

Society And The State In The Pandemic Context *A Sociedade E O Estado No Contexto Da Pandemia*

Authors

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Abstract

The coronavirus infection pandemic affected all spheres of human existence, making it impossible to implement traditional regulation of socially significant, political and legal issues. Based on the importance of an unprecedented new reality, the authors were tasked with studying and analyzing the problems of interaction between the State and society in the context of the pandemic and the introduction of state measures to prevent the spread of viral infection, which to a degree or another limit the rights and freedoms of a person and citizen. The research emphasis was placed on highlighting the main problems related to special regulation by the state of socially significant issues in the pandemic. As a result of the study, the authors concluded that the development of electronic democracy may contribute to not weaken the State's position as guarantor of human and civil rights and freedoms.

Keywords: state, society, legal regulation, human rights, restrictions.

Resumen

A pandemia de infecção por coronavírus afetou todas as esferas da existência humana, impossibilitando a implementação da regulamentação tradicional de questões socialmente significativas, políticas e legais. Com base na importância de uma nova realidade sem precedentes, os autores foram incumbidos de estudar e analisar os problemas de interação entre o Estado e a sociedade no contexto da pandemia e a introdução de medidas estatais para prevenir a propagação da infecção viral, que um grau ou outro limitam os direitos e liberdades de uma pessoa e cidadão. A ênfase da pesquisa foi colocada em destacar os principais problemas relacionados à regulamentação especial pelo estado de questões socialmente significativas na pandemia. Como resultado do estudo, os autores concluíram que o desenvolvimento da democracia eletrônica pode contribuir para não enfraquecer a posição do Estado como garantidor dos direitos humanos e civis e das liberdades.

Palabras clave: estado, sociedade, regulamentação legal, direitos humanos, restrições.



Introduction

COVID-19 (Coronavirus) has had an influence on daily life and is slowing the global economy down. Thousands of people, either sick or killed because of the spread of this disease, have been affected by this pandemic. The pandemic of the virus Covid-19 destroyed the usual foundations of people's lives, exposed problems in the public administration of public relations, created economic issues, and also upended the idea of the traditional health system (Fiumara et al., 2020; Khan et al., 2020; Murphy, 2020; Rizou et al., 2020; Zhang et al., 2020). There is not a single area left, including education and science, where its consequences would not be visible. During this time, the world faced a global social crisis that no one was ready for. Most of the decisions on these issues fell to the state apparatus, since the speed and scale of this event have no historical precedent, and its elimination cannot be quickly and effectively modelled based on previous experience and existing methods of social and political management. Now we can observe market transitions without historical precedent, such that they become impossible to model reliably, even as new and unexpected informal economies are emerging (Nelson, 2020).

While all sectors of society participate in pandemic preparedness and response, it is up to the government to act as a natural leader in overall coordination and communication efforts. A society-wide approach to preparedness for pandemic influenza highlights the important roles played not only by the health sector, but also by all other industries, individuals, families, and communities, in mitigating the impact of a pandemic. The development of pandemic mitigation capabilities, including comprehensive contingency and business continuity plans, is at the core of preparing society as a whole for a pandemic (Organization, 2009). The practice of clearly separating the public legal and private legal spheres, in this case, has shown its insolvency. And the state was forced to resort to strict regulation and control of public relations by introducing various kinds of restrictions. Such an intervention has led to public outcry and not always positive consequences.

The purpose of this research was to study and analyze the problems of interaction between the state and society as a whole in the context of the pandemic and the introduction by the state of measures to prevent the spread of viral infection, which often affect issues of a private legal nature while restricting to one degree or another the rights and freedoms of a person and citizen (Fourie, 2007; Raoofi et al., 2020; Reicher & Stott, 2020).

While some people have previously responded with distrust to the help of the state or government in

solving any socially significant issues, today in most countries of the world people desperately need the state to manifest itself, help solve a number of problems in health care and employment and accept the challenge of the coronavirus pandemic.

Society's fear of the disease led them to seek a solution in religion, but the hope of the state has never been strong enough to take a central place in the regulation of public relations in all countries.

Even in countries where antipathy to the state began to peak in such large powers as Great Britain or the USA today, society saw only help from its government as the only possible way out. But in all countries, public opinion agreed that the state should and should, if possible, lead the country out of this crisis even using control, but avoiding inequality and providing services more efficiently than usual.

At present, we already see signs that the pandemic of Covid-19 may challenge conventional attitudes. Thus, society becomes more and more politically active and wants to take part in the life of the country, participating in the discussion of solutions to socially important issues.

Disease and mass unemployment have always been far better-recruiting sergeants for the cause of big government than any party manifesto – and this crisis is unlikely to be an exception. Some social scientists and historians argue that this pandemic could become a turning point in social history – on a par with the New Deal in the US or the post-war Labour government in the UK (Bhardwaj, 2020).

Methods

The methodological basis is the dialectical method of knowing real reality in its connection and interaction (Baumrind, 1978; Harris, 1987; Johnson, 2008). In the process of writing the article, various methods were used: system method, analysis and synthesis, logical and other popular scientific methods, as well as a number of private, scientific methods. Thus, a descriptive method is fundamental to this research, which includes techniques such as observation, interpretation, comparison and generalization.

The use of such private-scientific methods as the systemic structural, concrete sociological, law method of comparative made it possible to analyze the subject of research in the relationship and interdependence of the state and society, as well as their components, their integrity, comprehensiveness and objectivity. The concrete historical method helped to study the specifics of the influence of state legal management of public relations in the process of its development, change and improvement over time.

New conditions of reality involve the emergence of the new phenomena, phenomena, processes and, as a



result, terms and concepts. In this regard, use of methods of analysis of legal terminology revised a meaning aspect of the legal reality in the context of the evolution of the modern legal system (V. Yu Turanin et al., 2019).

Discussion and results

The lack of elaboration of the question of the distinction and relationship between public and private legal relations is one of the causes of disputes among scientists on essential aspects of the theory of legal relations (Vladislav Yu Turanin et al., 2019). Given current realities, it can be noted that legal science should quickly respond to practice and abandon the usual clear and consistent differentiated approach to legal relations in the field of private and public law. The division of the right into private and public was observed in ancient Rome. For this reason, private and public legal relations have always been distinguished. E.N. Trubetskoy spoke out in the pre-Soviet legal theory: "All legal relations, in general, are divided into private and public: such a classification is currently generally accepted" (Makuev, 2019).

All legal relations, one of the subjects of which is the state (through its bodies) with its specific character as the holder of forced power are recognized as public; private relations are recognized in which the state does not exist as a subject, or acts on one side of the relationship, but only as a carrier of property interests (tax, treasury). In a pandemic, such division is no longer relevant, and the state is forced to intervene in private relations using various mechanisms of state regulation of social relations. At the same time, it is very important to try to minimize the negative consequences of the pandemic on socially significant areas of society.

Social relations are directly related to the way and standard of living of people, their well-being and consumption. These relations are most fully manifested in the social sphere of society. This area primarily includes education, culture, health care, social security, physical culture, public food, public services, passenger transport, communications.

Next, we outline the main problems associated with the special regulation of important universal human issues by the state in pandemic conditions. How did the relationship between society and the state change when the latter abandoned the usual economically oriented regulation in favour of the socially significant?

1. Human and civil rights and freedoms. The dramatic restrictions of basic rights in connection with efforts to fight the pandemic make new criteria-based approaches to limiting basic rights a necessity (Markus Engels.2020).

Human and his freedom are absolute values that can by no means be abandoned. From here:

- The emergency situation and government response (expressed in the largest restriction of rights and freedoms since the adoption of the Universal Declaration of Human Rights) are a temporary phenomenon and should not become a new format for the life of human communities;

- The further development of mankind is the free development of free human beings and their historic communities. The impact of modern information resources should contribute to, not hinder, human existence;

- Further social-historical development should preserve, as its goal, the realization of human rights and freedoms as a distinct, autonomous, self-regulating being endowed with reason and will;

- Questions about the specifics of the future world order remain fundamentally open, polyvariant; without attempts to describe the future as the sum of rigid formulas, excluding from the work scenarios and development alternatives only those that are incompatible with the recognition of the need to respect the dignity and freedom of man, the value of each human person and life (Volobuev, 2020).

It is especially important that in most countries constitutional courts serve as guarantees in ensuring and protecting fundamental human and civil rights and freedoms (Sadurski, 2005; Trochev, 2008).

2. Health care. National, regional and local health authorities were forced to respond quickly to slow the spread of the virus. They had to provide the necessary equal assistance to all their citizens, including low- and middle-income citizens. Many health systems were not prepared for this, leading to a health crisis in many countries.

In this regard, the primary measures of state regulation were the following:

- Ensure equal access of citizens to medicines, ensuring all measures to eliminate their possible shortage. Priority in medications used in intensive care (such as anesthetics, antibiotics, resuscitation drugs, and muscle relaxants), which are in greatest demand before extending to a wider range of medications.
- Provide sufficient facilities for hospitals and health centres.
- Support the staff of hospitals and health centres by guaranteeing decent working conditions and financial compensation.

But such measures required rapid funding, which required an urgent review of health insurance systems and assistance to them, especially socially vulnerable groups, including low-income families, people over sixty-five years old and some people with disabilities. Some states had to seek assistance



from private health centres and oblige them to work under state supervision.

3. *Economic help.* In the economic crisis caused by the pandemic, society is more than ever seeking support and assistance from the state. Unprecedented support measures have been taken in major economies. Such support is required for all, regardless of the economic side on which citizens are located (creditors and debtors, tenants and landlords, consumers and manufacturers, entrepreneurs and employees). For the sake of combating coronavirus, the state takes on all market risks. Here, the main problem arises, how to create a balance between responding to a public request for state support for the economy in a crisis and total nationalization of the economy. In what way the assistance in state support itself is in some way due to the lack of speed of the states themselves in identifying global threats. Maintaining the unprecedented measures now in place for too long would render the economic risk assessment inadequate global (Nazarov, 2020).

4. *Globalization and social distancing.* One of the measures to prevent the spread of coronavirus infection was the observance of social distance. But often, society replaced this concept out of fear, which led to mental remoteness, which separated people from each other and only aggravated the problem. Caring for each other can save us from anxiety and death, so the state must remind us of this in order to maintain both the physical and mental health of the population.

As suggested by doctors, quarantine and isolation can prevent the fatal coronavirus a great deal. On the part of the state, it is important to inform the population competently, avoiding the clash of different social groups. It is necessary to create conditions in which people create isolation from each other, without causing them anger and enmity, so that people do not perceive each other as enemies, without thinking whether a person is confident or negative in the test. Some scientists suggest using the category "social hygiene", which includes a set of measures to prevent the spread of COVID-19, instead of the term "social distance". Thus, this will not force people to "push" each other psychologically.

On a global scale, the pandemic of COVID-19 provided an opportunity to review issues of interaction and mutual assistance. This experience of joint decisions between countries allows them to be applied in environmental protection, as well as to review international policies in the field of health and education, will help to develop global solidarity and international cooperation in general.

5. *Strengthening of the government's role.* Among the main consequences of the pandemic are the sharp strengthening of the state (primarily the

executive branch of government) and corporations due to a jump in the use of big data and digital technologies. Already, we see a number of legal, including constitutional and legal conflicts, which will require reflection and assessment after leaving the emergency (Volobuev, 2020).

The government also has changed personal behaviour, recommending and in some cases ordering people to stay home, practice social distancing and wear masks outdoors, in some places under threat of fines or penalties; coming next is likely to be contact tracing, an effort to track people exposed to the virus that could invade the privacy of all people.

Because of the sense of restriction and exclusion of citizens from participation in the life of their country does not worsen, it is necessary to rethink the possibilities of using digital technologies:

- First, the principles of dignity, freedom and human rights must be strictly observed in the introduction and use of digital technologies in all spheres of human life, society and the state;
- Secondly, when using artificial intelligence systems and other digital technologies, the risks of violation of fundamental human and civil rights and freedoms, political, social and economic rights should be excluded;
- Thirdly, the use of digital technologies in the field of media dissemination should contribute to the maximum realization of citizens' rights to information, cultural and educational rights (Volobuev, 2020);
- Fourthly, to ensure the conditions for the realization not only of social and economical but also of the political and civil rights of the population, using digital technologies.

Conclusion.

In pandemic conditions, the state must continue to be the guarantor of human and civil rights and freedoms. This can be facilitated by the development of electronic democracy:

- Hold all elections online (with preservation of traditional forms, including traditional remote forms, for example, voting by mail);
- Creation of a single communicative space of society, independent of private and corporate social networks;
- Development and legal registration of electronic or combined formats of political and civic activity (from forms of public and political associations to the repertoire of their actions);
- Humanization of electronic communications between citizens, the state, business and corporations;
- Increasing citizens' access to cultural heritage, cultural values, enriching the information space with



the highest values and meanings of regional and world culture (Volobuev, 2020).

Thus, the interaction of civil society and the State in the context of the pandemic is of great practical importance. This unprecedented experience cannot wait for a long solution but requires rapid and effective regulation by the state. (At the same time, measures taken by the state cannot be successful without the help of citizens, and they, in turn, need strong support from the state. Decisions should not limit people to so much that there are outbreaks of rage and aggression, as well as a sense of disappointment in their government.

Conflict of Interest. The authors confirm that the information provided in the article does not contain a conflict of interest.

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