

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 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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