# THE SPECIFICS OF LEGAL REGULATION AND LAW ENFORCEMENT IN THE FIELD OF ADMINISTRATIVE LIABILITY FOR VIOLATION OF LOCKDOWN RESTRICTIONS (THE CASE OF ADMINISTRATIVE PENALTY)

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Abstract: The article considers the peculiarities of legal regulation and law enforcement in the field of administrative liability imposed for violation of lockdown restrictions. It is shown that it does not suffice to establish restrictions. The initial data for comparison were taken from open sources and processed using dialectical, systemic, formal-legal, comparative-legal methods, as well as the empirical method. Drawing on the actual analysis, the author's perspective on the role of legal regulation and law enforcement in the field of administrative liability for violation of quarantine restrictions on the spread indicators of the COVID-19 pandemic is revealed. In particular, the imposing of administrative liability at the legislative level in combination with its effective implementation in terms of reducing the incidence.

Keywords: legal regulation, law enforcement, administrative liability, administrative fine, violation of quarantine restrictions.

#### 1 Introduction

At the end of 2019, an outbreak of acute respiratory disease Covid-19 caused by a novel coronavirus (SARS COV-2) occurred in Wuhan (China). Within a short period of time, the COVID-19 epidemic spread to almost all countries (World Bank Europe and Central Asia Economic Update, 2020). The infection struck more than 11 million people worldwide (Chae & Park, 2020). The impetuous spread of the new disease resulted in the fact that on March 11, 2020, the World Health Organization declared a pandemic (Starodubov et al., 2020). Such incidence of an infectious disease, which has a considerable effect on the lives of citizens, in particular on their safety, is a relatively new phenomenon for our society (Shvets, 2020).

The backlash from many countries consisted in using a combination of containment and mitigation strategies to reduce the disease outbreak. Most national response strategies include different levels of tracking contacts, self-isolation, quarantine, (Sen et al., 2020) which is a conventional practice and is still used in conjunction with other controlling measures to prevent the spread of infectious diseases, (Kiliç et al., 2020) as well as promoting health safety measures such as hand 1 washing and social distancing (Bedford et al., 2020).

However, as the worldwide practice has shown, the sheer setting control on SARS-CoV-2 is not sufficient. More actions are needed to ensure compliance, including imposing the penalties for violating the restrictive procedures, etc (Kravchenko & Yusupova, 2020). The fact remains that, blocking can work out better when governments introduce penalties on those who neglect them (Chae & Park, 2020).

Given that both the probability of transmitting COVID-19 and the severity of the associated hazards and disease are high, and a government policy is in place to prevent its spread, it is critical that SARS-CoV-2 carriers are accountable, especially those who is in the close vicinity. Hence, it is possible that the infected individuals or persons who knew or had a good reason to know that they are carriers of SARS-CoV-2 act in a way that could expose others to risk (Simana, 2020).

In view of the above, it stands to reason that after the coronavirus infection had been detected, public authorities in quite a few countries got down to actively draw up and implement regulations aimed at preventing the spread of the new disease. At the same time, not only restrictive measures were adopted, but also penal procedures for violating these

regulations. Legal acts imposing restrictions on the movement of citizens in public places have been introduced. Moreover, the administrative sanctions have been made part of the routine practice (Savostin et al., 2020).

In accordance with the aforementioned problem, the purpose of the study is to search out the features of legal regulation and law enforcement in the field of administrative liability for violation of quarantine restrictions on the case of different countries, to design their impact on curbing the spread of the epidemic.

### 2 Literature Review

Due to its relevance, the subject of the study was brought to notice of both theorists and practitioners of jurisprudence.

Having relied on the case of Ukraine, Y. I. Maslova (2020) substantiated that amendments to administrative legislation made under the influence of the Covid-19 pandemic can be considered justified, as well as the need for further eleboration of the legal regulations on this matter.

It is worth noting that the changes to the legislation of Ukraine aimed at preventing the occurrence and spread of the coronavirus disease (Covid-19), have been introduced in two stages:

- The Verkhovna Rada (the parliamentary body in Ukraine) adopted the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Aimed at Preventing the Occurrence and Spread of Coronavirus Disease (COVIDdated March 17, 2020 No. 530-IX, which supplemented Art. 44-3 of the Code of Ukraine on Administrative Violations, namely "The Violation of Lockdown Rules of People" of the following wording: "Violation of lockdown rules of people, sanitary and hygienic, sanitary and anti-epidemic rules and norms provided by the Law of Ukraine "On Protection of the Population from Infectious Diseases", alongside with other legislation and resolutions of local government authorities regarding the control of infectious diseases - entails imposing on citizens of a fine from one to two thousand non-taxable minimum incomes and on the officials - from two to ten thousand non-taxable minimum incomes";
- 2) The Law of Ukraine "On Amendments to the Code of Ukraine on Administrative Offenses Aimed at Preventing the Spread of Coronavirus Disease (COVID-19)", the second part of Article 44-3 was supplemented by the following wording: "The stay in public buildings, structures, public transport during the lockdown in effect without wearing individual protective equipment, including respirators or protective masks that cover the nose and mouth, including self-made ones, will result in the imposition of a fine of ten to fifteen tax-free minimum incomes".

Thereafter, the first court rulings for violating lockdown rules followed in Ukraine. Thus, for instance, in the city of Sumy on April 1, 2020 the Zarichny district court of the city of Sumy, the man who was not wearing a mask, was held administratively liable for having violated item 2a of the Sumy Executive Committee of the City Council resolution dated March 27, 2020 No. 172 and Article 44-3 of the Code of Ukraine on Administrative Offenses, and was imposed a fine of 17 000 UAH (Judicial power of Ukraine [Internet], 2018).

Y. Kolos and D. Derkach (2020) in their study took on a comprehensive view at the issues related to the responsibility for lockdown violations with reference to the Covid-19 pandemic in Ukraine. The researchers substantiated the danger of expanding the discretionary powers of entities that have the right to draw up administrative protocols to establish the grounds for the

application of Art. 44-3 of the Code of Administrative Offenses of Ukraine with an unambiguous interpretation of the objective side of the offense under this article, as well as the uncertainty of the ratio of general and special rules in the context of comparative analysis of the arts. 42 and 44-3 of the Code of Administrative Offenses, which may pose a threat of corruption.

In Nechval's study, (2020) the procedural difficulties that arise when qualifying the violations of lockdown restrictions under the Code of Administrative Offenses of Ukraine, Art. 44-3 were shown. In particular, the article exemplifies procedural errors, entailing the release of a person from liability and the ultimate termination of proceedings the ground of the impossibility to establish all their circumstances. On the whole, the conclusion is made that the innovations tend to be positive in terms of the goal to introduce measures aimed at protecting the public health and the public order, subject to a proviso about the need to enhance the legal regulation of liability for violating the lockdown restrictions.

A. Savostin, I. Admiralova and Y. Kashkina looked into Italy's case and found that it was the first European country to impose such severe restrictions. To leave the house, you had to fill out a special form indicating the reasons for the violation of the lockdown (Savostin et al., 2020). To curb the spread of the virus, the Italian government approved a series of extreme restrictive measures regarding the movement of people and social contacts. Between February 21 and February 22, eleven municipalities in northern Italy were declared closed, that is to say people were not allowed to enter or leave the affected areas. On February 25, schools, universities and government agencies were shut in six of the seven northern regions. On March 4, these restrictions were extended to the entire territory of the country. On day 8 in March, the Lombardy region and 14 more other northern provinces were blocked (Gazzetta Ufficiale: Decreto Del Presidente del Consiglio dei Ministri, 2020).

On several occasions the outbreak control was undermined by the spread of fake news, the leakage of draft decrees and political rivalry. For example, the leak of information contained in the draft decree on the comimg closure of Lombardy (and the other 14 provinces) caused panic and confusion in the public perception of events. As a matter of fact, thousands of people opted to flee from northern to southern Italy. The said event forced the government to extend the lockdown to the entire country three days later. The severe fines were administered. Since March 11, 2020, the Italian Ministry of the Internal Affairs was daily updating daily the statistics on the number of both control and penalty sanctions for breaches of the lockdown rules. (Ruiu & Ruiu, 2020) At the same time, by Decree No. 19 dated March 25, 2020, the Government introduced the drastic changes to the system of penalties for non-compliance with measures to curb Covid-19 infection (Uslenghi & Liedholm, 2020). Fines for lockdown violations increased from 400 EUR to 3 000 EUR (Italy threatens jail for coronavirus sufferers violating quarantine, 2020).

In Spain, as of March 2020, those who breached the lockdown, received fines ranging from 100 EUR to 600 000 EUR, depending on the severity of their behavior regarding the public health (Spain in absolute quarantine as coronavirus cases rise to 7,700, 2020).

At the time of writing the present article, there was established a liability in the United States for violating lockdown laws. However, the extent of responsibility for violating restrictions in the United States varies depending on the state. For example, in California, administrative fines for violating the nationwide mask regime of up to 100 USD for individuals and 500 USD for legal entities (Mask Mandate/Administrative Fines FAQ, 2020). In Alaska, fines amount up to 25 000 USD, in Connecticut – up to 500 USD, in Hawaii – up to 5000 USD, in Illinois – from 100 USD to 500 USD, in Chicago – up to 7 000 USD, in Kansas – from 25 USD to 100 USD (Guide to state quarantine rules for travelers, 2020).

As the number of patients increased, many counties that adopted the COVID-19-related administrative fines began to administer their enforcement. Some counties envisage the "violation reports" before the fine is imposed, but law enforcement officials may determine that in some circumstances a report of a violation may be unnecessary or ineffective. It is critical to keep in mind that the companies are basically responsible not only for their own violations, but also for allowing such violations. Thus, while an individual may be punished for refusing to wear a face mask, a business may also be punished for committing such a violation. The essence of the regulation is that businesses need to be knowledgeable to the utmost degree and fulfill their local orders from the Department of Health and all government orders related to COVID-19. Otherwise, the business runs the risk of being fined or even closed (Saad, 2020).

In Germany, the legal basis for liability for lockdown breach is the law on protection against infectious diseases. This legal act establishes that there may be restrictions on the rights of individuals related to freedom of movement, public assembly or the inviolability of the person. Individuals who get sick or have reasonable grounds to believe that they are infected with the coronavirus must undergo the period of 14 days of self-isolation at home. The amount of the fine for non-compliance is calculated by the court taking into account the level of financial status of the guilty person, which may range from 150 to 25 000 EUR fine. Imprisonment for up to two years is also administered (Starodubov et al., 2020).

Moreover, according to the Coronaschutzverordnung in Germany, it is an administrative offense to use public transport without a protective mask. For each such violation, the legislation of North Rhine-Westphalia provides for an administrative fine of 150 EUR (Short Update: Administrative fines for infringement of COVID-19 protective rules in Northrhine-Westphalia, 2020).

Under the law of Turkey, the administrative fines are also imposed for violating lockdown restrictions. Thus, in accordance with Article 282 of the General Law on Hygiene № 1593, those who act contrary to the prohibitions prescribed by law, or who do not fulfill their obligations in the aspect of a pandemic, should be fined between 250 and 1,000 Turkish lira if they actions are not a crime. When revaluation rates are applied, the current amount of this fine for 2020 is 789-1380 Turkish liras (TRY). Failure to comply with home surveillance measures may result in administrative fines as well as facilities quarantine (General Hygiene Law numbered 1593 and dated 1930).

At the same time, according to the law provisions, administrative fines are determined by the local administrative body (Governorships and district administrations). In fact, as practice shows, the administrative fines are issued directly by law enforcement officers (police) who detect violations. However, as the General Law on Hygiene does not provide for the transfer of powers to impose administrative fines directly granted to an administrative body, the administration of such fines by law enforcement officers without legal regulation of the transfer of powers is contrary to procedure. As a result, administrative fines imposed by police officers are to be canceled (Kornar, 2020).

In France, a persistent violation of the lockdown imposed in the context of the coronavirus pandemic could result in a fine of 135 EUR to six months' imprisonment. In particular, for violating the restrictions of domestic quarantine, the minimum fine is 135 EUR. It can be increased to 375 EUR in case of non-payment or no appeal within a certain period. In case of recurrence of the violation within 15 days, the financial penalty would be 200 EUR with an increase to 450 EUR in case of timely non-payment without appeal. Following three violations in a month, a person can be fined 3 750 EUR and imprisoned for six months (Ukrinform, 2020).

In the United Arab Emirates, where a 14-day quarantine introduced for all arrivals into the country, the Attorney General ruled that those who violate lockdown requirements were liable

to criminal responsibility (Turak, 2020). According to the legislative changes that took effect on March 26, 2020, the following fines are established (in UAE dirhams): violation of mandatory hospitalization by patients who refuse to take or continue the prescribed medication, despite the instructions 50 000; non-compliance with home quarantine instructions in accordance with the home quarantine guidelines, as well as quarantine at private facilities designated by the competent authorities, and refusal to retake the test in accordance with medical protocols or the implementation of these measures -50 000; violation of instructions on closing of educational institutions, cinemas, gyms, sports clubs, shopping centers, open air markets, parks, cafes, malls, restaurants and other facilities or reception of clients in violation of restrictions - 50 000 and administrative closure; violations of safety measures issued by the Ministry of Health and Prevention by passengers arriving in the UAE from countries affected with the infectious disease -2 000; non-compliance with appropriate sanitary measures to regulate markets, roads and other public places exempted from temporary closure, as well as refusal to issue an order to dispose of any items, clothing, luggage or other items that are contaminated or may be contaminated with any pathogen, if such items cannot be disinfected in the prescribed manner - 3 000; leaving the house except for vital reasons or the purchase of basic necessities - 2 000; violation of the rule on the maximum number of passengers in the car (more than three people per car) - 1 000; refusal to wear medical masks indoors to individuals suffering from chronic diseases, as well as persons with symptoms of colds and flu or unable to maintain social distance - 1 000; violation of measures for sterilization of public vehicles - 5 000; unauthorized visits to medical institutions - 1 000; refusal to undergo a medical examination on request - 5 000. That said, the fines would be doubled for those found guilty of repeat violations. The offenders would then be transferred to the Federal Prosecutor's Office for Emergencies and Crisis Situations if the violation is committed for the third time (Enforcement of law to contain the spread of COVID-19).

Along with the above, as of May 2020, during the coronavirus pandemic, the Spanish police issued 837 thousand fines ranging from 600 EUR for walking on the street or leaving the city, to 10 000 EUR for more serious violations. In Italy, local police from March 11 to May 3 registered 418,222 violations. The amount of the fine ranges from 206 EUR to 3000 EUR. In France, from mid-March to early May, 915 000 violations were registered (Ukrinform, (2020).

In Ukraine, the situation in the field of law enforcement regarding the prosecution for violation of lockdown restrictions differs essentially. As of May 15, 8 515 protocols were drawn up in Ukraine under Art. 44-3 of the Code of Ukraine on Administrative Offenses ("Violation of Lockdown Rules"), of which 2 199 were under consideration. According to the the court register, only 275 of the protocols considered were imposed a fine (Za porushennia karantynu v Ukraini oshtrafovano 275 osib). The reasons for this were diverse: the circumstances set out in the minutes were not confirmed by proper and admissible evidence; the report was not drawn up on the subject of the specified offense; the place and time of the offense were not specified; the violated norm of the law was not indicated; the qualification of the offense was incorrectly defined. That is, the country was not ready for such unforeseen circumstances, starting from the economic situation and ending with the competence of government officials (Rieznik & Polianska, 2020).

Despite a fairly good applicable doctrinal framework and prompt elaboration of details in the context of the legislator's innovations by the scientific community, there are still a number of less researched issues of administrative liability introduce amendments in this sphere.

## 3 Material and Methods

When looking into the subject of research, a number of methods were applied, including the dialectical method, the system method, the formal-legal method, the comparative-legal method, the empirical method. To begin with, the dialectical method was used for a comprehensive, complete, thorough analysis of the research topic to determine the limits of administrative sanctions for violating lockdown restrictions applied in different countries at a particular point in time and space. As a matter of fact, the system method hawas used to show anticoronavirus innovations in the field of administrative law in their relationship, interaction and interrelation with objectively existing reality and changes in the global multiverse of human life. Further, the formal-legal method was used to formulate the specifics of legal norms relating to liability for violation of lockdown restrictions. Finally, a comparative legal method was used to specify the features of the novelties of the administrative legislation on liability for lockdown violations in different countries.

Eight countries are taken for comparison: Ukraine, Germany, Turkey, the USA, the UAE, France, Italy, Spain.

The source data for comparison were taken from open sources.

Due to the fact that penalties are calculated in national currencies, which vary in different countries, in order to obtain more accurate data on the difference in the size of fines, we transformed the amount into a single currency for which the Ukrainian hryvnia (UAH) was chosen. The exchange rate was taken from the official website of the National Bank of Ukraine as of 28.12.2020 (Ofitsiinyi kurs hryvni shchodo inozemnykh valiut).

That being said, since the size of penalties under the legislation of Ukraine is set in the non-taxable minimum income, the nontaxable minimum was primarily translated into hryvnia on the basis of the Tax Code of Ukraine and the Law of Ukraine "On State Budget for 2020". According to paragraph 5, subsection 1 of section XX "Transitional Provisions" of the Tax Code of Ukraine, if the provisions of other laws include references to the citizens' tax-free minimum income, in that case for the purposes of their application the amount of 17.0 UAH is used, with the exception of administrative and criminal legislation qualification of administrative or criminal offenses for which the amount of non-taxable minimum is set at the level of social tax benefits specified in paragraph 169.1.1 Article 169 of Section IV of the Tax Code of Ukraine for the applicable year. In other ords, the tax-free minimum income of citizens at the level of social tax benefits is applied in terms of qualification of crimes and offenses, and not in terms of determining the amount of penalties for the offense or crime. Hence, the calculation of the fine is done with regard to the Code of Ukraine on Administrative Offenses - from the tax-free minimum income of citizens, established by law as of December 2020 in the amount of 17 UAH.

Based on the obtained sizes, two country rankings were built.

Also, the indicators of law enforcement in relation to bringing to administrative liability for violation of lockdown restrictions were analyzed.

Thereafter, the indicators on the number of COVID patients in selected countries worldwide were taken and a corresponding ranking was formed in order to further proceed with comparing the obtained data.

As the stage, all the obtained rankings were compared, drawing on which the assumptions were made regarding the impact of the said specifics of legal regulation and law enforcement in the field of bringing to administrative liability for violating lockdown to reduce the spread of the epidemic.

Drawing on the data obtained during the study using the empirical method, relevant conclusions were made, which became the basis for the proposals developed.

## 4 Results

As the original descriptive evidence, Table 1 shows that the specific features of the legal regulation of administrative liability, in particular, the established amounts and units of administrative fines, tend to vary in different countries worldwide.

Table 1. The amount of fine for violating lockdown restrictions by measurement units in different countries

| by measurement units in different countries |              |              |                                 |
|---|--------------|--------------|---------------------------------|
| Country                                     | Minimum fine | Maximum fine | Currency                        |
| USA   | 250          | 10 000       | USD                             |
| Germany                                     | 150          | 25 000       | EUR                             |
| Turkey                                      | 789          | 1380         | TRY                             |
| France                                      | 135          | 3750         | EUR                             |
| UAE   | 1000         | 50 000       | AED                             |
| Ukraine                                     | 10           | 10 000       | a tax-free<br>minimum<br>income |
| Italy                                       | 400          | 3000         | EUR                             |
| Spain                                       | 100          | 600 000      | EUR                             |

Source: (Italy threatens jail for coronavirus sufferers violating quarantine, 2020; Spain in absolute quarantine as coronavirus cases rise to 7,700, 2020; Mask Mandate/Administrative Fines FAQ, 2020; Guide to state quarantine rules for travelers, 2020; Ukrinform, 2020; Enforcement of law to contain the spread of COVID-19, 2020; Kodeks Ukrainy pro administratyvni pravoporushennia vid 07.12.1984)

Thus, it is possible to calculate the minimum size of the penalty by the formula: 10\*17=170 UAH, and the maximum by the formula: 10 000\*17=170 000 UAH. The results obtained appear in Table 2 as follows:

Table 2. The amount of fine for violating lockdown restrictions worldwide in currency units

| Country | Minimum fine | Maximum fine | Currency |
|---------|--------------|--------------|----------|
| USA     | 25           | 25000        | UDS      |
| Germany | 150          | 25 000       | EUR      |
| Turkey  | 789          | 1380         | TRY      |
| France  | 135          | 3750         | EUR      |
| UAE     | 1000         | 50 000       | AED      |
| Ukraine | 170          | 170 000      | UAH      |
| Italy   | 400          | 3000         | EUR      |
| Spain   | 100          | 600 000      | EUR      |

Source: (Italy threatens jail for coronavirus sufferers violating quarantine, 2020; Spain in absolute quarantine as coronavirus cases rise to 7,700, 2020; Mask Mandate/Administrative Fines FAQ, 2020; Guide to state quarantine rules for travelers, 2020; Ukrinform, 2020; Enforcement of law to contain the spread of COVID-19, 2020; Kodeks Ukrainy pro administratyvni pravoporushennia vid 07.12.1984)

To build the rating of countries depending on the size of penalties, we calculated the minimum and the maximum size in the same currency (UAH) at the official exchange rate of hryvnia against foreign currency. In this case, the exchange rate is rounded to the integral value and calculated with certain approximation.

The results obtained are presented in Table 3 as follows:

Table 3. The amount of fines for violating lockdown restrictions in worldwide (in UAH)

| Country | Minimum fine | Maximum fine          | Currency |
|---------|--------------|-----------------------|----------|
| USA     | 25*28=700    | 25 000*28=<br>700 000 | UAH      |
| Germany | 150*34=5100  | 25 000*34=<br>850 000 | UAH      |
| Turkey  | 789*4=3156   | 1380*4= 5520          | UAH      |
| France  | 135*34=4590  | 3750*34=<br>127500    | UAH      |
| UAE     | 1000*8=8000  | 50 000*8=<br>400 000  | UAH      |

| Ukraine | 170          | 170 000                   | UAH |
|---------|--------------|---------------------------|-----|
| Italy   | 400*34=13600 | 3 000*34=<br>102000       | UAH |
| Spain   | 100*34=3400  | 600 000*34=<br>20 400 000 | UAH |

Source: (Italy threatens jail for coronavirus sufferers violating quarantine, 2020; Spain in absolute quarantine as coronavirus cases rise to 7,700, 2020; Mask Mandate/Administrative Fines FAQ, 2020; Guide to state quarantine rules for travelers, 2020; Ukrinform, 2020; Enforcement of law to contain the spread of COVID-19, 2020; Kodeks Ukrainy pro administratyvni pravoporushennia vid 07.12.1984)

The results above give us the data to be presented in Table 4 below showing the ranking of countries with minimal fines in ascending order:

Table 4. Ranking of countries with minimal fines in ascending order

| oraci     |                          |           |
|-----------|--------------------------|-----------|
| Number    | Country                  | The       |
| in the    |                          | amount of |
| ranking   |                          | the fine  |
| of        |                          |           |
| countries |                          |           |
| 1         | United States of America | 700       |
|           | (Kansas)                 |           |
| 2         | Ukraine                  | 170       |
| 3         | Turkey                   | 3 156     |
| 4         | Spain                    | 3 400     |
| 5         | France                   | 4 590     |
| 6         | Germany                  | 5 100     |
| 7         | UAE                      | 8 000     |
| 8         | Italy                    | 13 600    |

Source: (Italy threatens jail for coronavirus sufferers violating quarantine, 2020; Spain in absolute quarantine as coronavirus cases rise to 7,700, 2020; Mask Mandate/Administrative Fines FAQ, 2020; Guide to state quarantine rules for travelers, 2020; Ukrinform, 2020; Enforcement of law to contain the spread of COVID-19, 2020; Kodeks Ukrainy pro administratyvni pravoporushennia vid 07.12.1984; Ofitsiinyi kurs hryvni shchodo inozemnykh valiut)

The ranking of countries with maximum fines in ascending order is provided below (Table 5):

Table 5. Ranking of countries with maximum fines in ascending order

| order                              |   |                        |
|------------------------------------|---|------------------------|
| Number in the ranking of countries | Country                                 | The amount of the fine |
| 1                                  | Turkey                                  | 5 520                  |
| 2                                  | Italy                                   | 102 000                |
| 3                                  | France                                  | 127 500                |
| 4                                  | Ukraine                                 | 170 000                |
| 5                                  | UAE                                     | 400 000                |
| 6                                  | United States of<br>America<br>(Alaska) | 700 000                |
| 7                                  | Germany                                 | 850 000                |
| 8                                  | Spain                                   | 20 400 000             |

Source: (Italy threatens jail for coronavirus sufferers violating quarantine, 2020; Spain in absolute quarantine as coronavirus cases rise to 7,700, 2020; Mask Mandate/Administrative Fines FAQ, 2020; Guide to state quarantine rules for travelers, 2020; Ukrinform, 2020; Enforcement of law to contain the spread of COVID-19, 2020; Kodeks Ukrainy pro administratyvni pravoporushennia vid 07.12.1984; Ofitsiinyi kurs hryvni shchodo inozemnykh valiut)

As we can see after the comparison was conducted, the smallest sanctions for violating the lockdown restrictions are applied in some individual US states and in Ukraine, and the largest share is taken by Spain and Germany. In most countries, the administrative liability prevails, in the form of fines and

restriction of liberty, with fines ranging from 170 UAH, up to 20.4 million UAH. That said, in Turkey as compared to other countries, the level of the maximum administrative fine is much lower

In addition, as we could find out from the literature review, the Spanish police issued 837 thousand fines ranging from 600 euros for walking on the street or leaving the city, up to 10,000 euros for more serious violations (Spain in absolute quarantine as coronavirus cases rise to 7,700, 2020). In Italy, the local police registered as many as 418,222 violations from March 11 to May 3. The amount of the fine from 206 euros to 3 000 EUR (Italy threatens jail for coronavirus sufferers violating quarantine, 2020). In France, 915 000 violations were registered from mid-March to early May (Ukrinform, 2020). However, In Ukraine as of May 15, 8 515 protocols were drawn up under Art. 44-3 of the Code of Ukraine on Administrative Offenses ("Violation of lockdown rules") and only in respect of 275 thereof a decision was made to impose a fine (Za porushennia karantynu v Ukraini oshtrafovano 275 osib).

In addition, as we were able to find out from the literature, the Spanish police issued 837 000 fines ranging from 600 EUR for walking on the street or leaving the city, up to 10 000 EUR for more serious violations (Spain in absolute quarantine as coronavirus cases rise to 7,700, 2020). In Italy, local police from March 11 to May 3 managed to register 418 222 violations. The amount of the fine from 206 EUR to 3 000 EUR (Italy threatens jail for coronavirus sufferers violating quarantine, 2020). In France, from mid-March to early May, 915 000 violations were registered (Ukrinform, 2020). In Ukraine, as of May 15, 8 515 protocols were drawn up under Art. 44-3 of the Code of Ukraine on Administrative Offenses ("Violation of lockdown rules") and only in respect of 275, a decision was made to impose a fine (Za porushennia karantynu v Ukraini oshtrafovano 275 osib).

The rating of these countries according to the indicators of the spread of the epidemic proves to be somewhat different, as illustrated in Figure 1:

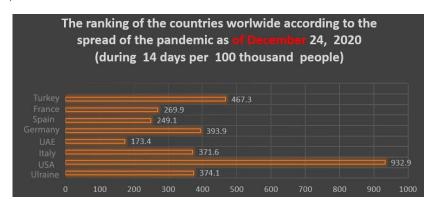


Fig. 1. The ranking of different countries worldwide according to the spread of the epidemic as of December 24, 2020 (during 14 days per 100 thousand people.)

Source: (33)

## 5 Discussion of the Results

Thus, in the course of our research, we found that the mildest sanctions for the breach of lockdown restrictions are exercised in some US states and Ukraine, and the toughest - in Spain and Germany. However, a study by N. Kravchenko and A. Yusupova (Kravchenko & Yusupova, 2020) "Soft" Factors in Pandemic Response: Comparative Intercountry Analysis, that had been conducted before August 6, 2020, reported that the largest fines were imposed in the United States, followed by Spain, Italy in terms of a number of punishments; the mildest sanctions for breaches are imposed in Germany. This gives grounds to conclude that the size of the sanctions had been changing during the spread of the epidemic. Thus, the proviso of S. Starodubov, V. Vladyshevska and M. Pyzhova (Starodubov et al., 2020) stands to reason warning that the size and limits of sanctions for breaching quarantine abroad is prone to change as the epidemiological situation improves or deteriorates.

An additional point is that Spain leads in terms of law enforcement in the study area, in particular instituting administrative actions. In view of the aforementioned, during the lockdown, as of early May, the Spanish police issued 837 thousand fines ranging from 600 euros for walking on the street or leaving the city, to 10,000 euros for more serious violations. Whereas in Ukraine, for example, as of May 15, 8,515 protocols were registered under the action of Art. 44-3 of the Code of Ukraine on Administrative Offenses ("Violation of lockdown rules"). That having been said, only in respect of 275 a court decision was issued to impose a fine.

Thus, the indicators of the COVID spread in countries with tougher administrative sanctions and more severe institution of administrative actions are relatively smaller. Such results give us the ground to assume that the specific features of legal regulation

and law enforcement in the field of administrative liability for violation of lockdown restrictions still affect the spread of the epidemic. This indicates the effectiveness of a collaborative quarantine program in several countries abroad.

Further, such results and our assumptions are confirmed by other studies. For example, S. H. Chae and H. J. Park (2020) in their study examined changes in the growth rate of cumulative cases that depend on the time after Bavaria imposed financial sanctions for violating the lockdown: Germany, March 15 – May 11, 2020. That is to say the growth rate decreased. Overall, the penalties for violating social distancing have a significant impact on slowing the spread of COVID-19. (Chae & Park, 2020).

In the light of the above, it is expedient for other countries, and specifically Ukraine, to adopt the best practices of Spain in terms of legal regulation and law enforcement in the field of administrative liability for lockdown restrictions violation. Such measures are claimed to ensure the rapid spreading the word about the imminent fine for lockdown violation. Added to this is the fact that this money will supply the funds to combat the virus (Starodubov et al., 2020). However, due regard should be paid to taking into account the level of economic development of each country. The bottom line still is, the size of the fine should be considerable, but viable.

That said, it is advisable to proceed with a differentiated approach to the introduction of sanctions at the angle of the offense subject. Such a stance would involve the proposed in the scientific literature delimitation of administrative liability of individuals and officials, legal entities and private entrepreneurs (Sambor, 2020).

However, it is quite likely that other factors could have their impact on the reduction of the epidemic, such as: a decrease in the number of tests for the virus, an increase in the level of the citizens' legal awareness, and so forth. In addition, the overriding limitation of our study is the short time of its implementation, as well as the lack of more detailed information on law enforcement in the scope of administrative fines for violating lockdown restrictions in various countries.

# **6 Conclusions**

Based on the above studies, the following conclusion can be drawn: the issue of administrative liability for violating the lockdown restrictions present a major concern and are relevant not only for Ukraine, but also for many countries overseas. Nevertheless, the preliminary studies of the scholars on this matter are virtually lacking.

It was found that in against the backdrop of the rampant spread of COVID-19, the policy of each and every state should evolve in the direction of elaborating more severe administrative penalties and ensuring the most effective implementation of legislation in this area.

Drawing heavily on the regulatory analysis in the field of counteracting the spread of the COVID-19 epidemic, the scholarly contributions representing the insights of experts and scientists, the theoretical and methodological background of the study is formulated. Furthermore, the author's perspective of the role and function of regulation in the field of administrative liability for violation of lockdown restrictions, as well as their features, was highlighted. In particular, the countries with high COVID-19 morbidity rates are encouraged to learn from Spain's best practices in regulating and implementing the administrative liability for violating lockdown restrictions. It stands to reason that the introduction of tougher administrative fines can flatten the curve of COVID-19. On the same note, it is advisable to enshrine at the statutory level the most severe amount of the fine, taking into consideration the specifics of the country's economic development wherein it will be introduced. The size of the fine should not only be high, but also take account of the financial situation of individuals and legal entities in these countries. Furthermore, each of the countries should make available the relevant levers to law enforcement agencies in this area and ensure the factual imposition of fines on violators, apart from their being formally present in the legislation.

Our findings are relevant to issues regarding the COVID-19 countermeasures, the proposed model of state policy is expected to effect the reduction of morbidity rates in Ukraine and worldwide. The best practices and the array of applicable data presented can serve as a guideline for future elaborations in this area, as well as for the development of an effective model of public policy in the area of counteracting the incidence of the pandemic in Ukraine and the worldwide.

Finally, we consider it expedient to note that the issue of legal regulation and law enforcement in the field of administrative liability for lockdown violations calls for further research in the direction of studying the other countries' practices worldwide.

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