

LEGAL REGULATIONS DURING THE MEDICAL PANDEMIC IN THE ANALYSIS OF THE ROMANIAN CONSTITUTIONAL COURT

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ABSTRACT: *The medical pandemic COVID-19 represents not only a problem of a medical nature, but also of a legal approach. The states were not prepared for such situations, and the limited knowledge of the causes and evolution of the disease, determined an atypical legislative approach, bordering on the violation of fundamental human rights.*

The article presents the legislative situation of the state of emergency existing before the pandemic, then critically analyzes the legislative interventions at the national level. The important decisions of the Constitutional Court in the matter of legislation during the pandemic were analyzed, also showing how the courts reacted. A component of the study presents the doctrinal positions in the matter, as well as proposals for improving the regulation.

The medical pandemic COVID-19 found the Romanian state unprepared, both in the medical component and in the legal component. With a normative act establishing the state of emergency precariously adopted, during a situation of democratic crisis, beyond the constitutional requirements, Romanian institutions have improvised, trying to create the appearance of science, of understanding the phenomenon and of effective care for the rights and freedoms of the citizen.

KEYWORDS: *medical pandemic; human rights; Constitutional Court; European Union; law*

JELCODE: *K32, K33*

1. THE PANDEMIC, A REALITY AT THE LEVEL OF THE INTERNATIONAL SOCIETY

The pandemic is, today, one of the most used words at the level of the international community. A polarized world, in which separation is not given by democracy versus dictatorship, good versus bad, with a competitive economy or in poverty, but a separation given by the hope that science will win versus denying reality, and by a division between vaccinated people versus people who refuse to accept immunization.

What was announced in early January 2020 as just a medical problem located in China has turned into a health, economic and reliability nightmare that affects the whole world.

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