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GOVERNANCE AND LEGAL PROTECTION IN RUSSIA DURING COVID-19 PANDEMIC

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Неустойчивость, неопределённость, комплексность, противоречивость встраиваются в нашу повседневность. COVID-19 добавил к нестационарному состоянию общества новый фактор. Статья посвящена социальным аспектам противодействия распространению заболевания, которое бросило вызов глобальным экономическим связям, обрушило мировые рынки и подорвало национальные экономики. Авторы преследуют цель рассмотреть комплекс мер по административному регулированию пандемии в России методами нормативного, социологического, факторного анализа. Новая глобальная ситуация пандемии заставила переосмыслить вопросы экономической безопасности, оптимизированной медицины, глобальных факторов региональной устойчивости. Вирусы, как нанофактор в масштабе нашей макровселенной, актуализировали учение синергетики о антиномичной связи живого и неживого, глобального и регионального, экзистенциального и юридического. Топология нового мира разворачивается по мере усложнения реальности. Стратегии конвергенции, гибридизации права выступают формой реагирования на новую нормальность с её факторами подвижности контекстов, неопределённости, сложности, антиномичности.

Ключевые слова: коронавирус, 2019-nCoV, SARS-CoV-2, COVID-19, пандемия, глобальная безопасность, национальная безопасность, государственное управление, чрезвычайное положение.

11 March 2020 will go down in history, like 9 September 2001. Similar to the aftermath of the impudent terrorist attacks, the world will never be the same again. 11 March 2020, the World Health Organization (WHO) announced the pandemic of SARS-CoV-2 or a coronavirus which strain showed unprecedented virulence and contagiousness. Mortality of coronavirus varies from 2 to 6%, which is significantly lower than such infectious diseases as Spanish flu (20%), typhoid and smallpox (40%), plague (50%), prion infection and tetanus (80%), anthrax and rabies (100%). A rather long incubation period inspires fear. The disease can be asymptomatic, though the carrier has been spreading pathogens all the time.

The city of Moscow has suffered most in Russia from pandemic and has the majority of restrictions, therefore. In the capital, one could not hold sports, entertainment, public, and other public events, regardless of the number of participants. Any leisure activities in buildings, premises were temporarily suspended. In particular, restrictions were introduced in the work of public catering organizations, educational organizations, beauty salons, and dental organizations. During the lockdown, a permit system was introduced to regulate movement within the city.

In Moscow and the area, as well as neighboring regions citizens were not allowed to leave their place of residence. During the self-isolation regime

one could leave the house in case of a direct threat to life and health, as well as in strictly defined cases.

Federal Service for Surveillance on Consumer Rights (Rospotrebnadzor) has become a powerful tool in administration and the agency head, Anna Popova, a media person. Rospotrebnadzor together with the Ministry of Labor of Russia recommended a list of measures for the prevention of the virus in the office. To ensure the sanitary and epidemiological well-being of the population, Putin has pronounced a very unusual wording «non-working days with pay».

The Russian Ministry of Labor (Rostrud) has specified the list of organizations that were not liable for self-isolation whereas other employees had to be transferred to remote work at home. Rostrud recommended using the «Onlayninspektsiya.rf» (in Cyrillic) official website to find out about the rights of workers when transferring to remote work and employers to take other measures in the context of the spread of coronavirus infection.

Local regulations on the organization of work processes and corporate events have been developed and adopted. The process of the organization's work in a coronavirus had to be prescribed in the organization's order.

The self-isolation of employees arriving from abroad was ensured. To limit the spread of SARS-CoV-2 in Russia, citizens arriving from countries where cases of coronavirus infection were required

to observe self-isolation for 14 days. Employers had to assist in providing workers with isolation conditions at home. Rospotrebnadzor recommended employers to monitor the implementation of this requirement and clarified the basic principles of quarantine at home.

Temporary rules on the payment of sick leave have been introduced, that apply until 1 July 2020. From 1 April to 31 December 2020 the procedure for calculating temporary disability benefits is changing. In particular, if the temporary disability benefit calculated for the full calendar month is lower than the minimum wage, it is paid in the amount calculated based on the minimum wage. At the same time, it was envisaged to take into account the district coefficients applicable to salaries when calculating temporary disability benefits based on the minimum wage. Besides, until 1 October, 2020, the provisions on which recipients of monthly cash payments due to the birth (adoption) of the first or second child are required to submit an application for their appointment, to extend these payments for a new term, are suspended. The same applies to the need to inform the social security authorities and territorial bodies of the Pension Fund of Russia about the change of place of residence (stay), actual residence, as well as about circumstances that entail the cessation of payments.

From 1 April to 1 October, 2020, the procedure for assigning a monthly cash payment in connection with the birth (adoption) of the first or second child has changed. The government ordered not to conduct preventive medical examinations and medical examinations of the adult population temporarily.

The government of the Russian Federation and the highest executive bodies of the constituent entities of the Federation have expanded their powers for 2020. In particular, the Government of the Russian Federation has the right in 2020 to suspend, cancel or postpone tax control measures to a later date, as well as to suspend the deadlines provided for by the Tax Code of the Russian Federation. Additional powers were also granted to the highest executive bodies of the constituent entities of the Russian Federation to extend the deadlines for the payment of regional and local taxes and trade fees if the specified deadlines were not extended or earlier deadlines for their payment by the Government of the Russian Federation were provided.

A delay has been established for rental payments for small and medium-sized businesses when leasing state property. These entities may enter into additional agreements providing for deferred payment of rental payments to state property lease agreements.

Debt restructuring was foreseen during the period of the introduction of the high-availability re-

gime. The Bank of Russia recommended not taking into account when developing and using scoring models to determine the default of the borrower those events that are related to the restructuring of the debt during the introduction of the high availability regime. The Central Bank also recommended that the credit bureau uninterruptedly remotely (without visiting the office) provide services to citizens during this period of high alert.

A special procedure has been defined for the recovery of a forfeit (fine, penalty) for late, incomplete payment for services under contracts for gas supply, electric power, heat supply, water supply, and sanitation. Until 1 January 2021, the Government of the Russian Federation has the right to establish the specifics of recovering a forfeit (fine, penalty) for an untimely, incompletely fulfilled by legal entities obligation to pay for services provided based on agreements on gas supply, electric power, heat supply, water supply and sanitation.

The Bank of Russia has introduced additional measures to support citizen borrowers of the most vulnerable sectors of the economy and financial organizations. The following measures were taken:

- The list of sectors of the economy where measures are applied to support lending to small and medium-sized businesses has been supplemented;
- It was recommended to promptly change the lending currency into rubles upon the borrower's appeal and to reduce credit risks;
- The maximum value of acquiring commissions for online purchases was limited for the period from 15 April to 30 September 2020 to no more than 1%.

Control measures for citizens' appeals about emerging conflict situations in the labor market were determined. Upon receipt of citizens' applications for non-payment (late payment) of salaries or dismissals, the Federal Tax Service of Russia had to immediately send such appeals to the state labor inspectorate. Besides, the tax authorities had to carry out control and analytical activities with respect to employers indicated in such appeals within their competence.

It is in such outbreaks of the epidemic that one can see the manifestation of the old concept of "the police state as a universal good," since considerable burden on epidemiological safety fell on the police via overseeing the compliance with the quarantine regime and administering of the sanitary measures. Today, the term "police state" is overgrown with negative connotations. At an early stage in the development of police science, this city service was expected to monitor prices, the morals of citizens, cleanliness, and sanitation. The objectives of police law were to ensure urban welfare policies [1].

Likewise, administrative liability has been tightened for violation of legislation in the field of

ensuring the sanitary and epidemiological well-being of the population. In particular, administrative liability has been established for violation of sanitary norms and rules during the emergency or quarantine regime, including that which caused harm to human health or death. Besides, administrative responsibility has been introduced for the dissemination of deliberately inaccurate information in the media and the Internet about circumstances that pose a threat to the life and safety of citizens, including measures taken to ensure security, and methods of protection.

The government has identified 22 industries that were to receive government support. A list of sectors of the economy that were most affected by the deteriorating situation in connection with the spread of a new coronavirus infection was approved to provide priority targeted support.

The Russian Ministry of Labor informed about the need to ensure operational control of the situation on the labor market. Particular attention was paid to the situation with employment in organizations included in the list of influential companies of the Russian economy (for example, Gazprom, Aeroflot, Ingrad, Yandex, Auchan). Labor markets of these organizations were estimated to be of particular importance to reduce tension.

More severe penalties have been established for violation of the sanitary-epidemiological rules (Article 236 of the Criminal Code of the Russian Federation), and criminal liability has been introduced for disseminating false information. In particular, criminal penalties were imposed for disseminating knowingly false information about circumstances that pose a threat to the life and safety of citizens, as well as false socially significant information. Those who disseminated false information about the situation about the coronavirus received criminal charges.

Having restrictions introduced due to coronavirus infection, the question remained whether this situation could be recognized as force majeure. The possible procedure for a particular transaction was considered depending on the terms of the contract/

The government has provided force majeure certificates in connection with the coronavirus only for certain businesses. From March 26, 2020, the Chamber of Commerce and Industry began to issue certificates of force majeure on foreign trade transactions and international treaties free of charge.

The features of corporate relations were determined. The Bank of Russia informed about the extension of the mandatory disclosure of information by issuers of securities due to the establishment of non-working days.

The absentee general meeting of shareholders, regardless of the agenda, was allowed. From 18

March 2020 until 2021, the ban was lifted on holding a general meeting of shareholders in the form of absentee voting, the agenda of which included the following issues: 1) the election of the board of directors (supervisory board), 2) the audit commission of the joint stock company (JSC); 3) approval of the auditor of JSC; 4) approval of the annual report, annual accounting (financial) statements. To hold such a meeting in absentia, a decision of the board of directors (supervisory board) was enough.

The features of public procurement were determined: the procedure for calculating the terms and determining the price of the contract, the unit price of goods, work, services during the procurement. In 2020, by agreement of the parties. It was allowed to change the term of the contract, the contract price, unit price of goods, work, services. This became possible if, during the execution of the contract, circumstances independent of the parties to the contract arise, made it impossible to fulfill due to the spread of a new coronavirus infection caused by 2019-nCoV, as well as in other cases established by the Government of the Russian Federation.

The Ministry of Finance of Russia clarified what dates should be postponed in connection with public holidays and coronavirus. Concerning the procurement under the Federal Law of April 5, 2013 No. 44-FZ (FZ = Federalny Zakon = Federal Law) «On the contract system in the field of procurement of goods, work, services to meet state and municipal needs», the following measures were taken.

The transfer from the weekend to the next business day of the date of the submission of the final proposal for the price of the contract, the date of the electronic auction is carried out by the operators of electronic platforms automatically (using electronic platforms) without additional actions of customers.

Customers in connection with this automatic date transfer do not make changes to the procurement documentation in terms of the postponement, do not carry out actions on the electronic platform to postpone the consideration of the second part of the applications.

Customers are advised to amend the notice (documentation) on the procurement regarding the extension of the deadline for filing applications taking into account non-working days, if, according to the law, the deadline for filing applications is calculated exclusively in working days.

Other periods (including terms of consideration, evaluation of applications for participation in procurements, parts of such applications, terms of conclusion of an agreement, deadline for entering information about an agreement into the register of agreements) that expire on non-working days, end on the next business day. In this regard, the actions to be performed can be carried out both on non-working days and on the next working day.

It is recommended that procurement participants also take into account that during this period, it is possible to extend the period for obtaining bank guarantees and the period for subsequent inclusion of information about it in the register of bank guarantees.

During non-working days, information interaction between banks and electronic platform operators occurs in the usual round-the-clock mode, therefore blocking and termination of blocking of funds in the special accounts of procurement participants is carried out in the usual mode and without changing the terms.

A report on the volume of purchases can be posted in a single information system in the field of procurement by the customer, both on non-working days and the next business day. The customer has the right to cancel the competitive purchase, since the spread of a new coronavirus infection is a force majeure event.

Since 26 March, 2020, Federal Antimonopoly Service of the Russian Federation (FAS) launched the possibility of remote handling of complaints about property tendering with a price of over 1 billion rubles, as well as complaints about the selection of a regional operator for the treatment of solid municipal waste.

Unified Procurement Information System continued to work as usual in the remote mode, using electronic platforms. Until 31 December 2020 the Government of the Russian Federation may establish additional cases for the procurement of goods, work, services from a single supplier (contractor, contractor), as well as determine the procedure for procurement in such cases.

The Ministry of Finance of Russia and FAS discussed possibility of public procurement from a single supplier in connection with the coronavirus.

Let proceed in more detail on some of the administrative measures adopted by state authorities. Under the body of general competence, the Government of the Russian Federation, a Coordinating Council has been formed to combat the spread of new coronavirus infection in Russia [2]. The main tasks of the Council are:

- 1) Consideration of the problems, threats and challenges associated with the spread of a new coronavirus infection;

- 2) Development of proposals for measures aimed at combating the spread of new coronavirus infection;

- 3) Organization of interaction between federal bodies of state power, bodies of state power of constituent entities of the Federation, local authorities, other organizations and bodies on the implementation of measures aimed at combating the spread of new coronavirus infection.

The Government of the Russian Federation informed about the measures taken to protect public health from a new coronavirus infection [3]:

- 1) a decision has been made to suspend entry for citizens of all foreign countries (except for certain categories of persons);

- 2) testing has been organized for all citizens arriving in the country from states where the spread of a new coronavirus infection has been determined, and people who have come in contact with visitors, as well as patients with pneumonia;

- 3) a decision has been made to supply test systems to all regions of Russia for organizing and conducting research based on laboratories that have the right to work with the III - IV pathogenicity group in the manner established by the constituent entities of the Russian Federation;

- 4) the procedure for processing, issuing and paying sick leave to quarantined citizens is revised; medical organizations will receive the right to issue disability certificates remotely without an in-person examination of a patient who has indications for quarantine;

- 5) the procedure for paying sick leave in the specified cases has been changed: payment will be made directly to the citizen in advance until the closure of the work sheet;

- 6) more than 55 thousand bed places for infected patients were deployed, of which more than 12 thousand were resuscitation beds and 396 were observatories. Medical organizations were equipped with more than 40 thousand artificial lung ventilators, 124 devices of extracorporeal membrane oxygenation.

The Government of the Russian Federation has included coronavirus infection (2019-nCoV) in the list of diseases that pose a danger to others. The disease code under the international classification of diseases of the Tenth revision (ICD-10) is B34.2. [4].

Chief state sanitary physician of the Russian Federation of the Russian Federation approved resolution a set of measures to combat the new coronavirus infection [5]. This includes:

- 1) strengthening of the current disinfection regime in crowded places;

- 2) training of medical workers in the clinic, diagnosis, treatment of new coronavirus infection;

- 3) possible transfer of medical organizations to a strict anti-epidemic regime;

- 4) preparation of medical organizations for the reception of patients with suspected disease of a new coronavirus infection;

- 5) organization of collection and delivery to the Rospotrebnadzor laboratory of material of appropriate quality from patients with suspected new coronavirus infection;

6) the organization of medical supervision of students arriving from China, with the responsibility of educational institutions to inform the territorial bodies of the Federal Service for Surveillance on Consumer Rights Protection and Human Well-being and the executive authorities of the constituent entities of the Federation authorized in the field of health protection;

7) the implementation in an enhanced regime of sanitary-quarantine control at checkpoints across the state border of the Russian Federation.

Rospotrebnadzor has developed recommendations for the prevention of a new coronavirus infection (COVID-19) among employees, which were proposed to be communicated to the heads of organizations regardless of legal form and type of ownership [6]. Rospotrebnadzor, among other things, recommended:

1) provision of the ability to treat hands with antiseptics or disinfectant wipes at the entrance to the organization;

2) fulfillment of high-quality cleaning every two hours (disinfect door handles, switches, handrails, railings, common areas);

3) regular aeration;

4) prohibition of eating at workplaces;

5) limit of any corporate events;

6) exclusion of persons with elevated body temperature and with signs of infectious disease from being at the workplace.

The batch of measures have been taken in the penal system of the Russian Federation as well. An operational headquarter has been created in the central office of the Federal Penitentiary Service (FPS of Russia or FSIN) to monitor round-the-clock the situation in the penitentiary institutions. Similar structures were created in the territorial bodies for the timely detection, prevention of infection and the creation of the necessary conditions for the provision of treatment, disinfection, routing and accommodation of patients and those who came into contact with them, as well as for interaction with operational headquarters in the Russian regions.

In addition to the FSIN operational headquarters created on behalf of the government of the Russian Federation, medical facilities have been organized in all institutions to identify patients with respiratory symptoms. At all facilities, including reception rooms, workshops, canteens, vehicles, etc., additional disinfection measures were carried out using modern special means and bactericidal irradiators (recirculators). Health workers increased the number of chamber examinations of all incarcerated, and strengthened monitoring of the state of health of inmates suffering from chronic diseases.

Penal institutions were instructed to ensure the supply of medicines concerning viral infections,

disinfectants, non-contact thermometers, and personal protective equipment. Quarantine measures were introduced in the Children's Homes at women's colonies, where mothers live with breast-fed children.

For the period of restrictive measures all mass, business, sports, cultural events have been canceled. They were recommended to be held in video format if possible. Strict medical supervision was organized by the staff of the penal correction system. In the central office of the FSIN in Moscow, round-the-clock monitoring and control of the epidemiological situation in institutions and organs of the penal correction system was organized.

To prevent the spread of morbidity among suspects, accused and convicted persons, as well as UIS employees, the Chief State Sanitary Doctor of the Federal Penitentiary Service of Russia issued a decree "On the introduction of additional sanitary and anti-epidemic measures aimed at preventing the onset and spread of new coronavirus infection (COVID-19)".

In accordance with this decision, from 16 March, 2020, and until further notice, the provision of long and short visits was suspended at the institutions of the territorial bodies and the pre-trial detention centers of the Federal Penitentiary Service of Russia.

The admission of visitors and FSIN employees of with elevated body temperature and persons who arrived in the last 14 days from states with an unfavorable situation with the spread of a new coronavirus infection is strictly prohibited at the penitentiary institution.

Besides, to prevent cases of introduction and spread of diseases caused by the new coronavirus, a complex of other sanitary and anti-epidemic (preventive) measures was organized and implemented in prisons.

In the event of detection of symptoms of a disease or suspicion of a new coronavirus infection in detainees, the heads of the territorial bodies of the Federal Penitentiary Service of Russia are instructed to organize their hospitalization in institutions of state and municipal health systems.

To prevent the spread in the Vladimir Region of a new coronavirus infection, following with subparagraph «b» of paragraph 6 of Article 4.1 of Federal Law of December 21, 1994 No. 68-FZ «On the Protection of the Population and Territories from Natural and of a technogenic nature» the Governor of the Vladimir Region decided to introduce an increased readiness regime in the territory of the Vladimir Region, which establishes a series of measures concerning all individuals and also employers.

In relation to individuals, including foreign citizens, it was decided:

- to limit the holding of mass events in the Vladimir Region, including business, sports, cultural and entertainment events, with the participation of more than 50 people; ensure control of body temperature and identification of signs of a respiratory infection before the start of events;

- to inform about ones return to the Vladimir region, place, dates of stay in these territories, contact information by a single phone number 112 or the hotline of the Department of Health of the administration of the Vladimir region (paragraph 3.1);

- inform about ones return to the Vladimir region, place, dates of stay in these territories, contact information using a single phone number of the Department of Health of the administration of the Vladimir region;

- monitor the first symptoms of respiratory diseases and immediately apply for medical help at home without visiting medical organizations;

- persons arriving from the People's Republic of China, the Republic of Korea, the Italian Republic, the Islamic Republic of Iran, the French Republic, the Federal Republic of Germany, the Kingdom of Spain, as well as other states with an unfavorable situation with the spread of a new coronavirus infection (2019-nCoV), in addition to these measures, had to ensure self-isolation at home for of 14 days from the date of return to the Russian Federation (not to attend work and study places, minimize visits to public places).

Vladimir region authorities have issued a list of measures concerning the heads of state executive authorities of the Vladimir region, municipal administrations, employers operating in the Vladimir region.

- to ensure control of the body temperature of employees at workplaces with the obligatory suspension of people with fever and signs of respiratory infections from being at the workplace;

- to assist workers during their self-isolation at home;

- commission the administration of the Vladimir region for the prevention and liquidation of emergency situations and ensure fire safety;

- to coordinate actions of state bodies of the Vladimir region, local authorities of municipalities in the Vladimir region and organizations;

- transfer the operational headquarters to round-the-clock mode of operation until further notice [7].

By a resolution of the head of the city administration of Vladimir in connection with the threat of the spread of a new coronavirus infection in the city of Vladimir, under the article 2, subparagraph «b» of paragraph 6 of article 4.1 of Federal Law dated December 21, 1994, No. 68-FZ «On the protection of the population and territories from natural and man-made emergencies» and article 16 of the Federal Law of October 6, 2003, No. 131-FZ

«On General Principles of the Organization of Local Self-Government in the Russian Federation» in the city of Vladimir, a high alert mode was introduced from 16 March 2020 [8].

The commissions of the Vladimir city administration on the prevention and liquidation of emergency situations and ensuring fire safety under the leadership of the head of the city administration ensured coordination of actions of local authorities, federal authorities, and organizations.

Article 6.3 of the Code of the Russian Federation on Administrative Offenses for violation of the legislation in the field of ensuring the sanitary and epidemiological welfare of the population, provides for administrative liability. The article under the Code of Administrative Offenses of the Russian Federation in connection with the coronavirus pandemic by Federal Law of 1 April, 2020 No. 99-FZ is supplemented by two new compositions.

The first composition (part 2) provides for administrative penalties if the violation was committed during the emergency mode, or when there is a threat of spreading a disease dangerous to others, or during restrictive measures (quarantine). For this composition, administrative liability is threatened by those persons who did not comply with the requirement of the Federal Service for Supervision of Consumer Rights Protection and Human Welfare on sanitary and anti-epidemic (preventive) measures issued during these periods.

The sanction for subjects of administrative responsibility provides for the following types of punishments:

- warning, or administrative fine from 15 thousand to 40 thousand rubles for citizens;

- administrative fine from 50 thousand to 150 thousand rubles for officials;

- administrative fine from 50 thousand to 150 thousand rubles or administrative suspension of activity for up to 90 days for persons engaged in entrepreneurship without forming a legal entity;

- administrative fine from 200 thousand to 500 thousand rubles or administrative suspension of activity for the same period for legal entities.

For the second composition (part 3), liability is threatened if the considered actions (inaction) entailed causing harm to human health or death, but at the same time do not contain a criminal offense.

For these cases, the following types of administrative penalties were established:

- administrative fine from 150 thousand to 300 thousand rubles for citizens;

- administrative fine from 300 thousand to 500 thousand rubles or disqualification for 1–3 years for officials;

- administrative fine from 500 thousand to 1 million rubles or administrative suspension of

activity for up to 90 days for persons engaged in entrepreneurship without forming a legal entity;

– fine from 500 thousand to 1 million rubles or administrative suspension of activity for the same period for a legal entity.

In the previous version of the article there was only one composition. The sanction of the article provided for two types of administrative punishments, a warning, or an administrative fine:

– in the amount of from 100 to 500 rubles for citizens;

– from 500 rubles up to 1 thousand rubles for officials;

– from 500 rub. up to 1 thousand rubles for persons engaged in entrepreneurship without forming a legal entity;

– from 10 thousand to 20 thousand rubles for legal entities.

Instead of a warning or a fine, the latter two entities could be assigned administrative suspension of activity for a period of up to 90 days.

Besides, there is a probable possibility of bringing entities to administrative responsibility according to part 9 article 13.15 of the Administrative Code for the dissemination of knowingly inaccurate socially significant information under the guise of reliable messages in mass media; in information and telecommunication networks.

Dissemination of information should pose a threat causing harm to life and (or) the health of citizens, property; massive violation of public order and (or) public safety; creating interference with the functioning or termination of the functioning of life support facilities, transport or social infrastructure, credit organizations, energy facilities, industry, or communications.

At the same time, bringing a person to administrative responsibility is possible if the specified actions of the person disseminating the information do not contain a criminal offense;

Part 10 article 13.15 of Administrative Code for the dissemination of knowingly inaccurate socially significant information under the guise of reliable messages in mass media; in information and telecommunication networks, resulting in interference with the functioning of objects of public safety; creating interference with the functioning or termination of the functioning of life support facilities, transport or social infrastructure, credit organizations, energy facilities, industry or communications.

Subjects are not held administratively liable if these actions of the person disseminating the information do not contain

– criminal offense

– repeated commission of an administrative offense under Part 9 and part 10.1 of article 13.15 Administrative Code of the Russian Federation for

distribution in the media, as well as in information and telecommunication networks under the guise of reliable messages of knowingly false information on circumstances that pose a threat to the life and safety of citizens, on measures taken to ensure the safety of the population and territories, devices and methods of protection against the specified circumstances.

Part 10.2 of article 13.15 Administrative Code of the Russian Federation holds liable for the dissemination in the media, as well as in information and telecommunication networks of knowingly inaccurate socially significant information under the guise of reliable messages

1) resulting in the death of a person;

2) causing harm to human health or property;

3) massive violation of public order and (or) public safety;

4) the cessation of the functioning of life support facilities, transport or social infrastructure, credit organizations, energy facilities, industry or communications.

Part 10.2 of article 13.15 Administrative Code of the Russian Federation holds liable for the dissemination in the media, as well as in information and telecommunication networks of knowingly inaccurate socially significant information under the guise of reliable messages:

1) resulting in the death of a person;

2) causing harm to human health or property;

3) massive violation of public order and (or) public safety;

4) the cessation of the functioning of life support facilities, transport or social infrastructure, credit organizations, energy facilities, industry or communications.

Part 11 of article 13.15 of the Code of Administrative Offenses of the Russian Federation holds liable for the repeated commission of an administrative offense provided for by part 10, 10.1, or 10.2 of the same article of the Administrative Code of the Russian Federation;

Part 1 of article 19.4 of Administrative Code holds liable for disobeying a lawful order:

1) an official of the body exercising state supervision (control);

2) an official of an organization authorized per federal laws to exercise state supervision;

3) an official of the body executing municipal control;

Part 1 of article 19.5 Administrative Code of the Russian Federation holds liable for failure to comply with the deadline of a legal order (decision, submission, ruling):

1) of the body (official) exercising state supervision (control);

2) an organization authorized by federal laws to carry out state supervision (of an official);

3) of the body (official) exercising municipal control;

Article 20.6 of the Administrative Code holds liable for failure to comply with the norms and rules for the prevention and liquidation of emergencies.

Measures for patients with infectious diseases are regulated by the Federal Law of 30 March 1999 No. 52-FZ "On the Sanitary and Epidemiological Well-Being of the Population". In part 1 Article 33 of the aforementioned Federal Law, it is determined that, in the manner established by the legislation of the Russian Federation, laboratory examination and medical supervision or treatment, if they pose a danger to others, must be hospitalized or isolated the following:

- 1) patients with infectious diseases;
- 2) persons suspected of such diseases and persons in contact with patients with infectious diseases;
- 3) persons who are carriers of pathogens of infectious diseases.

From this norm it is clear that, firstly, only a person who is dangerous to others is subject to mandatory hospitalization, and secondly, in addition to hospitalization, isolation of such a person is provided as an alternative.

The Ministry of Health and Social Development of Russia by order of 31 January 2012 No. 69n approved the Procedure for providing medical care to adult patients with infectious diseases.

According to clause 6 of the Procedure, the provision of in-patient medical assistance to patients with infectious diseases is carried out for medical reasons - in the following cases:

- 1) a severe and moderate course of an infectious disease;
- 2) the inability to establish a diagnosis on an outpatient basis;
- 3) the need for additional laboratory and instrumental methods of research for differential diagnosis;
- 4) the lack of clinical effect of ongoing therapy on an outpatient basis;
- 5) according to epidemiological indications following applicable sanitary legislation.

Based on paragraph. 6 part 1 article. 51 of the Federal Law of March 30, 1999 No. 52-FZ «On the Sanitary and Epidemiological Well-Being of the Population», the main state sanitary doctors and their deputies are given special powers in case of the threat of the emergence and spread of infectious diseases that pose a danger to others. These powers include the issuance of motivated decisions:

- 1) hospitalization for examination or isolation of patients with infectious diseases that are dangerous to others, and people with suspected diseases;
- 2) conduct of a mandatory medical examination, hospitalization or isolation of citizens who were in

contact with patients with infectious diseases that pose a danger to others.

From the above prescription, it follows that mandatory hospitalization in an infectious diseases hospital is carried out according to a reasoned decision of the chief state sanitary doctor or his deputy.

Moreover, the concept of «compulsory hospitalization», in our opinion, is not identical to the concept of «involuntary hospitalization». At the same time, the procedure for mandatory hospitalization in the event of a patient's refusal (i.e. involuntary hospitalization) has not been fully regulated by the legislation. In particular, there are no special rules of the Code of Administrative Procedure of the Russian Federation (hereinafter: CAS RF) on the proceedings in cases of involuntary hospitalization in an infectious hospital.

According to paragraph. 3 h. 1 Article 274 CAS RF other administrative cases of hospitalization of a citizen in a non-psychiatric medical organization providing medical care in stationary conditions, in an involuntary manner, if the federal law provides for a judicial procedure for considering the relevant requirements, are considered by the court under the rules of chapter 30 of the CAS of the Russian Federation.

Consequently, involuntary hospitalization in an infectious diseases hospital is possible based on a court decision adopted in the manner prescribed by Chapter 30 of the CAS of the Russian Federation.

Russia is well acquainted with revolutionary law and military law. Now global development puts forward a new branch on the agenda – quarantine law when ordinances are enacted in an accelerated way against panic and dissemination of the virus. We are talking about changes in the Code of Administrative Offenses of the Russian Federation and the Criminal Code of the Russian Federation, which relate to violations of sanitary and epidemiological rules and the dissemination of false information [9].

We live in a crisis of spontaneous history and a turning point for grass-roots regulators of society. The problem of human controllability is a leading scientific problem. In conditions of an invisible biological threat, social distance, personal hygiene, and self-isolation remain the most affordable means in a society with high standards of manageability.

The coronavirus threat has highlighted the strength and weaknesses of social institutions. The positive conclusion is that the world has become free and global. 20 years ago, the peoples were united by the fight against terrorism, today we must become even more united, standing in one line in the fight against the invisible viral threat. We hope that the recovered humanity will really change and rally around global threats, forgetting about sanctions and wars.

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GOVERNANCE AND LEGAL PROTECTION IN RUSSIA DURING COVID-19 PANDEMIC

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Instability, uncertainty, complexity, inconsistency are built into our everyday life. COVID-19 has added a new factor to the unsteady state of society. The article focuses on the social aspects of countering the spread of the disease, which has challenged global economic ties, brought down world markets and undermined national economies. The authors aim to consider a set of measures for the administrative regulation of the pandemic in Russia by methods of normative, sociological, factor analysis. The new global situation of the pandemic has forced to rethink the issues of economic security, optimized medicine, global factors of regional stability. Viruses, as a nano factor on the scale of our macro universe, have actualized the doctrine of synergetics about the antinomial connection between living and nonliving, global and regional, existential and legal. The topology of the new world unfolds as reality becomes more complex. The strategies of convergence and hybridization of law act as a form of response to a new normality with its factors of mobility of contexts, uncertainty, complexity, and antinomy.

Keywords: coronavirus, 2019-nCoV, SARS-CoV-2, COVID-19, pandemic, global security, national security, public administration, state of emergency.

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