APPLIED JURISPRUDENCE

UDC 346.1

Shapsugova M.D. On the scientific approach to legal research of the pandemic of coronavirus infection

Shapsugova Marietta D.

Institute of State and Law RAS, Business and Corporate Law Department, Senior Research Fellow, Candidate of Legal Sciences

Abstract. *Due to the increased relevance of pandemic research in legal science, there has been a significant increase in new knowledge in this area. Simultaneously, a scientific understanding of the pandemic phenomenon in legal research requires a purely scientific approach.*

The article examines the goals and objectives of legal scientific research on the pandemic's impact on the legal system and suggests possible research methods and expected scientific results.

Keywords: *pandemic, COVID 19, scientific research, coronavirus infection, emergency response, adaptation of the legal system, crisis, human rights, impossibility to fulfill an obligation, phenomenological approach, phenomenology, balance of public and private interests*

Рецензент: Монгуш Алла Лоспановна – кандидат юридических наук, доцент. ФГБОУ ВО «Тувинский государственный университет»

The goals and objectives of scientific research in the analyzed area serve to implement the fundamental scientific task of developing a strategy for responding to the coronavirus pandemic as a big challenge for socio-economic relations.

Their goal is to develop and scientific evaluation of the legal measures taken at the main stages of the response to the pandemic as a big challenge: 1) emergency response, 2) the adaptation of the legal system to the socio-economic needs of society during a pandemic, and 3) a way out of the crisis caused by the pandemic coronavirus infection with the gradual removal of the established restrictions and support measures.

The research priorities are as follows: research of direct and indirect methods of state regulation of the economy in the context of the coronavirus pandemic, determination of the trend of legal regulation that have arisen during a pandemic, which will be consolidated in legislation for the long term, study of the shift in the balance of public and private interests during a pandemic: the need to ensure the interests of health care and restrict the right to travel; analysis of the imposed restrictions on the subject of the threat of human rights violations in the context of a pandemic, taking into account the principles of determining the

limits, terms and proportionality of the imposed restrictions; establishing the existence of a legitimate aim in limiting rights, the proportionality of the limitations of rights, determining the terms and limits of restrictive measures, and support measures taken at the state level; analysis of the experience of foreign states in the legal regulation of socio-economic relations in a pandemic; study of the available legal instruments for responding to the manifestations of a pandemic (high alert mode, quarantine, and other concepts that require rethinking in a pandemic for their impact on civil turnover and the fulfillment of business obligations); revision of existing legal institutions for their adaptability to new conditions of functioning; analysis of legal measures taken for economic and legal consequences; analysis of the need for codification and unification of legal regulation on pandemic issues; development of a legal framework for the use of artificial intelligence and digital platforms to combat the pandemic (telemedicine, tracking movements, identifying contacts) in the context of the need to use personal data; research of legal restrictions preventing distance work, remote provision of public services, remote administration of justice, provision of notarial services, provision of remote medical care; assessment of the competitiveness of the Russian legal system in a pandemic; Development of proposals for the development of legal measures to restore the economy during recovery from the crisis caused by the coronavirus pandemic.

When studying fundamentally new challenges to society in connection with the coronavirus pandemic, it is necessary to use a phenomenological approach that will allow us to look at the economic and legal consequences of the coronavirus infection pandemic standpoint of a "pure observer." The application of a phenomenological methodology to the scientific understanding of reality is of fundamental importance both due to the phenomenological nature of the phenomenon of the 2020 coronavirus pandemic itself, and in general, during the period of global socio-economic crises, wars, since they signify the nullification of existing social contracts, fundamental transformations of social, economic, political institutions, entail a revision of the system of social values on a global scale. Thus, the phenomenological method will reveal fundamentally new trends in the legal regulation of current and future socio-economic processes, the direction of global changes, and their legal support.

At the same time, applying the principle "do not multiply entities unnecessarily," one should not reject the accumulated in the comprehension and legal regulation of individual institutions, such as the impossibility of fulfilling an obligation and force majeure, extreme

necessity, a high alert regime, an experience that can be implemented today's topical issues with the help of the dogmatic method and its two directions - legal and doctrinal.

Dialectically, the method is necessary for finding a balance between public and private interests in analyzing the competition of human rights during a pandemic.

The study of the unique legal experience of foreign countries created in combating the coronavirus epidemic will require the use of a comparative legal method. Using the historical method, the experience of legal regulation in previous wars and pandemics of cholera, Spanish flu can be analyzed.

The categorical method is necessary for comprehending such concepts that have become relevant today as "quarantine", "high alert mode", "urgent need", "impossibility of execution", force majeure ".

The method of modeling and socio-legal experiments will be used to assess the legal and socio-economic consequences of the crisis caused by the coronavirus infection pandemic and develop proposals for improving legislation.

The study assumes the application of economic analysis of law during the coronavirus pandemic. Using a positive approach, the compliance of the current regulation with economic and social realities will be determined. Using a positive approach will make it possible to offer recommendations for improving legislation.

In the process of studying the impact of the pandemic on the development of legal systems, it is expected to develop an integrated interdisciplinary approach to the legal regulation of socio-economic relations in a crisis. The analysis of the state's anti-crisis measures in the course of the research for their impact on socio-economic relations in the short and long term will make it possible to assess the potential of socio-economic transformations as a response to a big challenge.

The above will help identify the most effective forms and methods of legal regulation during a pandemic.

The expected scientific result is due to the set fundamental scientific task and the achievement of the research's goals and objectives.

The economic crisis of 2008 did not lead to structural changes in the economy. Due to the peculiarities of its course, the economic crisis caused by the coronavirus pandemic will inevitably entail them.

Since, during the period of acute socio-economic crises by society, social agreements are nullified, a unique opportunity arises to carry out global transformations in the structure of the Russian economy that has not been carried out before that time.

The search for a new balance of public and private interests requires new approaches to understanding the limits of private interest's limits in the interests of all and, ultimately, the interests of everyone. In extreme conditions, the public good becomes the interest of everyone as never before, and the principle of solidarity gets a new meaning.

Today's pandemic has brought production to a standstill, leading to falling incomes, unemployment, labor violations, and, ultimately, an economic crisis.

So, self-isolation, social distancing will inevitably lead to the digitalization of all human life areas at an accelerated pace. Progress in distance technologies will lead to the development of alternative ways of exercising rights by citizens - in the digital environment of spaces of trust, using identification methods. These processes actualize the issues of their legal security.

The scientific novelty of the project lies in forming a scientifically-based approach to the strategy of the state in the fight against the global socio-economic crisis caused by the coronavirus pandemic. For the first time, a comprehensive economic and legal assessment of the measures taken by the states, the potential of the existing legal regulation, the changes in legislation taken from the standpoint of the balance of economic effect, human rights, public safety, and public and private interests, in general, is given.

Due to social relations' peculiarities, their legal regulation can both facilitate their development and hinder it. Serving society's economic needs in times of crisis, law act as a universal regulator of social relations. For the first time, the project will assess the legal and economic consequences of the following areas' measures: the transformation of labor relations: the crisis has exacerbated the problem of legal regulation of remote work, social protection of the self-employed population, the problem of protecting the rights of workers during a pandemic; transformation of human rights, the formation of a new generation of human rights - digital rights; revision of the grounds, limits, terms of restrictions on human rights; the problem of personal data protection: the use of data from Internet providers and mobile operators to track the movements of people in quarantine and self-isolation, issues of the intended use of such data, including after the end of the pandemic; restriction of freedom of movement; problems of legal regulation of compulsory treatment; restriction of freedom of information during a pandemic due to the need to combat fake news and panic: its limits;

restriction of the right to engage in entrepreneurial activity: forced closure of enterprises and organizations; business support measures, including small and medium-sized ones, help organizations organize work in a pandemic; development of soft law methods and various recommendations issued by states in terms of consequences for the fulfillment of obligations by entrepreneurs; study of special regimes of quarantine, self-isolation, high alert, emergency; the crisis of contractual relations: analysis of ways to terminate obligations on the basis of the issuance of acts by the authorities, the impossibility of fulfilling obligations, researching the pandemic for its action as a force majeure, legal and physical impossibility to fulfill obligations; the need to introduce procedures for simplified bankruptcy of citizens in connection with the deterioration of the financial situation of citizens; revision and lifting of antitrust restrictions in certain sectors of the economy, especially in drugs and medical equipment; accelerated development of the legal foundations of digitalization, e-commerce, artificial intelligence; ensuring the protection of rights and freedoms in quarantine conditions, the right to access to justice in conditions of restrictions; organization of economic processes and services for the population after quarantine; the need to develop common intergovernmental approaches to ensuring the observance of human rights in a pandemic.

The applied significance of scientific research is expressed in the formation of scientifically grounded proposals for changing the current legislation, taking into account the directions of the transformation of public relations dictated by the crisis.

The measures taken should ensure a smooth exit from emergency regulation and economic recovery.

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