figini & Vici (2009) he argues that tourism-dependent countries do not grow differently from countries where the tourism sector is less developed. Similarly, Po & Huang (2008) also use cross-sectional annual data for 1995-2005. They support the neutral hypothesis in countries that share specific characteristics, small and medium-sized countries, scattered incomes and low rates of services / GDP and forest area areas. In addition, the study Katircioglu (2009), in Turkey, which covers the period 1960-2006, finds no connection between international tourism and economic expansion. Moreover, Tang & Jang (2009) conclude that the neutral hypothesis is found in the United States, by analyzing the long-term relationship of tourism growth at the level of sub-industries.

Some authors, however, have begun to question the stability of the long-term growth connection of tourism. Specifically, Arslanturk, Balcilar, & Ozdemir (2011), using Vector Error Correction Model, show that the impact of tourism revenue on Turkish GDP is negative until 1983 and turns into an effect positive in the post-1983 period. Lean & Tang (2010) use Granger TYDL causality analysis with monthly industrial production data and international tourist arrivals from January 1989 to February 2009 for Malaysia. Although their conclusions support the TLEG hypothesis, they show that the link between tourism and economic growth changes over time, becoming more or less pronounced. Tang & Tan (2013) also focus on Malaysia, using a Granger-recursive causality test to study the time variation of the relationship between international tourist arrivals and industrial production. Their results show that the positive effect of tourism on economic growth is not stable over time.

Results

Granger causality is a statistical concept of causality that is based on prediction and assumes that if an X_1 “Granger-causes” (or “G-causes”) signal is an X_2 signal, then the previous values of X_1 should contain information that helps X_2 prediction and beyond the information contained in the previous values of X_2 alone. Its mathematical formulation is based on linear regressive modeling of stochastic processes.

Applying this test in our analysis can give us a detailed picture of the relationship between the cycles of the regional economy and the economic cycles of Direct and Total Tourism. For the application of the method we used as measurement indicators the Domestic Product (GDP), annual time series at NUTS2 level (179 series) for 21 countries in the period 2004-2016, taken from Eurostat, Direct Contribution of Tourism in GDP and Contribution Total tourism in GDP at national level.

To determine the Contribution of Tourism at regional level we calculated the distribution of accommodation nights in each region relative to the total number of nights of accommodation at national level, and the Direct and Total Contribution of tourism to GDP at national level is calculated as a percentage by WTTC (World Travel and Tourism Council).

Table 1. Causal testing between EU regional economy and the economic cycles of Direct and Total Tourism

Granger Causality Test Result											
Direct Tourism						Total Tourism					
G->D			D->G		D<->G	T->G		G->T			G<->T
AT31	IT	ITI1	AT13	DEB3	AT12	AT13	DE93	AT	HR	ITH2	CZ04
BG	ITC1	ITI2	BE10	DEC0	BG42	BE31	DEA2	AT22	HR03	ITH3	DEA5
DE13	ITC2	PT	CZ02	DEF0	DE40	CZ03	DEA4	AT32	HR04	ITH4	RO11
DE27	ITC3	PT11	DE25	DK02	CZ06	DE14	DED2	AT33	IT	ITH5	RO12
CZ07	ITC4	PT16	DE12	ES12	DE11	DE21	DED4	CZ07	ITC1	ITI1	
CZ08	ITF1	PT17	DE21	ES51	DE40	DE	DED5	DE12	ITC3	ITI2	
DEA2	ITF1	PT20	DE25	ES53	ES22	DE13	DEE0	ES22	ITC4	ITI3	
DEA5	ITH2	RO11	DE27	ES70		DE14	PT15	ES23	ITF2	PT	
DK	ITH4	RO12	DE72	ITI3		DE72	SE21	ES43	ITF3	PT16	
ES21	ITH5	RO21	DEA3	MT		DE73		ES51	ITF6	RO41	
		RO42	DEA4	SE12		DE92		ES70	ITH1	SI04	
			DEB1								

Source: Own representation

Conclusions

Granger causality testing was performed for all 179 time series (Table 1) resulting in 61 regions where causal relationships were identified between the regional economy and Direct Tourism, 57 regions where causal relationships were identified between the regional economy and Total Tourism, and in the rest of the series analyzed, the causal relationship is not significant in the long run. Following the causal analysis, the series were divided according to the relationship between the regional economy and Direct or Total Tourism depending on the type of relationship between them and we can validate the existence of all the above hypotheses. In 31 regions we can claim that an increase in the economy causes an increase in Direct Tourism, for 23 regions the increase in Direct Tourism causes an increase in the regional economy, and in 7 regions we can find bi-directional relations.

Total Tourism is found in a causal relationship with the regional economy for 57 regions, and an increase in it causes an increase in the economy in 20 regions, for 33 regions an increase in the economy causes an increase in Total Tourism, and for 4 regions we find a bi-directional relationship.

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PESTEL Analysis of External Environment as a Success Factor of Startup Business

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ABSTRACT: The objective of this paper is to present the purpose of PESTEL analysis as a critical factor for startup success. It proposes the use of PESTEL analysis as a tool to evaluate the business environment for startup organizations, with emphasis on the most common challenges faced by startups in conducting a PESTEL assessment. The main goal of the paper is to provide an overview of the situation, identify areas of importance for improvement, and define guidelines for startup business, with the aim of increasing competitiveness. Contribution of the paper is theoretical and empirical, in the specific context of PESTEL analysis for startup business.

KEYWORDS: PESTEL analysis, business environment, start-up, organisation, entrepreneurship

Introduction

PESTEL provides a framework for a comprehensive analysis of the environment in which organization operates, and for creating possible business strategies. PESTEL analysis is used for strategic planning, marketing planning, new product/service development and research (Vasileva, 2018). Thus, PESTEL analysis deals with the environment through the analysis of political, economic, social, technological, ecological and legal/legislative factors (Kolios & Read, 2013). It is necessary to clearly define the goal of PESTEL analysis and to define all aspects of external environment that are the subject of analysis. Environmental factors should be analyzed from the aspect of business organization as a whole, from the aspect of products/services offered, taking into account organizational strategy. The subject of PESTEL analysis should be clearly defined from the aspect of local market of organization, from the aspect of entry strategy at a new market, or launching a new product. PESTEL analysis is also important for a potential takeover, a potential partnership, or a potential investment opportunity.

PESTEL analysis is of special importance when establishing a new startup organization, for starting a business, when more markets are analyzed and their potential compared. The starting point should be an assumption that startup is a young organization, that develops either an existing or a completely new, never-before-seen product (often based on the latest technologies), and where success is very uncertain.

The aim of the paper is to point out the importance of PESTEL model for external environment analysis, for a startup business in Republic of Serbia. The paper also analyses the most common challenges that startup organizations face, in the process of opportunities and threats analysis, rising from political, economic, social, technological, ecological and legal environment.

Literature review

PESTEL analysis is assessed as a prerequisite/mandatory method that allows identifying factors relevant to the business environment and provides data and information that allow organizations within the analyzed environment to predict the situation in order to adapt to new situation and develop competitiveness (Walsh 2005).

PESTEL is an acronym for English words that describe external factors analyzed through this analysis: political, economic, social, technological, ecological and legal factors

(Rastogi & Trivedi, 2016; Maksimovic et al., 2019). PESTEL analysis is one of the most important and unavoidable tools for assessing external impacts that every organization must apply, in order to analyze the situation and define guidelines and directions for improving and developing a development strategy (Shtal et al., 2018). This method is most suitable for application to the overall business environment, and not to each individual organization of a business environment, because the factors that appear in this approach are conceived in this way (Mack & Putzschel, 2014). In PESTEL analysis, the evaluation of factors is performed individually, without evaluation of their interaction (Yuksel, 2012), so it is appropriate to apply PESTEL method in combination with some other methods from the domain of engineering or IT methods and tools (Tsangas et al., 2019).

PESTEL analysis is a tool used for analysis and monitoring of external environmental factors with an impact on the organization (Christodoulou & Cullinane 2019). PESTEL analysis enables identifying business opportunities and threats and adapting to market changes in a timely manner. Indirectly, the results of PESTEL analysis indicate opportunities and threats, that are later addressed in SWOT analysis, as one of the basic tools for defining organizational strategy. The key dimensions of the environment that are analyzed are (Kolios & Read, 2013):

Political factors - When considering this aspect, priority should be given to answering questions related to the stability of the political situation in the market. After that, the impact of local laws and regulations on business, then business ethics, taxes, fees, customs and other state contributions that differ from state to state are considered. Besides, the labor law and its functionality, market barriers, health issues, and tax policy should be considered in this domain.

Economic factors - From the economic point of view, the impact on business should be observed through the way of financing offered by banks, interest rates in individual countries, exchange rate, quality costs, inflation rate, price and quality of labor and energy. The overall road infrastructure has a significant impact in this domain, such as the existence and proximity of highways, proximity and functionality of ports, airport and railway infrastructure and the like. Income factors per capita are most often considered as economic factors, although in some cases it is also considered as a part of social factors.

Social factors - This set of factors has a very significant impact on the overall assessment. It is first necessary to give answers to the influence of the most basic social factors, such as: demographic structure, religious influence, national culture, level of education, structure of education, and the like. In addition, these factors include the protection and safety at work, life insurance, pension insurance and others.

Technological factors - In today's business conditions, characterized by the intensive use and availability of IT tools, this area is of particular importance. Technological factors cannot be observed only at the level of availability of various technologies, but also in terms of the existence of infrastructure for the necessary support of modern systems. Through this area, most often considered are the following: level of technology development, innovation, amortization, level of equipment flexibility, automation level, technological motivation, rate of technological changes, technological development strategies, existence and functionality of technology parks, and the like.

Ecological factors - When considering ecological factors, the most important are: the quality of human attitudes towards natural resources; biodiversity; recycling of raw materials; control and minimization of air, soil and water pollution. Sustainable business relations with others (fair trade), as fair treatment of suppliers, employees, etc.

Legal factors – The most often considered legal factors are: laws, regulatory agencies, requirements, regulations, standards, labor regulation, capital flow (foreign investment).

The most common challenges of PESTEL analysis in startup organizations

As with economic factors, startup organizations have a challenge when analysing the social factors within PESTEL. Insufficient depth of analysis leads to insufficiently good strategic decisions, and missed business opportunities. Specific omissions relate to superficially analyzed social trends, shopping priorities, demographic analysis (population, population trends, gender structure in the market in which it operates), which results in difficult sales planning in long-term business projections.

PESTEL analysis is one of the key elements in designing future business. Below we will present some quality PESTEL analysis of environmental factors. Presented PESTEL analyzes were made by startup organizations, as part of their business plans, in the process of preparing feasibility studies for participation in the Entrepreneurship and Self-Employment Promotion Program¹.

Startup organization „A“ is engaged in the production of high quality cold-pressed oil from organically grown raw materials. The production range includes cold-pressed oils from sunflower, corn, flax, pumpkin seeds and other oilseed plants, with the addition of herbs (peppers, mushrooms, garlic, tomatoes, basil, hot peppers and others). The product is intended for consumers who have a sophisticated taste, who, in addition to the product quality, require enjoying in visual terms, so it has exclusive packaging. The product is intended for use in hotels and restaurants by incorporating a plastic dispenser under the bottle cap, which prevents excessive oil spills and allows applying the oil to all serving types. In addition to the cold-pressed oil, the secondary product is oil cake, as a residue of the oil production process. The oil cake is an excellent source of protein in animal feed and is used as a protein component in the production or preparation of animal feed.

Table 1: An example of PESTEL analysis - Startup organization „A“

External environmental factors	Factor	Chance	Threat
(P) Political	Food production regulations		YES - Introducing stricter food production regulations that would require technology change
(E) Economic	Competition		YES – Competition, developed, strong and numerous - the founder knows the competition method, sales channels, volumes, assortment and quality of similar competition products
	Local market	YES - Knowledge of the local market and existing customer relationships	
	Small shops	YES - Special conditions for small specialized shops and tourist activities	
	Market	YES – The market potential is 30.000 households locally, of which the estimated share is 0.5% (based on knowledge of consumer needs from the conducted surveys)	
	Livestock farms	YES – Oil cake sales directly to livestock farms (50 farms in the surrounding area) YES - Traditional shops, HORECA	

¹ Entrepreneurship and Self-Employment Promotion Program is implemented by Public Investment Management Office, in cooperation with the Development Fund of the Republic of Serbia and with the expert support of KfW (<http://www.obnova.gov.rs/english>)

	Sales channels Location Availability of EU funds (IPARD) Plan: 4,200 l oil 8,300 kg oil cakes Revenue (1st year) 30,000 EUR Margin 62% Seasonality (large stocks of raw materials for annual production)	YES - Very convenient location in terms of raw material availability, good conditions for own primary production of raw materials YES - Possibility to apply for funds for development, capacity and quality improvement	
(S) Social	Tourism Unemployment Nutrition trends	YES - The proximity and potential of tourist facilities, the ability to sell oils as souvenirs, hotels and restaurants YES - Possibility of employment benefits, availability of workforce YES - Favorable trends in eating habits, Consumption of healthy, organic food, of vegetable origin, Possibility to participate in promotional campaigns, marketing, sales promotion	
(T) Technological	New revolutionary technology Raw material base developed	 YES - Access to high quality raw materials	NO - Hypothetical threat, unlikely
(E) Ecological	New standards for equipment and waste disposal		YES - Introducing stricter standards that could increase production costs and require additional investments
(L) Legal	Without significant impact		

Source: Author, based on Entrepreneurship and Self-Employment Promotion Program

The main activity of startup organization „B“ is retail sale of personal care products and household chemicals. These products come from domestic manufacturers, primarily from LOMAX Subotica, which has its regional distribution center in Niš. Product range is the following: Personal care; Household chemicals, footwear care, insecticides; Exclusive cosmetic products. Future expansion would be based on exclusive cosmetic products from foreign manufacturers: Gucci, Bvlgari, Armani, Dolce Gabbana, Prada, Versace, and others.

Table 2: An example of PESTEL analysis - Startup organization „B“

External environmental factors	Factor	Chance	Threat
(P) Political	Political stability, strategic determination of the Government of the Republic of Serbia for the development of Niš region	YES	YES - Change in political structures, impact on tender, on public sector buyers
(E) Economic	Market - Niš 150,000 families x 32,5 € / month spending on “chemistry” = 58,500,000 / year; according to experience and acquaintance, monthly sales are planned for 400 families, which makes 0.26% of Niš market	YES - Lower prices than competitors	

	Lomax products and other chemistry		
	Discount sales (Retail)		
	More favorable than others (due to deferred payment and rebate from supplier)		
(S) Social	Favorable population structure due to increasing employment (the influx of foreigners Investment)	YES	
(T) Technological	On-line sales; WEB store	YES	
(E) Ecological	Technical, sanitary and hygienic conditions for the store are fulfilled	YES	
(L) Legal	Law on conditions for traffic of goods, performance of services, in goods traffic, and inspection	YES	

Source: Author, based on Entrepreneurship and Self-Employment Promotion Program

Startup organization „C“ operates in the field of tourism, travels organization in the country and abroad. It is located in Belgrade. The main activity is the organization of group and individual travel, summer and winter vacations, European tours, distant destinations, as well as the organization of student excursions and recreational classes, and summer language schools around the world. It cooperates with a large number of travel agencies, tour operators, so the offer is very diverse. It deals with airline ticket sales, hotel and hostel reservations worldwide through proven reservation systems. It plans to create short, content and affordable arrangements throughout the year, following the needs of clients and trends in world tourism (the most frequent trips of 3-5 days).

Table 3: An example of PESTEL analysis - Startup organization „C“

External environmental factors	Factor	Chance	Threat
(P) Political	Local government decisions		YES
	New interstate agreements in air traffic		YES
(E) Economic	According to official data, there are 600,000 employees in Belgrade. Our target group is 150,000 clients who are „tourist active“. The plan is to occupy 0.3% of the market for the next 5 years, ie. to have 450-500 satisfied customers in our portfolio	YES	
	Competition - 276 agencies, 190 of which are licensed in Belgrade. The average market share per agency is 0.5%.		
	Developing an online business with a key partners (for which we are qualified)	YES	YES
(S) Social	New trends in tourism - more short trips, anti-stress programs against managerial diseases, increasing tourist needs and increasing participation of tourists activities in GDP	YES	
(T) Technological	Digitization of business	YES	
	Software for searching the cheapest airline flights	YES	
(E) Ecological	Inadequate maintenance of national parks; underinvestment in ecology		YES
(L) Legal	Changes in tax regulations; Stricter consumer protection regulation		YES
	Stricter membership requirements for tourism associations		YES

Source: Author, based on Entrepreneurship and Self-Employment Promotion Program

Conclusions

Startup organizations operate today in a dynamic and turbulent environment, the key focus is on understanding the state and changes in it. Within the external environment of the organization, numerous factors are key to the survival of startup businesses in the market.

There are many methods used in the analysis of the external environment, but the most widely accepted is PESTEL analysis, which relates the factors of the external environment, and analyzes current and future opportunities and threats that may arise from the factors of political, economic, social, technological, ecological and legal nature. Management must continually monitor macro environment of the organization, analyze threats and opportunities and adapt to the impacts of environmental factors. Management's response to environmental influences may be the choice of an appropriate strategy, most relevant to organization at that moment. Quality analysis of macro-environmental factors, performed using PESTEL model, leads to success in using business opportunities, while a number of threats will be overcome by finding business solutions that can counteract their negative impact.

This paper presents PESTEL analysis of the macro environment on the example of startup organizations in the Republic of Serbia. Based on the research results, it can be concluded that in the external environment of Serbian startup organizations, the opportunities are stronger than the threats, ie. that the external environment has an overall positive impact on the startup business. During the research, startup organizations in the Republic of Serbia recognized four groups of factors as strategic threats: political, economic, ecological and legal, while social and technological factors represent only opportunities for success and development in business. As political factors that pose a threat, startup organizations stated: Introducing stricter food production regulations that would require technology change; Change in political structures, impact on tender, on public sector buyers; Local government decisions; New interstate agreements in air traffic. Economic factors pose a standard threat, such as: Competition, developed, strong and numerous. As ecological factors that can negatively affect business, startup organizations listed: Introducing stricter standards that could increase production costs and require additional investments; Inadequate maintenance of national parks; Underinvestment in ecology. Among the legal factors that can jeopardize a startup organization, the most significant are: Changes in tax regulations; Stricter consumer protection regulation; Stricter membership requirements for tourism associations.

With well-designed strategic management, the owners of startup organizations in the Republic of Serbia should find ways to use the described opportunities to improve business performances. As research has found, there are a number of threats that should not be ignored. Threats from the external macro-environment need to be bridged by finding business solutions that can neutralize their negative impact.

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Multilateral Impact of Coronavirus on Society

Actual Effects and Prognostics

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ABSTRACT: Our present is being defined by one of the biggest crisis this century has seen. The COVID-19 outbreak has spread around the globe damaging the health system and producing fatalities, hitting indirectly on all aspects of life as we know it, creating a vicious cycle with probable long term side effects even in the aftermath of the event. With all modern technology and knowledge, it seems that society is still fragile in the face of biology and nature. In this article, we analyze the aspects and domains of society during the present coronavirus pandemics describing the rupture within the bio-psycho-social balance and the actual effects and perspectives of this phenomenon on limited and general scale. It is clear that life, as we know it, has reached a point of drastic change, from the aspect of individual human life to the aspects of social function because health, economy, psychology, environment, technology and all interconnected elements of modern living are fluctuating in different levels changing the status of well-being as we know it.

KEYWORDS: coronavirus, balance, society, perspectives, pandemics

Introduction

An unexpected health crisis hit the world in the end of 2019. With all modern, sophisticated technology and new discoveries in medicine, it still seems that we are helpless in front of nature's sometimes twisted biology. Fear of the unknown, the mass anxiety, panic and confusion were amplified by the strict and severe protocols of prevention. The novel coronavirus has a very high rate of infectiousness, and prevention of treatment is still in study progress. Facing with a powerful, invisible enemy is one of the greatest challenges of this century and drastic measures are necessary but, society was not prepared for this kind of situation and the present impact will still have echoes in the aftermath of the pandemic.

The consequences of the pandemics are still to be uncovered and the main questions are related to how will life be after this situation, what is the long term impact on the life standard, what changes this will bring on the collective and individual well-being, life-satisfaction and interpersonal relations. And after answering these questions there is a massive unknown related to the economic impact that is already affecting society at all levels bringing new problems into the general population well-being (Chakraborty and Maity 2020, 138882).

Immediate impact on society

A first dramatic change was on the normal way of life by sudden changing of the interpersonal relations but also in the relation of the every individual with himself. As an objective in preventing and slowing the spread of the virus, social distancing was the new way of living (Verma and Prakash 2020, 7352-7363). Social distancing has various meanings – isolation during the emergency state, quarantine, circulation restrictions and keeping 2 m distancing while in public. Basically, life as it is known became a continuous defence mechanism. Isolation transitioned from physical to psychological, repressing problems to the self of the individual. Isolation for people who live alone is even worse as their relationships are disrupted completely. Until one point, increasing home activity seems a good idea but after a time, the lack of professional and recreational routines will add more weight on the psychology of people (Hsiang, Allen, Annan-Phan, Bell, Bolliger, Chong and Lau 2020, 262-267).

Risking contacting the virus and the severe prevention propaganda made people accept restrictions to preserve life, in order to protect their health. But human life is by definition social, with interactions, and group activities. Society by its definition is a system constructed by the idea of group and community efforts. So consequences can be important from the individual to the entire construction of society. Moreover, effects of this disconnection will start waves of repercussions over mental health, law, society organisation and economy. Loss of income, unemployment will reflect into community as social inequity, law problems increasing, poverty, and social systems losing balance at all levels (Ali and Alharbi 2020, 138861).

The quality of life

Quality of life is a complex concept. It cannot be defined on scientific an objective criteria but it can be assessed with subjective principles by measuring satisfactory principles at individual and group level. There are few common elements between scientific sociology principles on life quality, the medical idea and the collective impression. The difference between groups come from the specific interests. For example, medical community analyse medical criteria, sociology analyse well-being as a complex of material and immaterial data and individual or group quality of life is measured by all markers at all levels of life – profession, family, relationships, financial status (Singh and Singh 2020, 2).

The coronavirus crisis modified the criteria of well-being, focusing it on health, prevention from getting infected and keeping the family and surroundings safe. As stated, every level of life quality as structure, orientation, priorities, have been modified. The most terrifying idea in society is the rising uncertainty of an already uncertain future because even the most modern and advanced communities have no idea about the consequences that this pandemic will have over society (Elavarasan and Pugazhendhi 2020, 138858).

Severe restrictions have impacted lifestyle so much that there is almost a new idea of civilisation. Limitation and isolation have conducted to developing new criteria for satisfactory life: home work conditions, limited travels, focusing on the house and family well-being, creating a safe environment both physical and psychological. At this point, there can be advantages because, as social and professional recreational activities are limited, people are forced to face and solve in order to have a comfortable surroundings (Torales, O'Higgins, Castaldelli-Maia and Ventriglio, 2020).

Limiting economy will reflect on a new financial attitude. Decreasing incomes or job loss and reduction of opportunities for recreational activities (travel, shopping, and restaurants) will lead to a new orientation on spending resources with refocusing on interests and activities in non-economic areas (Van Bavel, Baicker, Boggio, Capraro, Cichocka, Cikara and Drury 2020, 1-12).

In normal life situations, the individual is focused on his well-being in the middle of community, using all aspects of society and opportunities to raise his life quality. The coronavirus crisis has created a new paradox: public interest and public responsibility are overcoming the individualism. Disruption of the entire social matrix, are taking away the elements that people rely on to conduct a good life. In order to regain those elements, a group effort is necessary (Guan, Deng and Zhou 2020). Collective responsibility is the motto of this time not only to prevent the spread of the health problem but also to a fast recovery of the lost balance. We could describe this situation as a *quid quo pro* state. Society and collective work is important for an individual well-being so a disruption in that matrix will force the individual to solidarity and team effort in order to rebuild satisfactory life networks (Mogi and Spijker, 2020).

Society changing and collective efforts are decreasing globalism and are rising the interest for national interest. Patriotism and the country economical and health well-being are cited as well as on the political stage but also on every society level. Moreover, the relationship between state and citizen has changed. Social state has thinned drastic with tendency to be more an administrative core as the public view is that now, the state is not interested in its citizens and their

life quality (Dryhurst, Schneider, Kerr, Freeman, Recchia, Van Der Bles and van der Linden 2020, 1-13). So, national interest should go beyond politics and be about saving and supporting the people. It is a relative sensitive problem because, as we look into history, crises tend to make way for drastic measures and fear and low life quality tend to be perfect conditions for extremist and ultra-nationalism ideas. It is collective fear and poverty that allows people to believe that only extreme measures can save them without realising what they are giving up (Malecki, Keating and Safdar 2020).

Public health impact

The coronavirus outbreak took health institutions by surprise and even the most advanced health systems could not face this threat with maximum potential. The problem for society does not reside in the immediate risks of this virus. With all efforts being concentrated into making protocols and treatments for the management of the situation, the other aspects of medicine are left on a second plan. It is a fact that even modern medicine and medical infrastructure could not deal with the virus and with the other health problems and all health branches were focused on the epidemics leaving other diseases with less attention. Mortality and morbidity for other health problems not associated with Covid-19 are increasing and social impact could be important as well for professional and economical levels (Slobodin and Cohen 2020, 470).

Law and crime

Job loss, financial problems and reducing life satisfaction can lead to a rise of criminality. We are not speaking only about theft, drugs, and other known illicit activities. There are worries that the situation that coronavirus has produced will generate new law problems as some people will try to profit from the situation. An example could be the promotion and commercialising of fake treatments, prevention drugs and vaccines against the novel virus. Financial incomes provided with false beliefs and people's fear is a very serious threat to society and public health as some of these false products could lead to health side effects as well as financial and law problems (Rudolph and Zacher 2020). On the other hand, emergency state has deep law reinforcement and there are people who neglect and disobey rules related to the social distancing and health protocols. Not respecting prevention rules or not declaring symptoms are some of the problems. Interfere in the medical and epidemiological process during crisis is not only harmful for community and health personnel but it is now introduced as a criminal offence with legally implications (Qiu, Shen, Zhao, Wang, Xie and Xu 2020, 33). The persons who disregarded and did not respect the measures ordered by the Romanian authorities, especially the measures of quarantine and isolation at home (and who continue to do so), committed the crime of Thwarting disease control (Hegheş 2020, 97).

Culture and education

Normal cultural activity and suspending educational process has led to important changes. On one hand, there are more significant social inequities as families with high material possibilities will maintain education and cultural activities but for poor families, without financial and technological resources, educational process will be interrupted with possible regress, that is a major risk involving future generations as equal chances and eliminating poverty are important goals of every society (Venkatesh and Edirappuli 2020, 369). Moreover, developing psychological disorders in children affected by quarantine and isolation is another major risk. Education is a fundamental principle of every society and young people are maybe more vulnerable than adults in this case because the effect on them is a reflexion of the effect on the future of every community (Tyrrell and Williams 2020, 214).

Psychological impact of crisis

Every individual has a specific response to stress and its reflections to behaviour are particular for each of the exposed subject. There is a high chance that resources of adaptation and overcoming the crisis are not sufficient during a high-level global problem as an epidemic.

Some reactions are considered of normal intensity during such intense stimuli: fear of disease, fear and anxiety of certain symptoms apparently related to coronavirus, tendency to exaggerate protective measures, concern related to health care access, concern for family and loved ones, stigmatisation related to coronavirus infection or other health disabilities, anxiety, panic disorders, insomnia, somatisation or intensified anterior physical symptoms, withdrawal effects for nicotine, alcohol and drug users (Ornell, Schuch, Sordi, and Kessler 2020, 232-235).

There are also groups of individuals considered vulnerable during crisis such as elders, chronic somatic patients, children, chronic psychiatric patients and health care workers.

Psychological tension can be exacerbated and some events can have a direct impact over individual and an after-response in society. These circumstances can activate psychological problems even in healthy individuals: lack of family and social support, family members contacting the virus, deaths in close groups related to Covid-19, job loss, decreased professional activity, limited access to high performance health care, loneliness and disruption of normal relationships with friends and family. Mental health support has been introduced to all protocols in order to help and educate people into preserving their psychological comfort and balance (Fiorillo and Gorwood 2020, 63). The difficult part of the whole crisis is not necessarily the effects during crisis but the aftermath of the event. Prognostics on post-pandemic repercussions on mental health are probably more important than somatic health. Consequences can lead to other social network disruptions. Post-traumatic stress disorder is one pathology expected to outburst in the aftermath of the pandemics. Even healthy individuals could experience reminiscent anxiety, panic disorders, insomnia and difficulties in regaining normal social, professional and personal life. The human brain and even the human spiritual constitution are made to follow purposes and obtaining material and subjective goods. These functions are the main motivation for everyday life. Crisis reduces everyday motivation to one goal: survival, but disrupting routines and pleasant activities will lead to feelings of uselessness, depression, lack of purpose and meaning for life as the individual desires it making him vulnerable to find comfort in risk behaviours such as alcohol and drug abuse or compulsive eating with effects long after the crisis is over (Chen and Bonanno 2020, 51).

Conclusions

By this moment, the world and all countries are beginning to experience the first effects of the coronavirus pandemics. Society is hit at all levels, with disruptions in all its networks. But society unit of measure and construction factor is the human being, anchored in its matrix and working in group effort to build and maintain its balance. So the affected life quality of the individual will reflect in an uneven and inconstant affecting of social balance.

If we analyse the entire phenomenon that is currently in motion due to health crisis, chances are that consequences of this pandemic could be described as global social post-traumatic stress disorder. Vulnerability at all levels will persist long after the health issue will terminate and dealing with these consequences will create risk factors for political and economic dangers.

With the world already living with the “enemy”, it would be the right time to start worldwide cooperation for diagnostics, protocols and prevention of the mass social negative impact.

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Behavior during the Pandemic – A Problem of the Rule of Law

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ABSTRACT: With the recession generated by the sudden appearance of the infectious agent Sars-COV-2, the whole world has amazingly, unusually, limited its economic and social activity. At the same time, this collapse represents an exogenous and symmetrical opposition to the systems of law, health, education, economy, finance, transport, protection and defense of fundamental rights and freedoms. The pandemic is a state of security, government and population to adhere or not to what was obvious: the virus is still alive and we are preferences. From here, we mean firm attitudes to comply with special provisions to help negative attitudes, such as to justify stray outings in groups, denial of dangers or amnesia on compliance with regulations. Throughout this article, we aim to review the consequences that the behavior of the individual or companies will support and translate into group-level behavior. It is understandable that this period is a crossroads and that, as soon as the phenomena return to normal, we will realize the behavior acquired during the COVID-19 pandemic, as well as how it affects the protected social relations protected by legal norms. Another coordinate proposed for debate and analysis is whether the state of the pandemic affects the social value of trust and what implications may have the distrust of individuals in the measures taken by state authorities, but also distrust of the authorities in citizens, and the repercussions on implementing new rules with character prohibitive.

KEYWORDS: behavior, pandemic, Sars-COV-2, COVID-19, social relations, trust, fundamental rights and freedoms

Introduction

The experience gained by some states, after the establishment of the feeling of flu phobia, as a result of avoiding the Spanish flu, in 1918, was not enough to prevent the spread of the SARS-CoV-2 virus (through blood and fluids).

Identifying the virus, which doctors' say is transmissible, as long as it is hidden in the body, has an easy part of how to assess the situation, because once the symptoms of the disease appear, the person becomes less contagious, concluding that any patient becomes contagious, 2-3 days before developing the symptoms of the disease.

Adapting the individual's behavior to the new reality

The world is divided, both in terms of medical evaluation and the degree of involvement of the judiciary, given that the World Health Organization (OMS) makes recommendations for prequalification and assessment of the degree of infection, and the population has resorted to treatments untested, due to the wrong way of perceiving the epidemic condition.

The proposal of mass vaccination, in the absence of a tested vaccine, in addition to the negative effects on health, creates a state of insecurity, the isolation measures recommended and supervised by the authorities losing their effectiveness.

Therefore, the administrative authorities offer facilities, but also obligations, to avoid terrible tragedies, which do not remain without consequences, trying to identify those less fatalistic responses, which do not resemble the games of the “wizard apprentice”, maintaining

the facility on the right, but also the obligation to notify the intervention of the contamination, evaluating this problem, as being serious and of public interest.

Manipulation in the online environment has come to impose news with precise purposes, trying to form a closed circle of information, so that a person does not waste time to choose and receive information that sometimes aims to increase political capital.

In the context of the pandemic, the conditions of existence and travel have changed, identifying the countries that present major risks of contamination, citizens being required to present negative tests, performed at least 72 or 48 hours before arrival, the verification being confirmed by the doctor family or local health authorities.

In situations where testing is refused, the administrative authorities have been empowered to refuse entry into the country or to order the measure of self-isolation at home, for such measures there is the possibility of appeal in court.

Mandatory tests for coronavirus were accompanied by great caution, which led to the establishment of quarantine, isolation at home. The social distancing guidelines, traffic restrictions, as well as those regarding the contradictions between the information presented, determined the appearance of anxiety or depression, traumas or behavioral disorders caused by stress, as well as the abuse of anti-influenza substances.

Attempts by some people to avoid administrative measures, without taking risks, lack of resources for appropriate health care, have restricted the implementation of citizens' rights, moments in which, among public opinion, a certain philosophy of idealization of disobedience, closure in a vicious circle of suspicions, outlining a suspicion of occult interests in the handling of personal protection activities.

The psychological effects were manifested, moderately or severely, by states of stress, by obsessive-compulsive symptoms, given that the authorities did not effectively solve all cases, did not remove all obstacles, leading to the idea that no more there are safety zones, the pandemic inducing the feeling of helplessness in the face of disease.

The mental state of the world has deteriorated, given that the statistics show diseases in young people, women and parents with young children, highlighting disorders of agoraphobia and neuropsychic effects, represented by chronic fatigue syndrome, extreme confusion, and uncertainty.

The health of the individual depends on the way he conceives the certainties about life, on the way he acts to fulfill his goals, but also on the adaptation to the situations in which accidents or diseases endanger their existence.

When diseases affect human existence or human health globally, observing the evolution of infectious diseases becomes a general international commitment, with specialized institutions being required to provide information on the spread of the virus, on the factors that triggered an epidemic or pandemic, about the occurrence of deaths, as well as about ways to prevent them.

Adopting decisions of authorities and companies and transposing them into the group level behavior

The exercise of forceful actions for non-compliance with prevention obligations has created, through the intervention of the constitutional authority, a vacuum of legislation, a situation perceived as a state of political intervention regarding the seriousness, impartiality and integrity of the application of administrative measures.

The invocation of some theories, at the level of appearance, the propagation of some ideas, without concrete proof that the decisions taken reconcile the national interest with the individual status, induced the theory that the measures adopted by specialists are vulnerable and in reality, represent serious political interference in identifying the necessary measures to prevent the spread of the disease.

In some cases, the authority of the specialist function, in the conditions in which additional budget lines were provided, over the ordinary budget, led to the achievement of minimum, clear, precise, predictable measures, even if the legislator imposed a series of mandatory measures, whose observance is necessary for the proper administrative and legal coordination of the measures in the field, they have been avoided or violated, affecting the coherence of the measures with the consequence of eliminating their observance.

The absence of the recommended conditions for taking the courses and examinations of the persons concerned requires the adoption of rules which, although not exceeding the tolerance limit, cannot be applied to achieve the legal objectives in force, so that, according to evaluation studies, to a new way of intellectual training.

The theoretical projects, developed by specialists, have not been verified experimentally, which degenerates into non-compliance with the conditions provided by law or contracts, amplifying the severity of mental illness caused by fear, insecurity, permanent ambiguity about the future of minors.

Moreover, after the health and judicial crisis, there will be an economic crisis, generated by declining incomes of the population, given that the virus has spread exponentially, and conspiracy theories about its origin and invoking the impossibility of achieving collective immunity for the population (by contracting the disease, by natural infection, either by vaccination), although it could reduce the basal number, will not eliminate the spread of the virus.

The selection of relevant news by the population is imperfect, given that each person considers himself able to assess the situation in concrete terms, but also as a result of the impossibility of detecting false news. The distribution of fake news, by creating false accounts, influences the population, which does not have the possibility to filter or remove their manipulation, the risks regarding the vulnerability of social relations being obvious.

If the company were limited to the rigorous application of administrative measures, as happens elsewhere, there will be, for the near future, situations of confidence in the means and measures proposed to avoid misinformation, in extreme cases leading to sanctions.

The spread of infectious disease is a crime that threatens the safety of people who need a check, even at the declarative level, in order not to become targets of miscellaneous fact and to avoid mental trauma, by preventing the feeling of frustration and anger.

The solutions adopted in the criminal investigation phase, as well as in the trial, must contain appropriate findings, so that the person guilty of non-compliance with the measures proposed by the administrative authorities, bear the penalties for negligence, incompetence, ignorance and abuse in violation of legal provisions.

Criminal sanctions, as a repressive measure, should be the last form of sanctioning the moral and practical inability of individuals to manage the situation, thus guaranteeing the protection of citizens' rights and freedoms, removing hatred, suspicion and denunciation, which, for some citizens, has become a real state policy.

Violation of the standards of the community in which a person lives, by using techniques to distort the reality and truth about the state of infection in a given locality, requires the combined analysis of all elements, and not disjointed to determine the risks of infection, which would determine the imbalance between the relationship between law and behavior, the link between attitudes and reality, the refusal to give in to legal norms.

In the context in which, following the verifications, it has been found that a person is unable to comply with the administrative measures, due to the unusual behavior and without an obvious reason, against him may be adopted, as a necessary measure, the prosecution, in order to sanction, in the sense of engaging its liability, because it has seriously, unequivocally and inexcusably violated the legal norms. The socially dangerous consequence consists in the creation of a state of danger by non-compliance with the quarantine or hospitalization

measures imposed, but also involves the spread or transmission of an infectious disease (Hegheş 2020, 95).

The criminal sanction could be a measure against manipulation by some persons, in accordance with the legal framework, such an action aimed at saving the interests of the community in which they live.

The spread of an infectious disease in a short period of time, through human-to-human contamination, either in a limited area (locality) or on a very large territory (national, global), requires a systematic collaboration, because health, as a value social protection in all states of law, allows the natural performance of relations between people.

In response to behavioral change, states need to adapt legislation by regulating special measures to prevent or combat an infectious disease in both humans and animals or plants, with the aim of preventing their spread.

There is a close link between individual discipline, as a foundation of the social order, and the eventuality of the spread of a disease, the avoidance of disorder generated by the adoption of administrative measures inapplicable or easily avoided by recipients, the lack of capacity to act for prevention and impossibility virus isolation.

The authorities must turn their attention to the ways of contamination and transmission of the disease, because in case of errors or exaggerations regarding their registration, the results obtained become inconclusive, which can lead to the violation of legal measures.

Epidemiological investigations aim to identify people who could contract the disease from an infected person, because there is still no relatively safe procedure for a collective immunization, the virus mutating and having a fluctuating transmission, preventing their performance requiring a legislative change, in the sense the introduction of a new material element of a deed provided by the criminal law.

The behavior of companies during this period depends on the reaction, the speed with which managers adapt to new requirements or practices, which, although they existed on the market, were not constantly used.

Changing the way of working, without assuming the physical presence in a certain place, requires a change in the thinking of employers as well as employees, adapting to new conditions must help the evolution of organizational behavior, by destroying the habit of doing things in a certain way, using opportunities and innovations differently.

From an operational point of view, firstly, the employer must help the employee in obtaining new skills, qualifications, while the employee must accept the sustained effort in order to quickly complete the skills he lacks, and secondly, to strengthen the company's culture, in the sense that it will make decisions, will value the talent of employees and will sculpt their behavior.

Conclusions

With the need to isolate the person, the need to communicate virtually developed, and the buying behavior migrated in masse to online stores.

The implementation of 5G, as well as the rapid development of 6G, human holograms, the expansion of IT infrastructure will radically change the way people communicate, use the services of authorities, private companies, the way education and culture will be accessed, in the sense that all they can be easily used even in isolation.

Authorities will be required to create a legislative framework to limit control over individual liberty, establish a standard of trust as a globally protected value, sanction slippage, and develop a new system of enforcement of punishments for acts of a degree low risk, in which insulation in your own home to prevail.

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Regional Economic Resilience in the Economy of the European Union

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ABSTRACT: Regions adapt regional economic models differently in the face of economic shock and recession, some quickly recovering the values of pre-shock economic indicators, others slowly and underperformingly. During the 2008 crisis at regional level, against the background of social, political and cultural factors, reorientation decisions demonstrated distinct results. These orientations have determined the evolution of different scenarios of economic growth. The crisis has forced regional systems to implement different models of economic and structural decisions, such as the current pandemic situation only in a different form and with different effects. The crisis scenarios include the severe impact on the regional economy and the decline in the value of economic indicators, stagnation and last but not least regional success in terms of managing the financial crisis and stabilizing the indicators. This paper aims to categorize according to the behavior of the GDP per capita indicator during the crisis of 2008. The aim is to identify and test the resilient regions that have applied measures to avoid the negative effects of the crisis in a relatively short period.

KEYWORDS: regional resilience, growth, crisis

Introduction

An analysis of the response to the economic crisis of GDP per capita in 2008 can provide important details in the perception of regional disparities. By identifying the centers and peripheries that responded differently to the circumstances of the crisis regardless of their level of development and depending on the impact of the shock, we will be able to delimit its level of resilience. These circumstances and details of regional testing over a predefined period could outline the effective success models applicable in managing an economic shock. Taking into account the current pandemic circumstances, this small study shows at NUTS 2 the regional background during the 2008 crisis in response to the GDP per capita indicator in the crisis.

Literature review

Partly due to its relatively recent emergence as an analytical concept, there is not yet a universal definition of resilience in economics or social sciences, much less in regional or urban studies. In fact, some even dispute the value of the notion of resilience altogether (Hanley 1998). Some initial studies have emerged recently that attempt to highlight how the idea of resilience in economics and regional studies could be defined (e.g., Rose and Liao 2005, Briguglio 2006, Foster 2007, Pendall 2008, Hill 2008, Ormerod, 2008), but this task is still far from being completed. Therefore, some (Simmie and Martin 2010) define resilience as the ability of a system, a regional or local economy to either return to a pre-existing stable or balanced state, or to move quickly to a new one. The latter being interested in resilience as an "adaptability". Because regions or localities have a differentiated ability to adapt to changes and shocks in competitive, market, technological, political and other connections that shape the evolutionary dynamics and trajectories of that regional or local economy over time.

Holm (2013) argues that regional resilience is an adaptive capacity to overcome shocks, but the dominant issues and sources of resilience are not uniform for all regions. Four general types of regions were identified in the empirical analysis: adaptive regions, rigid

resilient, non-resilient regions, and entrepreneurial resilient regions. They differ in their response to shock and growth performance. High or low levels of diversity create resilience, while an average level of diversity results in sensitivity to changes in the business cycle as well as adaptability. Essletzbichler (2007) argues that systems that continuously adapt to the current environment through efficiency could reduce their resilience because they diminish their diversity. Reducing diversity reduces pre-adaptive characteristics and makes systems vulnerable to shocks, while high diversity reduces the possibilities for synergy between firms. The results of the empirical analysis also show a potential curvilinear effect of diversity, but in contrast Essletzbichler (2007) and Frenken et al. (2007) do not lead to stability. In our small study, we decided to use the concept of economic resilience as "a differentiated regional ability to adapt to economic shocks". Economic resilience will come as an ability of the region to stabilize its GDP per capita values in terms of economic growth.

Methodology

For the analysis we will use the GDP per capita indicator, this indicator being considered one of the most representative in times of economic crisis and recession. The data are taken from the Eurostat NUTS 2 level site for the period 2005-2018, excluding some regions whose data are missing for certain periods.

Aggregation and weighting will be done by using descriptive statistics to obtain Z scores. To assess the regional economic resilience, the speed of recovery and the magnitude of the impact on the indicator, we will artificially introduce increased significance in the standard deviations of the period of the most significant high-impact economic crisis and the last year to increase the growth slope. The results will allow visual interpretation with the help of regional mapping of values.

This indicator of resilience to external shocks is defined by two dimensions. The first dimension will be the resistance period for evaluation of 3 years respectively: 2008-2011 and the second dimension will be the restabilizing economic shock of the indicator. The representative time period of 14 years will stabilize the results. The latter will allow the visualization of the recovery speed and the magnitude of the impact on the indicator.

The approach will be carried out in several stages, as follows:

1. Data collection and selection;
2. Data reduction depending on availability;
3. Weighting aggregation through descriptive statistics;
4. Applying the calculation of the modified average;
5. Spatial analysis.

In this study, we will use annual data at constant prices in euros for the period 2005-2018 at regional level NUTS 2. Standardization and aggregation of indicators is done through descriptive statistics to identify Z scores. The latter will represent deviations from the average in standardized values. The data will be taken over and adapted.

Results

The indicator is for 225 regions NUTS 2 was built in accordance with the standardization, aggregation and modification procedures specified above. Because the variation for the period 2005 - 2018 presented small values within 5 decimal places, we amplified the results in order to be able to view them more effectively. Thus we obtained a range of results within the limits "- 1,625 and 1,399". The negative values represent a strong impact of the economic shock of 2008, a weak capacity of the regions in the face of periods of economic shock, a weak economic growth, a weak evolution of the indicator and a high variability. The positive values represent the resilient regions with a strong upward trend of the indicator and respectively

resilient behavior to economic shocks. The regions that present us with positive values demonstrate the stability and low impact of the crisis of 2008, as well as they even registered economic growth compared to the crisis period. It should be noted that the values of approximately zero, negative and positive represent a stagnation of the GDP indicator per capita. Regions with negative values show a decrease in the indicator and instability in shock.

Fig. 1. Regional economic resilience period 2005-2018 NUTS 2 classification
Graphical representations with available data: <https://public.tableau.com/profile/alex6628#!/>



Source: Own representation

Conclusions

From the graphical representations, we observe a categorization between the regions that through the modified average percentage provide an image of the shock response. The series of data used takes into account all time variations and their deviations. Depending on the fluctuations in time with percentage increase of the deviation of the three consecutive years respectively, 2008, 2009 and 2010 the average shows us the regional success or failure in the conditions of the 2008 crisis for the tested period. Placing on this scale "- 1,625 and 1,399" allows us to categorize and form a vision for regional resilience at NUTS 2 level. Thus, regions that presented positive values could be considered economically resilient and the model for implementing regional decisions could be considered appropriate and consultative for regions with destabilizing and fluctuating values.

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The Study of Emotional Intelligence, Attachment Styles, and Self-Esteem of First and Second Children

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ABSTRACT: Emotional intelligence, attachment style, and self-esteem are important concepts in social interactions that can affect social relationships. This study aims to investigate the differences between emotional intelligence, attachment style, and self-esteem of the first and second children during their adolescence. Employing a quantitative method of survey, three questionnaires are used to collect data; IPPA for attachment, TEIQue for emotional intelligence, and TSI for self-esteem. Also, the socio-demographic questions are developed by the researcher. 261 male and female adolescents participated in this survey study. The results show that there is no statistically significant difference in attachment, emotional intelligence, and self-esteem between the first and second children. However, considering the variable of gender, the results indicate a significant difference between male and female participants in their emotional intelligence and self-esteem; the mean of emotional intelligence in female adolescents is lower than male ones. Also, the mean of self-esteem in males is higher than females. In conclusion, there is no statistically significant difference between the first and the second children. Regarding the issue of gender, female adolescents have a lower rate in both variables of emotional intelligence and self-esteem. This result can be considered that parents should be aware and pay more attention to their emotional intelligence and self-esteem of their female children during their adolescence.

KEYWORDS: Emotional intelligence, Attachment style, Self-esteem, first and second children, adolescence

Introduction

In recent studies by Sun, Liu & Yu (2019) and Arrivillaga, Rey & Extremera (2020), it showed that emotional intelligence has a significant role in an adolescent's life. Emotional intelligence can be a protective factor and helping adolescents to reduce their problematic behavior. Also, adolescents with a high level of emotional intelligence showed more coping styles with their problems. Another variable that can be important during adolescence is attachment, some studies by Marino, Marci, Ferrante, Altoè, Vieno, Simonelli & Spada (2019), and Lee & Park (2020), mentioned that attachment style has an important role in adolescents. Also, the effect of attachment can be seen in interpersonal problems in adolescents. The last variable that in this study the researcher talk about it is self-esteem, the recent studies by Ngo, Vander Laan & Aitken (2020), and Bang, Won & Park (2020), showed that self-esteem is one of the important variables during the adolescence which it means adolescents with a low level of self-esteem have a more internalizing problem. Also, self-esteem has an effect on adolescence during their lifetime which means adolescents with a low level of self-esteem have a low level of social interaction.

First and second child

Some studies in the comparison of a first and second child by Warriar & Venkateshwar (2020), and Ali & Mohammed (2020), mentioned that emotional intelligence and birth order hasn't any significant relationship. It means there are no differences between the first child and the second child in emotional intelligence. For attachment also the old study by Buunk (1997), mentioned that there was no significant relationship between attachment style and birth order for first and second children. Also, the same result can be seen in a recent study by Levy-Wasser & Katz (2004), that the result confirmed there was no significant between attachment style and birth order. This means there are no differences between the first child and the second child in attachment styles. Regarding the concept of the first and second child, in self-esteem, most of the studies mentioned that there was a significant relationship between birth order and self-esteem. In another study in the concept of self-esteem, the outcomes showed that the second children have a low level of self-esteem than the first children (Kidwell 1982). But in the recent study in 2018, the result showed that there are no significant differences between birth order and self-esteem (Sasi & Mathew 2018).

Gender

In the concept of gender in emotional intelligence, there is a study by Chohan & Habib (2020), the outcomes showed that there were no statistically significant differences between males and females in their emotional intelligence score. But in another study by Singh (2019), the result showed that there was a significant relationship between gender and emotional intelligence. This means that the mean of emotional intelligence in females was higher than males. Also, in differences of gender in attachment styles, there is a study by Song, Thompson & Ferrer (2009), that the result showed there was a statistically significant difference between males and females. This means the score of attachment in females was higher than males. But, in another study, the researcher mentioned that there were no significant differences between gender and attachment styles (Feeney, Peterson, Gallois & Terry, 2000). For gender differences in self-esteem, there is a study by Bang, Won & Park (2020), That showed self-esteem in females is lower than males. This means self-esteem in gender has significant differences. In these studies, as we can see the concept of gender is important for these three variables in adolescents.

Problem statement

In the subject of first and second children in families these days, we can see parents think about the harms for their children. In some studies, the result showed that birth order has a significant relationship with social interactions and personality (Steelman & Powell, 1985). Some of the parents ask about the harms for the first child that could the birth of the second child make any harm for the first child? Or even vice versa. In the birth order theory of Adler (2002) the study talks about the effect of birth order in children's personality and their development. Also, in the concept of gender as we can see some studies mentioned there is a relationship between gender and emotional intelligence, self-esteem, and attachment. In this respect, the present research, conducted in the Tehran (Iran) province of 261 adolescents who live in Tehran. The main purpose of this study is to investigate the differences between the first and second child in emotional intelligence, attachment styles, and self-esteem. Also, the researcher tries to find the differences between gender in these three variables.

Methodology

Design

The current study used a survey study, quantitative it is an investigation which is systematic for phenomena by gathering measurable data and performing mathematical, statistical, or computational techniques and the result is will be shown in numerical (Consolvo & Walker, 2003).

Participants

For this research, the study group or sample is from Tehran (Iran) and participants are from 4 private high schools of adolescents. The sample size is 261 adolescents 127 females and 134 male or 149 first child and 112 second child.

Materials

In this study, the researcher uses the Inventory of Parent and Peer Attachment (IPPA) for attachment, the Trait Emotional Intelligence Questionnaire (TEIQue) for emotional intelligence and, the self-esteem inventory (TSI) for self-esteem and the last one is socio-demographic which here describes it one by one:

Inventory of Parent and Peer Attachment (IPPA) is measurements developed by Armsden & Greenberg (1987) that comprise three forms for mother, father, and peer, each part has 25 items which the aim is to find out the score of attachment for parents and peers. For attachment, if adolescents get a score between 75-150 it means attachment to the parents and peers is low, while if the score is between 150-225 attachment to the parents and peers is in middle and if the score is higher than 225 it means attachment to the parents and peers is high (Pace, San Martini & Zavattini, 2011).

The reliability of the three-week test-retest reliability was 0.93 for parents and 0.86 for peers. Internal consistency reliability for mother attachment was 0.87 and 0.89 for father attachment and peer attachment 0.92, respectively. The reliability of this questionnaire was calculated using Cronbach's alpha and split test, ranging from 73% to 94%. Also, the validity of the questionnaire in a re-test method within a three-week interval on a sample of 27 subjects aged 20-18 years was reported to be 86% (Khojasteh, Mombeini, & Aslani, 2013).

Inventory of Trait Emotional Intelligence Questionnaire (TEIQue) is the measurements developed by Petrides (2009) which use to conceptualizes emotional intelligence as a personality trait, located at the lower level of personality hierarchies. In this test there are 30 item participant should choose the answer from the seven-point Likert scale. For emotional intelligence, if the participant gets a score between 33-66 means the emotional intelligence is in a low score. If it is between 66-100 it shows that emotional intelligence is in the middle and if the score is higher than 100 it means emotional intelligence is at the highest level (Petrides, 2009). Overall reliability was 0.84 (Narimani, Mahmoudi & Malekshahifar, 2009).

Inventory of The self-esteem inventory (TSI) developed by Coopersmith (1987) it is the measurements of self-esteem which measure the level of believing in self and self-respect, the questioner has 58 questions which the participant should choose one of the two answers for each question (like me or unlike me). For self-esteem, the criterion of good self-esteem is getting a higher score than 25.4, and adolescents with lower than 25.4 scores have low self-esteem (Francis, 1997).

The reliability of a tool is its degree of consistency in measuring everything it measures, to what extent the same measure of results is obtained under the same conditions when the Cronbach's alpha coefficient of self-esteem is 0.88 (Tamanaifar, Sedighi Arfai & Salami Mohammad Abadi, 2011).

Data collection procedure

The researcher chooses random students from 4 high schools. After getting informed consent from parents and adolescents and describe the aim of study for them, the adolescents fill the questionnaire one by one for 30 minutes.

Data analysis procedure

For this study, the researcher uses SPSS for analyzing the data. The researcher uses the t-test to evaluate the mean and variance of two groups of students (the first and second child) and gender (female and boy) and compare them and find what is the relationships between emotional intelligence, attachment styles, and self-esteem and group of adolescents.

Result

In the concept of the first and second child the outcomes of this study shown in Table1.

Table1. *Comparison of emotional intelligence, attachment, and self-esteem in two groups of a first and second child*

Variable	Group	N	Mean	Std. Deviation	T	P
	Of children					
Emotional	First child	149	109.37	21.856	-1.848	.066
Intelligence	Second child	112	114.29	20.902		
Attachment	First child	149	244.86	30.345	-.369	.712
	Second child	112	246.14	25.712		
Self-esteem	First child	149	30.05	7.670	-.542	.588
	Second child	112	30.57	7.620		

As can be seen, the result shows that there are no statistically significant differences between the first and second child in emotional intelligence ($p > 0.05$). Also, we can see the same result for attachment style in two groups of the first and second child that there are no significant differences between them ($p > 0.05$). As well as the result show for self-esteem is the same outcome which shows that there are no significant differences in the first and second child in self-esteem ($p > 0.05$).

In the concept of gender, we can see the result in Table 2.

Table 2. *Comparison of emotional intelligence, attachment, and self-esteem according to gender*

Variable	Sex	N	Mean	Std. Deviation	T	P
Emotional Intelligence	Female	127	29.11	7.292	-2.423	.016*
	Boy	134	31.38	31.38		
Attachment	Female	127	248.86	32.328	1.919	.056
	Boy	134	242.14	23.769		
Self-esteem	Female	127	108.25	21.708	-2.379	.018*
	Boy	134	114.54	21.024		

* $p \leq 0.05$

The outcomes for the comparison of gender and emotional intelligence shows that there is a significant relationship between gender and emotional intelligence ($p \leq 0.05$). The mean in females is lower (29.11) than male (31.38). Also, there is a significant relationship between gender and self-esteem which the result shows that the mean in females is lower (108.25) than males (114.54). So there is a significant relationship between gender and self-esteem ($p \leq 0.05$). But in the concept of attachment styles, there is no significant relationship between gender and attachment styles ($p > 0.05$). The mean in females is 248.86 and for the male is 242.14.

Discussion

The recent study talks about the differences between the birth order and gender in the concept of emotional intelligence, attachment styles, and self-esteem. As we know some of the previous studies in the concept of birth order (the first and second child) mentioned that there are significant differences between the first and second child (Steelman & Powell, 1985). But in other studies regarding this subject, they found that the first and second children have no significant differences in emotional intelligence, self-esteem, and attachment styles (Levy-Wasser & Katz, 2004; Sasi & Mathew, 2018; Warriar & Venkateshwar, 2020). The outcomes of this study confirm the previous study that there are no significant differences between the first and second children in families in emotional intelligence, attachment styles, and self-esteem. Most of the previous studies were from European countries and in this study, we try to find out is outcomes as the same as European countries or not. In the concept of birth order and gender the outcomes confirm the previous studies but in the concept of emotional intelligence and gender as the result showed, it is different from the result in European country's study.

Regarding the gender in this study, the outcomes show that there is a significant difference between male and females in emotional intelligence and self-esteem. The previous research mentioned that consequences too which emotional intelligence and self-esteem have significant differences between males and females (Singh, 2019; Bang, Won & Park, 2020). But in a study by Singh, (2019), about gender and emotional intelligence, the mean of females was higher than males while the outcomes of this study mentioned that females have a lower score in emotional intelligence than males. Contrary to research the outcomes of

most of them showed that emotional intelligence in females was higher than males, in which these researches belong to the Europ countries (Petrides & Furnham, 2000; Mandell & Pherwani, 2003). But in the midlist country such as Pakistan, we can see the same result as Iran in which the score of emotional intelligence in females is lower than males (Ahmad, Bangash & Khan, 2009). In the concept of attachment, the outcome of this study had the same with the study by Feeney, Peterson, Gallois & Terry (2000), that mentioned there is no significant relationship between gender and attachment styles.

Conclusion

In this study, the result shows that there isn't any significant relationship between birth order (first and second child) in emotional intelligence, attachment style, and self-esteem. Also, there isn't any relationship between gender and attachment. But there is a significant relationship between gender and emotional intelligence and self-esteem.

Recommendations

The study recommends the following:

- The importance of gender during adolescence can affect the pattern of parenting. It means parents should be aware of the differences between their adolescent's gender they should be taught not to raise differently, especially in the concept of emotional intelligence and self-esteem.
- For the concept of Birth order, parents shouldn't feel guilty. And they should be educated about this. Also, they shouldn't be forced to make the second child or not.
- The study should be expanded to other cities in Iran for generalizing in a different culture.
- The study should be replicated with a large sample in which the researcher can generalize the result.

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The Future of the City after COVID-19: Digitalization, Preventism and Environmentalism

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ABSTRACT: Ever since, metropolitan areas have seen a resurgence of the city as a hub for exchange of ideas, social transformation and innovation. Since the ages of industrialization and globalization, cities flourished in terms of economic growth and societal advancement. The 2020 COVID-19 crisis may set an end to this. Some of the major cities and foremost Western world metropolis began to empty out with the rapid rise of an infected city population due to social transfer of the pandemic and worsened diseases outcomes in a constraint medical system in high density areas. Even if the COVID-19 will be defeated with a vaccine or overcome with herd immunity during the coming years, the economy of large cities may be permanently changed given an ongoing digitalization trends, preventive medical care attention and environmental concerns in the wake of climate change. This paper envisions these three new trends of globalization shifting cityscaping to digitalization, focus on preventive medical care and environmental conscientiousness in future cities.

KEYWORDS: cities, Coronavirus, COVID-19, digitalization, economic growth theory, healthcare, human capital, inequality, innovation, international development, lockdowns, pandemics, preventive healthcare, urban economics, urbanism, workforce

Cities

Adam Smith's *Wealth of Nations* described the miracle of cities already in 1776. Metropolitan areas were envisioned as social transformation hubs that allowed country populations coming from the country side to ward off the shackles of their birth status and feudal dependency. In the countryside well-being was also directly related to weather and the overall environmental conditions.

Thanks to exchange in cities and the luxury of trade via the means of exchange of money given as remuneration, the city population could engage in common production endeavors. For their productive labor power individuals were remunerated based on productivity, effort and motivation in cities. Funds as a means of exchange enabled trade in cities and the specialization on one particular task, which the city worker could focus on. Cities have therefore ever since Adam Smith become known as ultimate social transformation hubs, in which people can aspire, thrive and succeed in economic prosperity and social uprise.

Ever since, cities enabled true miracles of specialization, where one could enjoy the best outcomes of everyone else's specialized peak performance. Anonymity of the city could push people's imagination of who they wanted to be. Performance thereby lifted to self-aspired higher levels than the urban socially constraint population, who was assured of their social class stickiness by feudal lords. Metropolitan entrepreneurs could align productive workforce, while workers could specialize on one piece of production and become the experts in it. The mere nature of cities allowing for exchange of goods and services on a fast pace and with easy access of a rising and diverse population thus leveraged specialization to excellence.

Since the age of enlightenment, cities offered the luxury of anonymity, where those who wanted to work gathered to be judged on their actual today's performance. Being remunerated by societal contribution rather than where one came from and what social class one was born into, but also being free to choose a profession based on skills and passion as well as being remunerated by the supply-demand echo of markets allowed anyone who dared to come to the metropolitan world to cast off the shackles of classes, natal status and prosperity dependent on the whims of nature. Cities thus served as birthplace of concentrated political transformation and lasting social change.

So not only account cities as social transformation hubs ever since, urban areas have also become the epicenters of trend breakers thanks to high levels of density, first-mover advantage due to favorable trade locations as well as anonymity benefits. The city population can celebrate exchange of the most refined goods and services thanks to density of ideas that are exchangeable on a fast pace in the constraint space. Highly specialized urban hubs that portray excellence attract a sophisticated, educated and wealthy populace. From all over the world, ambitious human capital amassed in large metropolis, where innovation naturally happens. The elite gathered together in cities aspires to consume highly-specialized goods and services. Together cadres of specialized workers could then focus on reaping network effects benefiting uniquely from exponentially-rising marginal utility in exchange of ideas, transfer of knowledge and inspiration of bundled arts, sciences and industry hubs.

Often historically located in transit points and gateways to multiple other worlds, cities have become harbors of goods, services and ideas. Metropolitan areas grant first-hand access to refined goods of entry ports. In addition, a lavish repertoire of entertainment is enjoyed together with gifted others around allows for cross-pollination in arts, communication, sciences, fashion, food and luxury flourishing. International influences closely-together in the metropolis and encouraged to exchange on a constant basis in dense areas, leveraged cities as epicenters to break trends. Trends grew out of these metropolitan areas around the world and ignited social change thereafter around the globe. No matter where exactly in the world, cities advanced cultural and intellectual development of populations around the globe despite the vast differences in historical times, traditions, religions and regimes.

Because of the network effect of large numbers of innovators coming together, exchanging ideas on a fast pace and being forced to push for one's own agenda under time constraints of temporary work placements and high expenses for comparatively high city rents, urban areas have contributed uniquely to economic growth. Especially during the past centuries, cities have been hubs of innovation, where individuals seeking to succeed in business, technology, culture, and academia have come together, as well as to cast off the strictures of rural and suburban life. In recent decades, the United States and other wealthy countries have seen a resurgence of the city in terms of population and as a hub for economic growth and transformational innovation.

COVID-19

The currently ongoing 2020 COVID-19 crisis seems to have set an end to these metropolitan trends. Some of the major cities began to empty out in March 2020, when the workforced changed to online and remote workspaces. Most of the productive parts of cities left temporarily to avoid contagion, and many made their departure permanent during the summer of the same year. COVID-19 may have permanently altered access to metropolitan benefits because it came at a time when the world was ripe for digital disruption offering novel luxuries of truly international exchange of ideas in a newly emerging digital world. In deciding whether to live in a city or remain in a rural area, individuals with a high earnings potential today faced a trade-off between better opportunities to benefit from unique network effects, but higher costs of city life

for housing, schooling, property taxes and risks to health and safety due to the pandemic and lockdown-related crime. We now may have reached an irreversible tipping point in comparison to previous pandemics, tragedies and terrorist threats to metropolitan bundles of human concentration. Especially those fields that traditionally benefited most from the city network effect have proven to be able to shift much of their activity into cyberspace by allowing remote work – for instance some of the large technology companies completely transitioning to a remotely working taskforce. The city premium has thus shrunk, while the cost of city life has not yet adjusted downwards. But how will the post-COVID-19 digital globe now e-urbanize?

In the course of the inevitable adjustment during the coming years, we are likely to see an increasing trend toward a world that is truly flat, with network benefits being reaped virtually. The highly educated and technology versed workforce of tomorrow will likely enjoy all the benefits a rural life physically but work in a truly global life virtually.

COVID-19 having exacerbated healthcare and hygiene needs will likely change individuals' preference for healthy breeding grounds in health-conscientious environments. Future city management will address these trends with shifts into healthy lifestyle promoting and hygiene enabling city features. Open space and social distancing but also easily accessible cleaning possibilities are perks of future cities.

Environmental conscientiousness will likely gain higher attention with individuals moving back into the countryside for social distancing purposes. With city populations moving to rural areas and travels to outskirts ruling over airborne travels, individuals will reconnect with nature and environmental attention will become accentuated. Already now we see attention to local communities rising. With the age of globalization having halted, we will likely return to a more environmentally sound living that pays attention to the larger environmental impact of individuals' footprint for this generation and the following.

Future cities of tomorrow

Digitalization:

Specialization, which was perfected in cities, may become more global and international in a digitalized world, a trend which I may call digitalization representing the ongoing globalization in digital spaces. With the internet as a window to the world, trends online have become truly global. May it be fundraising, communication, social mingling, shopping or education. The world has become flat online in breaking trends in an unprecedentedly fast changing range and mix of social media tools and features. Trends can emerge from all parts of the world now and compete for the idea rather than a brand-name of a city that signals money spent on housing, schooling, property taxes and social skills of its inhabitants or huge budgets for travel expenses of those trying to participate.

Especially those fields that traditionally benefited most from the city network effect have proven to be able to shift much of their activity into cyberspace by allowing remote work instantaneously. The city premium has thus shrunk, while the cost of city life has not yet adjusted downwards. In the course of the inevitable adjustment during the coming years, we are therefore likely to see an increasing drive toward a world that is truly flat, with network benefits being reaped virtually with the highly educated workforce decamping to rural and suburban areas.

Historically, cities were social transformation hubs but with COVID-19 cities are empty as the population is in strict lockdown mode. Nowadays, social online media have taken over the role as social accelerators of trends. Social online crowds are also putting enormous pressure on companies, public institutions, but also individuals and politicians. Social media and online forums encourage transparency and online group dynamics, which can quickly break trends. Today's social online media landscape now also leads a trend towards social censorship online. The historical governmental privilege to censor has shifted nowadays to an online mob that practices social censorship online in the digital age. This

requires an enlightened culture of freedom of expression, as advocated by Voltaire and Rousseau in the 18th century.

The cloak of anonymity is perpetuated online, where one can truly be what one wants to portray. Family ties or heritage become even less transparent in a virtual illusion that can emerge from anywhere around the world. More than ever before in the long history of city gatherings, does online anonymity free from shackles of social class and nepotism. But in the digital age, anonymity has also brought along problems of cyber-crime, hate postings and social censorship. When online platform providers are boycotted by companies, in the event that they do not censor non-mainstream opinions, one might even think that this represents an end to liberalism. Nowadays, publicly expressed opinions have to be adapted to a social, media-compliant opinion and sometimes may not reflect the attitude shaped by one's own experience. Freedom of expression should therefore be protected. Harper's Magazine has therefore called for a *Letter on Justice and Open Debate* that is currently being signed by influential opinion leaders around the world. Attention should be paid to discrimination against excellence, namely that no room is given to the loudest and most aggressive group censoring the internet, but excellent individual points of view are also been tolerated (Puaschunder 2020).

So when closing to comment on the digital urbanism happening as of now, we may urge to uphold e-ethics and digital codes of conduct. Future living will entail people being in less densely populated areas at favorable prices in higher-quality-of-living natural resorts. For exchange of ideas and goods, they will likely delve into world-wide collective virtual city experiences that are most internationally-specialized and virtually-anonymous where they can enjoying lavish network effects. In virtual spaces everyone can truly be whoever they want to be and spend their time on whatever they want. But these priceless online havens also bear a responsibility to worship our common virtual luxury temples together wisely, conscientiously and sustainably (Puaschunder 2018, 2019, 2020a, b, forthcoming a).

Preventism

With the novel Coronavirus (COVID-19) spreading around the world from the beginning of 2020 on, calls are made that the medicine of the future should prevent diseases instead of just treating their consequences. In the novel Coronavirus crisis, prevention and general, holistic medicine determine whether COVID-19 puts patients on a severe or just mild symptom trajectory. Obesity, but also the general status of the immune system are decisive in whether the Coronavirus becomes a danger for the individual. The COVID-19 crisis is therefore an important accelerator for necessary, fundamental changes in the health system, which also results in ecological impacts as a healthy diet is usually less carbon intensive.

The COVID-19 pandemic featuring different trajectories based on prevalence and the general health status and immune system, has created attention for prevention rather than simply curing consequences of diseases. Because we have to live with viruses and other environmental burdens on our health that are increasing due to rapid climate change, a change of direction towards prevention is expected to take place. Chronic diseases and their therapy are treated most successfully if the context of health and disease is considered from a systems biology perspective.

Individuals, families, workteams, corporate managers and governance officials will start to realize that promoting a healthy lifestyle in a favorable environment will help implementing prevention. Besides focusing on a healthy, ecological diet, also taking into account the health of our planet and climate attention, practicing epidemic hygiene will play a major role in the cities of tomorrow. Cities will focus on general hygiene and health and safe environmental conditions. Health will become a general theme of business, ecology and politics of city planning. Insurances will become a major part of preventive risk

minimization. Return-on-investment and sales for GDP as a rating of success should also integrate the long-term state of the overall health of the workforce and environmental conditions of the nation. In this light, the "*homo oeconomicus*" is outdated by the "*homo praeventicus*" stressing the need for shifting a purely economic outlook to at least integrating disease prevention and fostering an overall healthy lifestyle (Puaschunder forthcoming b).

Ecowellness trends

Moving from large cities to more rural areas will reconnect individuals with environmental conditions during a crucial time in light of climate change. Today, there is a heightened demand for climate stabilization featuring concerted mitigation and adaptation efforts. Different environmental efforts could shape the global environmental governance required in the 21st century, ranging from formal institutions (major global conferences and treaties), legal regimes, informal arrangements, intergovernmental relationships, nongovernmental organizations, global capital markets and multinational corporations (Puaschunder forthcoming c). Attempts to curb human-made carbon emissions that are offsetting the climate change dilemma may be in contrast to economic growth. For instance, fiscal policies and carbon tax but also monetary and credit policies attentive to environmental degradation may curb productivity. Creative ecowellness options and sustainable lifestyle innovations may emerge that pay tribute to health and well-being within the given natural constraints of ecological limits. Future cities may also see ecologic pricing reforms that pay tribute to the trend into environmentalism. Active cityscape projects may feature forestation to absorb CO₂ from the atmosphere but also behavioral changes. Already now we find a trend towards individualized cars and further behavioral changes will likely force transportation to become more hygienic and individualized. Lastly, the cities of tomorrow will likely feature intergenerational conscientiousness in protecting elder and low immune system risk groups from contagious diseases.

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Crimes which Can Favor the Spread of the SARS-CoV-2 Virus

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ABSTRACT: The criminal law is composed of the regulations which are meant to protect the fundamental social values of a society. Also, this branch of the law has the purpose to apply sanctions to crimes committed and to prevent the appearance of future cases. In regards to the current situation generated by the pandemic, the main social value which requires attention is the right for health protection, to be more precise the possibility of an individual to maintain its health without exposure to dangerous factors. As it is the case in every society, there are persons which are not able to understand the danger represented by a certain phenomenon, a similar case which we could refer to is the drug dealing and the illegal human trafficking. These two examples can be compared to the current global pandemic, since they present similarity in the proportion and frequency, at last, the virus being more harmful at this point. When such scenarios become reality the criminal law provides ways of working in order to solve cases that are represented by the misconduct of certain subjects of the law. Considering the present conditions, analysis and therefore, understanding of the regulations provided by the Romanian Criminal Code is necessary in these times of hardships.

KEYWORDS: Criminal Code, physical health, phenomenon, global pandemic, fundamental social values

Introduction

The moment when humans decided to coexist in order to assure the satisfaction of their basic needs, it was the starting point in which social structures were born. The biggest group is represented by society, working together towards a common goal. As the ancient Greek philosopher Aristotle used to say: "we can see that every state is a determined community and that each community was formed in order to create a determined good. Therefore, all communities tend towards a determined good" (Baumgarten 2015, 11). In this way of thinking, the reason we are born and raised amongst our siblings is to coexist and help each other in living a better life. One can achieve his/her goals by working with other people, thus we can state the fact that we are more interconnected and dependent on others than we would like to admit. Individuality may well be only a fake illusion, taking into consideration that every piece of our lives is in need of a service from another. For example, if we have an issue with the electricity at home, we must bring in a specialist. In the same manner, if a person is facing a criminal accusation, he will have to rely on help from his lawyer. Services make the world move and assure our survival and satisfaction. Not farfetched is the idea that in absence of our current methods of interaction, we would part ways with this world on an individual level in a matter of years. We have left the hardships of nature behind, and created our own reality, making the return to our roots almost impossible.

Jean Jacques Rousseau envisioned the need of humans to gather and form a bigger structure as a "Social Contract", represented by the loss at some degree of the freedom at the individual level in order to gain security, company, and food (Grigorescu 2007, 32).

With reference to our debated subject, the common goal at this point is to make sure that we work together in order to preserve our health and wellbeing.

The right to live a healthy life is recognized and guaranteed by the Constitution of Romania and the international conventions in which our country is part of (The European Convention of Human Rights, The Fundamental Chart of the European Union).

The tackling with crimes committed towards it is handled by the Criminal Law.

The right for health protection

At a constitutional level, it is stated that the right for health protection is guaranteed and the state has the obligation to implement all the necessary measures in order to maintain a certain level of public hygiene and public health (Romanian Constitution, Article 34).

According to the doctrine, the state of Romania has to offer the legal and institutional instruments in order to see this objective realized, also the public must be permanently informed about any potential danger, and every citizen must have access to public health services (Deaconu 2011, 259).

For a state to be fully functional, the citizens need to be in a good health in order to perform their activities and assure the continuous movement of the economic circuit.

The SARS-CoV-2 represents a new type of threat to public health, at a global level, each state being caught off guard and not knowing how to handle the current spread.

Since not all subjects of the law understand the issue represented by this new planetary disease, they may act in such a way that can endanger the life of others. Based on this knowledge, the Criminal Law needs to make sure all the efforts are met so that any misconduct will be punished and future cases prevented.

Criminal Law – definition and principles

This branch of the law can be explained as that structure of legal dispositions which has the role to protect the social values of a society, by qualifying certain behaviors as illegal, applying sanctions to criminal conducts and restoring the order of law (Mitrache C. and Mitrache Cr. 2019, 22-23).

Criminal law has two main functions, an active one and a passive one.

Firstly, the active role is represented by the act of resolving a social report brought to reality by committing a crime. In this case, the responsible organisms work into discovering the truth about the illegal act and to punish the criminal in accordance with his guilt.

Secondly, criminal law acts as a discouraging factor for any potential illegal intentions. In this manner, one can observe the possible consequences of any misconduct by referring to past cases.

As it is the case for any activity, the criminal law has a series of fundamental principles.

The principles of law can be defined as guidelines with the role of ensuring that any actions taken are in accordance with the scope of a certain branch and remain within the realms of justice, equity and correctitude (Popa 2008, 90-95).

In the Romanian Criminal Code, we can find two main principles: the necessity that incrimination must be legal and the sanctions applied also must be within the legal limits (Romanian Criminal Code, Art. 1-2).

Incrimination is the final result of the entire process, of all the actions taken by the persons responsible for the discovery of the truth and the application of sanctions. It represents the verdict by which an individual can be declared guilty and forced to pay for his conduct.

Being condemned for a crime consists in a serious matter because it will affect a subject of law for the rest of his/her life, not only by the environment in which he will be forced to live in (prison), but also by the reintegration in society after the punishment will be

completed. Therefore it is very essential that the criminal process is completed in accordance with the law and with correct and complete data, in order to pronounce a good verdict.

Sanctions must also be pronounced in accordance with the law. For example, in Romania the punishment by death is not applicable anymore since the Revolution in 1989, thus a judge cannot condemn a criminal to a public execution, the most severe punishment available being detention for life. Also, this principle has in its context the application of a sanction proportionally with the guilt, the punishment of the author cannot be the same as the one pronounced for an instigator.

Crimes which can favor the spread of the new virus

In Romania's criminal legislation there are several illegal acts that can bring harm to public health. However, only one is relevant to the current scenario created by the SARS-CoV-2 virus, that being the thwarting of the fight against a disease.

It can be explained as that illegal act where the measures for the prevention and tackling with a contagious pathogen are not respected and the result is represented by the spread of the microorganism (Romanian Criminal Code, Article 352).

For this illegal act to be properly analyzed, we will have to look into its main components, based on the structure provided by the specialized literature: the objects; the subjects; the objective aspect; the subjective aspect; the punishment (Udroiu 2015, 40-44).

The object of a crime is formed by a legal and a material one. In this case, the main legal object is represented by the social relations which cover the public health, in terms of compliance with special measures to prevent or combat infectious diseases as this type of disease spreads easily among the population, in our case combating the spread of SARS-CoV-2 coronavirus and the secondary one consisting of the victim's wellbeing (Hegheș 2020, 94). Next, the material object relates to the actions taken in order to not respect the measures of prevention.

Subjects are present in every illegal act, some are certain, some are not. In this case, the active subject can be any physical or legal person. The passive subjects are the state and the individuals directly affected (Hegheș 2020, 94).

The objective aspect is formed by the material element (in our case, the act of thwarting), the immediate follow-up (a state of danger for the victims, plus for the fundamental social values), and the causal link (which results from the misconduct itself).

The subjective aspect covers the forms of guilt by which this crime can be committed.

We can safely say that direct and indirect intention is the most plausible form of guilt. Also, the crime can also be completed in a culpable manner.

As per the dispositions, one who commits this illegal act can end up in prison from 6 months to 2 years or to be obligated at paying a fine. In the same way, if the crime is committed in a culpable fashion, the author can be sent to prison for 1 to 6 months or can be forced to pay a fine (Romanian Criminal Code, Article 352).

Other considerations

Even if during these times the state borders are closed and the circulation is limited, authors of this crime can still manage to leave the country in order to avoid being caught. This being the case, the members of the European Union place an important accent on the collaboration and cooperation in the criminal area in order to make sure that the responsible individual is brought to justice (Fuerea 2011, 307).

We are clearly facing a period of uncertainty, but taking into consideration some main causes, it can be determined the majority of persons which can commit the debated illegal act.

Knowing that someone suspected of suffering from the SARS-CoV-2 virus requires to be put in quarantine, thus having his/her freedom reduced and being obligated to respect all the indications of the medical personnel, they are more likely to commit crimes which can lead to the spread of this disease (Cioclei and Dumitru 2020, 514). In this manner, the potential circle of suspects can be narrowed down.

The authorities have the legal and moral obligation to make sure that the pathogen is contained, researched and solved by either new developed treatments or by creating a vaccine.

On the other hand, the citizens must show understanding and guide their actions in such a manner that the virus is limited in its expansion. This is necessary in order to provide the researchers some extra time to be able to find a cure and make it with no risks for the human body.

The interdependence which was presented at the beginning must be used with the purpose of providing us with an advantage, and not the other way around.

Conclusions

Humans chose to live together in order to better their existence and to be able to reach new and higher goals.

At this point in our evolution, we are vulnerable alone and stronger when we stand by each other.

The systems created by our “social pact” have the objective to ensure our safety and means of self-realization.

SARS-CoV-2 represents a danger to our entire species and demands a series of sacrifices when it comes to our rights and freedoms.

For one to achieve his dreams and aspirations, he needs to have his/her health preserved.

In the context of the pandemic, not following the guidelines provided by the authorities and the medics can result in the harm of others and thus the committing of a crime.

The right to health protection is guaranteed at a constitutional level and protected by the regulations of the criminal law.

The system of the criminal law has the functions of punishing and prevention.

In order for potential illegal acts to be discouraged, the sanctions should be amplified.

International collaboration and cooperation is an important aspect which can help ease the gravity of the current public health issue.

Quarantine and isolation should not be seen as punishments, but more as a civic act, a statement by which an individual proves that he cares about his community and that he is willing to help protect the other members.

Delaying the spread of the virus is essential in order for the studies of treatments and vaccines to be done correctly and completely.

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The Night of *Tarantella* versus The *Căluș* Festival in the Midst of a Pandemic

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ABSTRACT: Unfortunately, this year will see a complete different organization of the 23rd edition of the concert in Melpignano, Puglia; it will be held behind closed doors, due to the pandemic that has had a stark impact worldwide, precisely as it strongly affected most regions of Italy. Therefore, the concert will be broadcast on the Italian channel Rai 2 on Friday 28th August at 10.45 pm. The musical performance is a symbol of a tribute paid to the traditional music of Salento. The renowned composer Paolo Buonvino, along with, will bring joy to their viewers admiring the performance from home by including an emotional soundtrack, as the concert takes inspiration mainly from both various musical traditions and the current situation in Salento, thus the two musicians strive to encapsulate the image of people's misfortunes over the past few months, during lockdown, as everyone seems to have forgotten how to smile lately. Moreover, the accompaniment will also cover a mixture of popular customs of the *pizzica* dance and the world of cinematography. Two notorious orchestras will be performing from the stage of Melpignano, namely the Orchestra Popolare "La Notte della Taranta" and the Orchestra Roma Sinfonietta. The decision to postpone the live performance of the festival was made in order to avoid further transmission of the COVID-19 virus. At the same time, the festival is dedicated to the lion-hearts who fight against the viral disease. The final concert will be held three years from now, in 2023.

KEYWORDS: Festival, Popular Music, Dancing, Tradition, *Căluș*, Tarantella

The current situation around the globe in the midst of a pandemic

The big picture of the current situation in Romania has been thoroughly portrayed between the lines of a book in which 50 Romanians have expressed their thoughts in regard to the overall impact that the virus has had on the society. Hence, the book carries a very evocative title – "COVID, colivia noastră" "COVID, our cage" (Șoitu 2020) – in an attempt to emphasize the latest events that occurred in our lives. The volume was published in Iași.

As words have been strewn on the paper, the 50 participants wished to show their unvoiced feelings in these hard times, compiling every single idea into an edited collection. Among the figures who have contributed to the original volume, such as authors, doctors or actors, it is also worth mentioning two important personalities, specifically the President of the Romanian Academy and the Patriarch Daniel of Romania.

The multi-author volume seeks to raise awareness of the disparities between one's points of view, opinions and general perspectives on the side-effects of such an event.

As time flies, you hope that everything will be alright and things will take a positive turn, but as soon as you start to realize how helpless you feel, you begin to rebel; as this sentiment is experienced by one's peers, all feelings turn into a unitary force, ultimately exhibited by a collective group. You just want to be able to bear with it by staying healthy and winning over the situation as you face a hidden enemy, able to spread itself and take different forms. All this general struggle in hopes that, one day, someone will find the cure-all remedy – a vaccine.

Those who represent a significant and memorable part of the society were constantly pulling out all the stops in order to take action and not turn a blind eye to what was happening around them. Apart from the statistics, data, numbers or the toll of deaths and diseases registered on a global level, there are people who truly care about the way society is moving

towards a new direction as they try to outbalance the negative aftermaths of the pandemic by lending others a hand.

Thus, the context gives everyone a deeper insight into the seriousness of the current situation as the pandemic has starkly influenced the socioeconomic status, sprung from a sense of detachment within human relationships. If the pace of things continued to develop steadily, the possibilities of a bright future that could wait ahead of many might be narrowed down and slowly producing a shift within future generations, clipping the wings of the youth ones at the beginning of their lifetime journey.

The Night of Tarantella

“Throughout time, The Night of Tarantella has probably become the most important and prestigious large-scale musical festival on the Italian stage representing an event that has reached an unparalleled level worldwide. It is enough to consider its dimensions: tens of thousands of people, especially the young ones gather every year in Salento. The festival highlights authentic folk music and at the same time promotes Italian folk music having a great worldwide effect (...), The Night of Tarantella ultimately represents a genuine unique cultural institution, with significant effects on economy, tourism, and image, thus, becoming a grandiose musical event” (Quarta 2007, 15).

The Night of Tarantella stands for an important musical choreographic manifestation that takes place in Salento, being undoubtedly considered to be the most well – known “movement” of expression of the folk revival genre of the last century. This movement was created at the end of 1998 out of the necessity of displaying all the folk music bands in Salento or, by any other way, of those that could be attributed to the environments and sounds that belonged to the “pizzicomania” phenomenon (“the art of pinching”). The latter, being considered to be a unique “subculture”, can be identified in The Night of Tarantella in its most illustrious form: the festival represents a remarkable music phenomenon, capable of gathering tens of thousands of people. The founding of the festival owes a great deal to the cooperation of the authorities of GRECIA SALENTINA and THE DIEGO CARPITELLA INSTITUTE in their attempt of reuniting, within one single event, the representative bands of the folk revival genre, or those already belonging to this genre.

It is obvious that GRECIA SALENTINA deals mostly with administrating and managing the activities in the beaurocratic field of The Night of Tarantella event, whereas the structuring and organizing of the event are being managed by a team of specialists.

The first festival of this sort took place in Melpignano (situated in the Lecce province) in August 1998, within which the festival particularly made its debut with a big concert, representing the defining moment of the three days of studies and debates between the “PURISTS” (who have got as foremost objective promoting traditional sounds) and the “CONTAMINATING” (the ones that focus on proposing new sounds and musical combinations). The project is being developed under the surveillance of Daniele Sepe, who is a creative musician of Naples, who, despite contrasts and numerous arguments, succeeds in organizing the concert (Quarta 2007, 16).

But it is these very contrasts that create new introductions and musical arrangements. Thus, a new Salento style of music is officially created: innovative musical instruments are used for the first time which are representative for the folk music, such as: drums, synthesizers, keyboards and many such others. It is in this way that the concert disappoints the PURISTS objectives, but delights the audience and makes them dance.

On the other hand, these compositions have become the main elements both for the folk revival genre, and also for The Night of Tarantella.

A concert organization “netwise” was chosen within the 1998 edition, before the final concert: this meant a simultaneous show accomplished by several bands in the main centers of

the south of GRECIA SALENTINA, performed a few days before the gathering of Melpignano. The Melpignano concert consists of improvised music sessions of folk music of Salento. Even the following editions of this manifestation have stirred a major interest, being able to attract the young people of all Italy.

Together with Daniele Sepe, among the concert maestros that have hosted the event we can remind the Italian musician Vittorio Cosma, who had a collaboration with the musical bands Premiata Forneria Marconi and Elio e le Storie Tese, hosting the 2002 edition, but also the ethnomusicologist (and musician) Ambrogio Sparagna, fond of folk music, and who managed the 2004 - 2006 editions.

The Folk Orchestra of the Festival The Night of Tarantella, appeared together with the concerts organized by Sparagna which creates the sounds of the traditional “pizzica” dance by means of the instrumental ensemble specific to orchestra. Among the people mentioned before there is also the multi-instrumentalist Mauro Pagani, who hosted the three editions between 2007 and 2009, who collaborated with numerous Italian musicians, such as de Andre, Ligabue, Vecchioni and many others.

The last two editions of the Salento festival, performed in 2010, respectively 2011, were organized by Ludovico Einaudi, from Turin, a piano player and chamber and classical music composer; his work consists of numerous compositions that are part of the soundtracks of well-known films.

The event has got remarkable notoriety, keeping its continuity throughout the years, which is due both to the decisive collaboration between different generations of the people of Salento, but also to the expanding, first to the national level, and then, to the international level, of the local knowledge and the traditional-choreographic music of Salento.

The Romanian *Căluș* Festival in the midst of a pandemic

In 2019, from 18th to 22nd of June, the “Romanian *Căluș*” Festival, held in Slatina, Olt County, has reached its 21st edition, after having displayed various performing arts of the *călușari* groups, along with instrumentalists and dancers. The festival creates a magical show for the Romanian spectators as it contributed to the enhancement of the city’s reputation for the second time, making it worthy of a decent title in the World Records.

Moreover, the *căluș* dance has been included in UNESCO’s List of Intangible Cultural Heritage, in 2005, as it represents an important national emblem and a symbol of Romanian identity. Following this event, the festival has then been officially recognized worldwide on the 7th of June, 2017 after exhibiting an awe-inspiring choreographical scenery.

On this occasion, a group consisting of more than 1052 dancers was admirably led by the illustrious choreographer Nichita Dragomira. The 21st edition has seen about 2500 dancers of different age participating at the festival.

However, on the 5th of May, this year, it was concluded that the festival would eventually be postponed due to the pandemic that has had an overwhelming impact around the globe. It appears that this phenomenon might have produced a result that was hardly “accomplished” during the communist regime, which would often ban the *căluș* dance performances over the week. In addition to this, the shows held right before Whitsunday were suspended, as well as the *călușari* parties being restricted from increasing their number of members.

As the PHD (Public Health Direction) enforced the law according to which such social events should not be held, the authentic traditions are bound to disappear, thus fostering an emergent and less substantial perspective on the *căluș* dance, now viewed purely as a form of entertainment.

As a consequence, nowadays it seems that no one is capable enough to impersonate the famous character of the *căluș* dance, the *mute*, hence his unique mysterious and charming

traits never get to be fully mastered. This might lead to a decrease in members among the *călușari* groups.

Nevertheless, it has also become clear that the young generations are engrossed in exploring the secrets of both customs and means of entertainment that this dance has yet to offer to its admirers.

Last year has also greeted us with the 50th edition of the International Folklore Festival “The Romanian *Căluș*”, in Caracal, organized from 21st to 23rd of June; an impeccable and veritable popular show which contributed to a further development of Romanian traditions.

Regrettably, this year’s festival has been delayed once again. As the pandemic has gradually „taken over the world”, the measures including social distancing and the wearing of the mask seem to hinder the public’s opportunity to admire the mastery of the ritualistic dance, hinted by the freedom to rhythmically lift your feet off the floor and express yourself – the key to create art and magic inside the world of dancing.

However, magic suddenly vanishes as one begins to feel trapped inside human limits, being helpless against a hidden malicious force, capable of “paralysing” anyone whom it encounters, as if it would “put a curse” on them.

Conclusion

Although both festivals have been delayed, the professional *călușari* performers still don’t give up hope as they prepare themselves for important shows and try to keep the unity for when they are about to perform on stage after the pandemic. The tradition of this ritualistic dance is very rich in peculiar meanings as the *căluș* dance itself is a millenary custom.

Despite not being able to participate in such events this year, the bystanders, especially the youths, might have the possibility to gaze at the performance of various small *călușari* groups in the town, as they have displayed a sheer interest towards the idea of preserving traditions and customs for the future generations. This might bring a lot of positive aspects, as the *căluș* dance is mainly known for bringing good luck, keeping away evil spirits or holding healing powers.

Therefore, this year the night of the tarantula will be held behind closes doors and the amazing Festival of our callus in Slatina, as well as the one in Caracal, was not held at all. We return to normalcy, to a life without fear.

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Romanian Education in Times of Pandemic

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ABSTRACT: In Romania, face-to-face courses in preschool, primary, secondary, high school, vocational, post-secondary and higher education have been suspended since the beginning of the state's declaration of emergency by the country's president, but the educational process continued through technology-assisted learning until the end of the semester when the school/university year courses ended. Students and teachers who did not have access to technology received support from schools, school inspectorates, town halls etc. The students continued the technology-assisted learning, and the exams could be taken online, remaining at the discretion of each higher education institution. The Romanian education system was not prepared to provide the favorable framework for an efficient and qualitative online educational act for all participants, the quality of face-to-face learning being far superior to those in times of pandemic.

KEYWORDS: research, education, teaching, online, pandemic

Introduction

The Romanian education system consists of all state and private education units and institutions of various types, levels and forms of organization of training and education. It is structured in educational levels to ensure the coherence of instruction and education according to the age and individual characteristics of pupils and students (Eurydice 2019).

Pre-university education is an integral part of the national education established as a system, bringing together state, private and denominational education units, authorized or accredited. It is organized by levels, forms of education and, as the case may be, courses and profiles, ensuring the necessary conditions for the acquisition of key competencies and for progressive professionalization. *Early education* (0-6 years) consists of pre-school level (0 - 3 years) and preschool education (3-6 years), which includes the small group, middle group and large group and takes place in nurseries, kindergartens and centers day, state or private, according to the same educational content and according to the same national standards. *Preschool education* is carried out in kindergartens or in schools (state or private), which have as section pre-school education groups, according to the same curriculum and respecting the same national standards. *Primary education* is the first stage of compulsory education and includes the preparatory class and grades I-IV. *Secondary education* is a component part of compulsory general education and includes grades V-VIII. *High school education* includes the following fields and profiles: theoretical field (humanistic and real profiles); technological chain (technical profiles, services, natural resources and environmental protection) and vocational chain (military, theological, sports, artistic and pedagogical profiles). Special education and special integrated education is an integral part of the national education system in Romania and offers all children/students/young people educational programs adapted to the degree of disability and their development needs, being organized at all levels of pre-university education, depending on the type and degree of disability (mental, auditory, visual, locomotor, associated). *Non-university tertiary education (post-secondary education)* is organized in post-secondary schools with legal personality or as structures without legal personality, in high schools with legal personality, or in colleges within accredited higher education institutions, with a duration of 1-3 years, in depending on the complexity of the qualification (cnred.edu.ro).

Higher education is organized in universities, study academies, institutes, higher education schools, which have obtained provisional operation authorization or accreditation.

The undergraduate degree programs represent the first cycle of university studies. Master's degree programs represent the second cycle of university studies. PhD studies represent the third cycle of university studies, they can be organized in the form of full-time and part-time education, with a duration of 3 years (cnred.edu.ro).

In accordance with the provisions of the National Education Law, home schooling is possible for: children, pupils and young people with chronic illnesses or illnesses that require hospitalization periods longer than four weeks are organized, as appropriate, groups or classes in the health unit in who are hospitalized; children, pupils and young people who, due to medical reasons or due to a disability, are not displaced, home schooling is organized for a determined period; homeschooling, respectively the establishment of classes or groups in hospitals are done by the school inspectorate, according to a framework methodology developed by the Ministry of Education (edu.ro).

Carrying out teaching activities during the state of emergency and alert in Romania

On March 16, 2020, the President of Romania issued the first decree on the establishment of the state of emergency on the entire territory of the country for a period of 30 days (Decree no 195 of March 16, 2020 on the establishment of the emergency situation on the territory of Romania, published in Official Gazette no 212 of March 16, 2020. After the end of this period, it issued a new decree, which extended the state of emergency until May 14, 2020 (Decree no 240 of April 14, 2020 on the extension of the state of emergency in Romania, published in the Official Gazette no 311 of 14 April 2020). In art. 2 of the latter decree, provides that "In order to prevent the spread of COVID-19 and in order to manage the consequences, in relation with the evolution of the epidemiologic situation, for the duration of the state of emergency, the exercise of the following rights is restricted, proportionally with the degree in which the criteria mentioned in Article 3, paragraph 5, is accomplished: a) Freedom of movement; b) Right to intimate, family and private life; c) Inviolability of home; d) Right to education; e) Freedom of assembly; f) Right to strike; g) Right of private property; h) Economic freedom."

In Annex no 1 - *First emergency measures with direct applicability* from Decree no. 240 of April 14, 2020, Chapter X - *The field of education and research*, is provided in art. 77-80 that - "During the state of emergency, all teaching activities that require the physical presence of preschoolers, preschoolers, pupils and students in educational institutions and institutions are suspended; The pre-university education units organize, as far as possible, the development of activities from the curricula, in online format. The development of these activities, as well as the way of recovering the elements that cannot be covered during this period are established by the Ministry of Education and Research; the higher education institutions from the national education system, based on the university autonomy, respecting the quality of the didactic act and assuming the public responsibility, will use alternative didactic methods of teaching-learning-evaluation, in online format; The teaching activities such as laboratories, projects, research activities, which require the direct interaction, in the university space, of the students with the teachers and research will be recovered after the cessation of the state of emergency".

At the end of the second period of the state of emergency, Romania entered the state of alert. Law no 55/2020 on some measures to prevent and combat the effects of the COVID-19 pandemic, published in the Official Gazette, Part I no. 396 of 15 May 2020, in force since 18 May 2020, provides in Section 5 - *The field of education and research* in art. 38 that "during the state of alert, teaching activities that require the physical presence of ante-preschoolers, preschoolers, pupils and students in educational units and institutions may be suspended, at the proposal of CNSSU, by joint order of the Minister of Education and Research and the Minister of Health. (2) The duration of the suspension provided in par. (1) may exceed the

duration of the alert state, depending on the remaining period of the school year and the stage of the educational process”.

In the same law is provided in art. 39 para. (1) that “from the date of entry into force of this law and until the elimination of restrictions on public meetings by the relevant authorities, pre-university education units organize activities in curricula and online. (2) In the situation where the activities cannot be carried out according to the provisions of par. (1), in order to ensure equal access to education, the school inspectorates/school inspectorate of Bucharest and pre-university education units have the obligation to provide educational resources for students who do not have access to technology, in accordance with the instructions of the Minister of Education and Research. (3) Carrying out the activities provided in par. (2), as well as the way of recovering the contents from the school curricula that cannot be covered during this period shall be established by the Ministry of Education and Research”.

This law also refers to higher education, in art. 40 as follows: “During the alert state, as well as throughout the academic year 2019-2020, higher education institutions in the national education system, based on university autonomy while respecting to the quality of the didactic act, they can use alternative didactic methods teaching-learning-evaluation, in online format, in accordance with Government Emergency Ordinance no 58/2020 on taking measures for the proper functioning of the education system, published in the Official Gazette, Part I no. 347 of April 29, 2020. Also, the final exams for the bachelor’s, masters or postgraduate studies, the defense of doctoral thesis, the defense of habilitation thesis can be conducted online”.

The pandemic of the new coronavirus put Romanian education in front of new challenges and the need to adapt quickly to them. Many of the schools in Romania were not prepared to face the new situation, in the sense that in rural areas, in certain areas, there were no decent learning conditions in previous years, there were no hygienic-sanitary conditions, they operated without medical offices, and in the urban environment there were and are overcrowded classes. To these is added the absence of an integrated form of the program that allows online learning.

During the state of emergency and later during the state of alert, until the summer holidays, when schools were closed, many pupils did not participate in online schooling, especially in rural areas. But there were also happy cases where the online school was made, between March and June, on the phone and, in some cases on the tablet, after teachers and parents mobilized, or through donations from some companies to help pupils to attend classes. The problem is that we do not have a proper endowment at the national level.

Where pupils did not have access to the Internet and the devices needed to attend online school, teachers sought solutions to continue lessons during the state of emergency. One of them is the “store” method - the teachers left the worksheets at a store, where they were picked up by a parent, and the solved topics were taught again at the store (Europa Liberă quoted by SparkNews.ro 2020).

The biggest problems reported by students, parents and teachers were the lack of devices and internet connection. Thus, students did not have tablets or laptops, less powerful phones could not be used efficiently for all applications and platforms, and the internet connection was either completely missing or had interruptions. There are schools that, although they had an internet connection, did not have wireless throughout the school, and the teacher could not do hybrid classes in the classroom. There was no technical quality, the students could not hear or heard intermittently, they could not see the board, the image could not be enlarged, and the examples could go on. On the other side, of the teachers, things did not get better, in the sense that some did not have computers to transmit classes online, and the existing ones in schools were old and did not work properly. Where there were possibilities, some teachers began to teach at a distance from the very first weeks of the state of emergency. However, most waited until after the Easter holidays, when the Ministry of Education issued an order in this regard. Others did not do so until the end of the school year.

Many of them did not have the necessary materials, others could not adapt to the new learning methods, they said that they do not want to go online, that it is possible to be registered and in the end many retired early. Unfortunately, these problems were also in the urban environment. The pandemic context brought other difficulties, such as the impossibility to recover the subject from the previous school year, or the impossibility to adapt all the subjects to the online teaching. There is no national platform, accessible to all. Therefore each teacher worked with the students as he thought was best (Ruxanda 2020). Teachers used various applications or platforms in the teaching process with WhatsApp, Zoom, Google Classroom, Google Meet, Microsoft Teams, organized video conferences with Meet or Teams, used the virtual board with Google Jam board or Microsoft Whiteboard. Zoom classes, uploaded pictures as pictures on WhatsApp or Google Classroom, and photos with notebooks sent back by parents are far from a true learning and digitization process in education. The teacher must use materials specifically designed for digital education, so as to create that interactivity, to provide and receive feedback. They must have a method of distributing materials, sorting them into categories so that each student has access to them and works on their own worksheet.

According to art. 11 of the Decision of the National Committee for Emergency Situations no 28 of June 11, 2020 on the proposal of the necessary relaxation measures in the current epidemiological context, applicable from June 15, 2020, allowed activities in nurseries, kindergartens and after-school during the summer holidays, under conditions established by joint order with the Minister of Education and Research, the Minister of Health and the Minister of Labor and Social Protection. As a consequence, the Ministry of Education and Research has developed a guide for organizing preschool education units in the public system for receiving and involving children in recreational activities during the summer holidays.

According to the Ministry of Education, the access of parents/relatives to the interior of the kindergarten or school was not allowed, and the children were taken from the gate of the school by a person appointed by the principal and, in the same way, at the end, they were led to the exit.

For kindergartens, it is mentioned the realization of well delimited and signalized routes inside the educational unit (even in the group room) and in the afferent space in the yard. At the same time, there will be a maximum of 20 children with 2 adults in the group rooms. In kindergartens with a normal schedule (5 hours/day), children come with the food package from home and it is usually served at 10.00. Children or staff members who present with suspected SARS-CoV-2 disease will be isolated until they leave the school, in accordance with the recommendations in force.

On July 27, 2020, the Romanian Senate adopted the project according to which the activities carried out in pre-university and university education can also be carried out online in the situation where a state of emergency or siege is established, according to the constitutional provisions. In these situations, the activities carried out in preschool and school education, but also those in university education can be done online, to ensure the exercise of the fundamental right to education provided in art. 32 of the Romanian Constitution.

In September, with three days before the opening of the schools, the Ministry of Education made public the situation of the scenarios that will be applied in the educational units on the entire Romanian territory. The scenarios proposed by the Ministry of Education are three in number, as follows (HotNews 2020):

Scenario 1 (0-1 cases) provides for the daily participation of all preschoolers and students in schools, in compliance with and application of all protection rules.

Scenario 2 (1-3 cases) - daily participation of all preschoolers and students in primary education, students in grades VIII and XII, in compliance with and application of all rules of

protection and partial return (by rotation of 1-2 weeks) of students from other high school and high school classes, in compliance with and application of all protection rules.

Scenario 3 (3-50 cases) provides for the participation of all preschoolers and students in online activities/lessons.

Starting with September 14, 2020, the students returned to the classrooms in special conditions, differing from one school to another. However, they had three essential things in common: wearing a mask so as to cover both the nose and mouth; the physical distance to be kept at least 1 meter indoors, with the obligation to wear a mask, and at least 1.5 meters outdoors, when not wearing a mask; hands should be sanitized or disinfected whenever students touch an area that could be infected such as handles, railings, elevator buttons.

Students should always sit in the same place in the classroom and avoid touching their classmates' objects, chairs and benches. They must also disinfect their hands each time they touch common objects or surfaces, such as chalk, sponge, board, keyboard, mouse etc.

Pupils who show symptoms of the disease should not attend school or university. Parents/students have the obligation to notify the school as well as the family doctor. Students who are part of risk groups in case of infection with the new coronavirus (COVID-19), or live with people who are in risk groups, can go to school online, based on a request from parents.

Unfortunately, the rules imposed by the pandemic were violated from the first day of school, in many locations in the country, especially the observance of physical distance, at the entrance to schools. Moreover, in some places, although students and parents were very close, they did not wear protective masks.

Unfortunately, the rules imposed by the pandemic were violated from the first day of school, in many locations in the country, particularly physical distancing compliance, at the entrance to schools. Moreover, in some places, although students and parents were very close, they did not wear protective masks.

The school started differently for the students, in the sense that for some of them it started safely, where the school principals and the local authorities assumed responsibilities and respected them, namely they made sure to have healthy spaces, to have tablets for students and disinfectants for the school space. But for many other students, especially those in rural areas, the school did not start in a safe and quality environment, as they do not have large enough budgets to cover all current needs.

In larger cities, such as Bucharest, Timișoara, Iași, Cluj-Napoca, Sibiu, Brașov, most schools started the new year in a hybrid system, so the students did the shift - that is, some students in the classroom and another part they watched the lesson in real time, from home.

If in the big cities the schools were prepared for the hybrid scenario, in the rural environment the principals opted rather for the green scenario, especially since there the number of students is smaller, the distance can be ensured more easily, and the online school is more difficult to put implementation, provided that not all students have access to the Internet or electronic devices.

Ten days after the start of the school year, the number of schools in the red scenario, where online classes are held, was 39 times higher than at the beginning of the school year, the number of schools in the yellow scenario decreased by 509, and the number of schools in the scenario green increased by 525 (Cornea 2020).

In universities, things have been completely different, they have been organized much better, since the beginning of the pandemic, especially in private universities. The resumption of teaching activities for which the physical presence of students/trainees is required requires a wide commitment in society, in the context of the importance of equitable access to education, and, at the same time, a responsibility by each higher education institution by virtue of university autonomy.

Conclusions

All specialists warned that an increase in coronavirus cases is expected in the next period due to the start of schools. There are calls over calls for responsibility and observance of the rules, but also for maintaining this conduct at home, after returning from school. Experts point out that the virus has been milder in children, but quite a few things are still known and developments are quite unpredictable. The key date for this important step in the context of the pandemic would be around October 1.

Principals and teachers felt the pressure on their shoulders and tried to prepare the schools as best they could, with the resources they had, so that the students would suffer as little as possible. At the same time, they are afraid of getting sick, especially since, as a rule, there are few young teachers. The circle of weaknesses is filled by other shortcomings: in most schools the unskilled staff, who have to ensure the cleanliness of classrooms and common areas, is insufficient.

Also, the technique must be constantly improved, but also the continuous training of teachers in order to use all the tools at our disposal. At the same time, students must be trained how to use various applications or online platforms.

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Deprivation of Liberty - 'Medical Punishment' during the State of Emergency in Romania

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ABSTRACT: The state of emergency established in Romania as a result of the epidemiological evolution determined the authorities to take extraordinary measures to limit the pandemic's negative effects, being adopted rules stating that individuals for which self-isolation or quarantine was established who do not comply with these measures will be forcibly placed into quarantine, under guard, being held for criminal liability, and also put to pay the expenses incurred. To these considerations, the present study proposes the thesis that the forced quarantine must be assimilated to placing the person in detention, within the meaning of the criminal law for this, contemplating that the state has violated procedural rights of individuals, as well as the right to free access to justice, the measures imposed by the analyzed rules aiming in fact at the most drastic resort possible, without giving the possibility to establish proportionate measures. The study also shows that the rules exceed the framework of the tactical police measure of leading persons to the headquarters of a judiciary organization, as well as that the misdemeanor or criminal punishment of persons who do not comply with the measure of self-isolation or quarantine, complementary to the measure of forced quarantine and the imputation of the expenses occasioned by this measure, violates the criminal procedural principle *ne bis in idem*, given that the authorities have in fact sought to double sanction individuals targeted by these measures. In order to demonstrate the submitted theses, a qualitative analysis will be made of the concepts captured in the jurisprudence of the constitutional and the supreme courts of Romania, as well as in the cases of interest with which the European Court of Human Rights was invested, not least, pointing the discoveries reported in the criminal doctrine on the elements introduced in this paper.

KEYWORDS: emergency state, institutionalized quarantine, deprivation of liberty, *ne bis in idem*, policing

Introduction: the legislative evolution in Romania

In connection with the measures adopted by the Romanian authorities by establishing exceptional conditions to prevent the spread of the coronavirus infection, we try to highlight the reported violation of human rights that the authorities have implemented.

In this regard, we point out that the Minister of Internal Affairs ruled that *isolated persons at home, who leave their location (...) are led into institutionalized quarantine, and that quarantined persons, who leave their location, are quarantined for a further period of 14 days* (Article 7 paragraph 1 of Military Ordinance no. 2/2020).

Moreover, in view of the accelerated evolution of the virus spread, the Minister of Internal Affairs subsequently establishes that *persons who leave the location of their quarantine, will be sanctioned for misdemeanors (...) and will be obliged to resume the 14-day quarantine cycle, bearing the costs of their quarantine, and that persons who do not comply with the conditions of solitary confinement at home will be sanctioned for the misdemeanor (...) and will be obliged to enter quarantine for 14 days, also bearing the expenses* (Article 3 para. (1) and (2) of Military Ordinance no. 4/2020 - initial form).

Deprivation of liberty with the most drastic measures

In relation to the way which the Romanian authorities understood to limit the fundamental human rights for the exceptional situation management, the problem arises to the extent that

the deprivation of liberty ordered under the conditions shown above, by military ordinances, satisfies the protective requirements of the European Convention on Human Rights.

Therefore, we emphasize that *everyone has the right to liberty and security and no one shall be deprived of his liberty unless it is a question of the lawful detention of a person liable to transmit a contagious disease* (Article 5 point 1 letter e) and point 4 of ECHR), but we further show that Article 5 of the European Convention on Human Rights guarantees the judicial review applicable to all forms of deprivation of liberty, regardless of the national procedural mechanism in place (Chatzivassiliou 2004, 499).

In this respect, the determination of *deprivation of liberty* must be made on the criteria basis, such as the type, duration, effects and application of the measure in question (ECHR 2012, Paragraph 91), thus allowing an analysis of the context of the restrictions imposed, which in today's society are not limited to the carceral system, but may involve calling on society as a whole to support restrictions on personal liberty in order to protect the common good (ECHR 2012, Paragraph 226), deprivation of liberty being able to take various forms, the place of execution not necessarily being a detention institution, in the classical sense (Romanian Constitutional Court 2014, Paragraph 19).

Also, the difference in comfort existing at a given time between the different places of detention does not constitute a condition in determining whether or not a measure is in fact a deprivation of liberty (ECHR 2003, Paragraph 64), constituting such restrictions also the quarantine of persons in private hotel units put at the disposal of the national authorities, as is the case of Romania, during the state of emergency (Government Decision no. 201/2020).

Deprivation of liberty from an objective point of view consists in restricting the individual in a closed space, without having the possibility to leave, there being an increased control over the person's possibility to have social contacts (ECHR 1980, Paragraph 95), and subjectively, it presupposes that the individual has not validly expressed his consent to his detention (ECHR 2005, Paragraph 74).

It is for the national authorities to interpret and apply domestic law, but in order to comply with the requirement of legality, so as not to run counter to the guarantees generated by Article 5 of the Convention, national law must respect the general principles governing the Convention, namely the rule of law, the principle of legal certainty, the principle of proportionality and the principle of protection against arbitrariness (ECHR 2012, Paragraph 32). Hence, it is important that the conditions of deprivation of liberty under national law be clearly defined and that the law itself be foreseeable in its application, in order to guarantee a sufficiently precise legislative framework to enable the individual to reasonably provide under the circumstances, the consequences that may derive from a certain act (ECHR 2013, Paragraph 125).

Protection against arbitrariness implies a relationship of proportionality between deprivation of liberty and the detention in question, the assessment of such proportionality requiring an analysis of the type of restriction imposed. Thus, the deprivation of liberty of a person intoxicated with alcohol appears to be justified only if *other less severe measures have been found to be insufficient* to protect the interests of the individual concerned or of the general public (ECHR 2000, Paragraph 78). The Strasbourg Court considers that an individual cannot be deprived of liberty on grounds of alienation unless the mental disorder has a high degree of compulsory hospitalization and continued hospitalization is caused by the persistence of the disorder of the same intensity (ECHR 2000, Paragraph 45).

With regard to the detention of a person *in order to prevent the spread of infectious diseases*, it will be necessary to determine whether the disease in question is dangerous to public health and safety, and whether the detention of the infected person is a last resort to prevent the spread, other solutions of lesser severity being classified as ineffective (ECHR 2005, Paragraph 44), being imperative to strike a balance between the importance of the

individual's right to liberty and proof of an exceptional and unpredictable situation on the authorities part (ECHR 2013, Paragraph 194).

Thus, regarding the restrictive legal framework stated above, the institutionalized quarantine of persons who did not comply with certain measures imposed by the emergency situation, together with their prosecution under the aspect of committing an illegal act, supplemented by the expenses incurred with their quarantine, does not meet the imperative and cumulative criteria referred to in Article 5 point 1 letter e) of the Convention, persons against whom the authorities have taken repressive and punitive measures under the conditions set out not being subject to prior medical testing to determine the extent to which deprivation of liberty by quarantine is necessary or if the person concerned is infected and his detention as a measure of increased intensity would be the most appropriate solution to protect the public interest.

Moreover, the Romanian Constitutional Court, invested with resolving an exception of unconstitutionality for the situation of quarantining persons during the state of alert, so after the interval in which the provisions of the military ordinances we referred to applied, shows that, although the state is bound to take vigorous, prompt and appropriate action, the severe effects on the rights and freedoms of the person imposed by the restrictive measures must be accompanied by clear and effective safeguards against any abuse or discretionary and illegal action (Romanian Constitutional Court 2020, Paragraph 73).

In other words, deprivation of liberty without a legal justification and without the possibility of challenging the decision of the authorities is limited to violating the rights of the individual in relation to Article 5 of the Convention, and it is imperative that in such situations the person should have the possibility of appealing to a procedural system of safeguards to control the measures taken, to determine whether they are appropriate and to provide a mechanism for their recusal (Tropea 2012, 57).

The *ne bis in idem* principle infringement

Article 4 point 1 of Protocol no. 7 of the Convention settles the *ne bis in idem* procedural-criminal principle, consisting in the fact that individuals *have the right not to be tried or punished twice*, showing that *No one can be prosecuted or punished criminally by the jurisdictions of the same state for committing the offense for which he has already been acquitted or convicted by a final judgment in accordance with the law and criminal procedure of that State*, thus restricting the possibility for a person to be repeatedly accused and convicted on the basis of the same acts or facts (Bockel 2016, 13), with the aim of guaranteeing the right to a fair trial and at the same time guaranteeing the legitimacy of state power (ECHR 2004, Paragraph 57).

In this respect, compared to the Romanian authorities' implementation manner of the repressive measures, as we have previously pointed out, we gauge that the three conditions are cumulatively fulfilled (Neagu and Damaschin 2015, 77) for the finding of the triple punishment for a single individual, in relation to the same perpetration.

For this, we show that there is *uniformity of person* and *of object*, against the same individual being taken several measures whose real purpose is to punish the person for committing a single act that falls within the sphere of wrongdoing in connection with the state of medical emergency instituted on the Romanian territory, and last but not least, there is a decision *to convict* the person, supplementing other sanctioning measures that were taken, related to the same wrongful act consisting in non-compliance with quarantine or self-isolation measures.

From this perspective, we show that despite the fact that the contraventional domain is positioned in the external sphere of the penal system (Civil sentence no. 3983/09.06.2020 of the Iași Court), the purpose of the contravention fine is not that of pecuniary compensation for

damages, but of a preventive punishment of recidivism (Civil sentence no. 3626/27.11.2018 of the Suceava Court), the reduced severity of the contraventional sanction, as well as the lack of its important consequences in relation to the culprit, not being able to deprive the contravention of its *inherent criminal feature* (Civil sentence no. 828/13.03.2020 of the Satu Mare Court), reaching to an unanimously accepted position by the Romanian courts, to which, the deeds characterized in the Romanian legislative system as contraventions enjoy an undifferentiated treatment in relation to crimes (ECHR 2007, Paragraph 67), provided that the contravention sanctioning has an accentuated punitive nature (Civil sentence no. 311/14.02.2020 of the Sfântu Gheorghe Court).

In addition, it is given the interpretation that a sanction considered administrative in national law can be qualified as a criminal punishment, being kept under the guarantees given by the purpose of the *ne bis in idem* principle (Neagu 2012, 960), compliance to the right to a defense in any procedure which may lead to the application of sanctions, in particular fines or penalties, forming an integral part of the fundamental principles of law (CJEU 2007, Paragraph 68).

Admitting into forced quarantine, viewed as the application of a punishment has the attribute of causing the offender to suffer, consisting in removing him from his home and family, subjecting him to a strict regime of supervision, the doctrine stating that any approach to the punishment of a person, whether for the purpose of rehabilitation, education, prevention or defense, are equally likely to be acquired by causing suffering to the persons involved (Zaibert 2018, 8).

Moreover, with regard to the person's deprivation of liberty, the international forums have ruled in the sense that arbitrariness does not automatically imply non-compliance with the law, but, in a broad sense, includes elements consisting of inadvertences, injustices, lack of predictability and of an adequate judicial procedure (Human Rights Committee 2005, Paragraph 5.1), being compulsory that the retaining of an individual in state custody be necessary in any circumstances (Human Rights Committee 1990, Paragraph 5.8) and proportionate to the purpose of the taken measure (Human Rights Committee 1993, Paragraph 9.2), substituting to arbitrariness any form of detention which is not the subject of a periodic reassessment such as to justify the continuation of the custodial measures (Human Rights Committee 2006, Paragraph 7.2).

But this was not the approach of the Romanian legislator, which introduced the obligation to quarantine those who do not comply with traffic restrictions, regardless of whether or not they are carriers of a communicable disease, not considering that the purpose of placing individuals in quarantine is to isolate from the rest of society citizens who pose a danger to others, only the actual existence of a contagious disease being the sole basis for this danger (Schoeman 1979, 30).

To the fact that the Romanian authorities have chosen to quarantine persons who commit an illegal act related to the state of emergency, we point out that such a restrictive measure can be ordered only against persons who have actually been exposed to a communicable disease (Heymann 2004, 621), the goal being that healthy members of society can avoid sick people or those perceived as sick (Fidler, Gostin, and Markel 2007, 619).

Even considering the fact that society must have the right to protect itself from dangerous sick people, in the case of quarantine, the detention of individuals on a legitimate basis (Frankel 1968, 255), on the one hand, there must be a fairly strict justification to avoid the punishment of the innocent, and on the other hand, it is required a justification for the punishment of an unlawful act which has not yet been committed, deprivation of liberty being the only way not to perpetrate it, the thesis according to which quarantine can have a retributive effect not being sustainable (Corrado 1996, 4).

In relation to the issues raised, as well as regarding the general principle of law according to which *a norm must be interpreted in its positive sense, generating legal effects,*

the legal ways of interpreting a legal rule taking into account not only the letter but also the spirit of the law (Romanian Constitutional Court 2014, Paragraph 31), seen as the norms intentional nature, perceived amongst society (Garcia, Chen, and Gordon 2014, 480), we notice that the finality pursued by the legislator is without a doubt that of tripartite sanctioning of individuals for committing a single illicit deed.

We thus come to the hypothesis that the national authorities have in fact pursued, in addition to the misdemeanor sanctioning of the perpetrator, a procedure which, within the meaning of the European interpretation, enjoys the protective guarantees offered to a genuine *criminal charge* (ECHR 2007, Paragraph 67), also the concealing behind a medical procedure, that of quarantination, with the real purpose of punishing the person by depriving him of liberty, supplemented by the expenses incurred by this kind of detention, individuals subjected to such a measure not having the necessary leverage to challenge in an accelerated procedure the measure imposed on themselves, as is the case of criminal detention, an express judicial review of legality constituting a guarantee against ill-treatment (ECHR 2003, Paragraph 256).

Last but not least, the imputation of expenses incurred for persons who were obliged to such a detention appears as innovative for the carceral system, being able to be distinguished as a precedent for establishing similar measures to individuals who are legally in detention following a final judicial decision stated in criminal matters.

Conclusions

Focusing on the restrictive legal framework used by Romanian authorities during the state of emergency, consisting in quarantining persons who did not comply with certain measures, sanctioning them, as well as imposing the expenses of forced quarantine, we find that persons against whom the authorities have taken repressive and punitive measures have not undergone prior medical examination in order to determine the extent to which deprivation of liberty by quarantine is necessary, the persons concerned having their procedural rights of free access to justice violated.

The study also supports the thesis according to which, considering the fact that the contraventional sanctioning of the perpetrator has an inherently criminal nature, as well as recalling the legal norm of forced quarantine, *interpreted in its spirit*, indicates the real intent pursued by the legislator, that of tripartite sanctioning of individuals for committing a single illicit deed, the principle *ne bis in idem* being infringed.

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