



**Eximia Journal**  
**(ISSN 2784-0735)**

**Vol. 13**

**2024**

# **Enhancement the Legal Regulation of the Activities of Local Administration amidst the Spread of Diseases Posing a Danger to the Population**

**Abdulridha Jaafar Naser Abdulridha<sup>1</sup>, Sweedi Sattar Jabbar Zayer<sup>2</sup>, Shaikhullin Marat Selirovich<sup>3</sup>**

<sup>1</sup>The University of Kerbala, <sup>2</sup>The University of Kerbala, <sup>3</sup>Crimean affiliate of the Krasnodar University of Interior of Russia, <sup>4</sup>Eastern Economic-Legal Humanitarian Academy

jaafar.n@uokerbala.edu.iq, Sattar.jabbar@uokerbala.edu.iq, selir07@mail.ru

**Abstract.** This article examines the current theme of improving the public authority activities in the context of the spread of diseases that pose a particular danger to people. This research is aimed at studying the legal and organizational measures taken by public authorities, municipalities in the context of the spread diseases that pose a threat to all countries world -wide. The article analyzes the authorities of public bodies and the rights of citizens in connection with the provision of operational measures targeted at prevention, restraint, averting of dangerous diseases. The crucial role and responsibility of public authorities to ensure the sphere of citizens' health protection and provide medical assistance to the population is specified. The assessment of the medical care availability in urgent situations is effected. The issues of creating conditions for the provision of high quality, qualified, prompt medical care to people are considered. The study has identified shortcomings in the activities of public authorities in timely response to violations of citizens' rights in the field of health care. It also pays attention to taking measures to reduce death rates, providing high-quality medications, conditions of sanitary and epidemiological well-being of the population, since these important factors affect the degree of stability of social and industrial activities, the country economy, direct communication in household and economic activities.

**Keywords.** Public authorities, Health care, Medical care, Population, Diseases, Quality care, Operative measures, Epidemic

## **1. Introduction**

Currently, the activities of public authorities and medical institutions in the field of creating conditions for the provision of medical assistance to the population are acquiring social significance, since social, business, industrial, commercial relations cannot be developed without healthy population. Any person included in the system of public relations should have the right to affordable and high-quality assistance from the state. Consequently, public authorities must create such legal conditions and guarantee affordable, qualified, timely, and in some cases free medical care.

The experience of preventing and spreading dangerous diseases using the example of combating COVID-19 has shown that in all states public authorities, municipalities, medical institutions were not ready for such modern challenges. At the level of the international community, it is required to form universal standards for the provision of medical care. States, public authorities must adopt special norms of legal regulation of public relations, which will provide new conditions for protecting people from the spread of dangerous diseases.

## **2. Methods**

The methodological basis of the study used by the authors made it possible to establish that public authorities are obliged to monitor the quantitative and qualitative composition of the population. They must consider its socio-demographic characteristics, since the assessment of these indicators is essential for improving the work of public authorities in terms of coordinating medical institutions involved in the provision of medical assistance to the population and health protection of citizens. The fight against the new coronavirus infection in Europe and Asia has shown that the distribution of intensive care beds between the public and private health care systems is uneven, which in turn does not meet the general recommendations of the World Health Organization 1-3 beds per 10,000 inhabitants<sup>1</sup>

The forecasting method made it possible to determine that the social significance of the activities of public authorities lies in the need for public authorities to integrate useful initiatives of state and public medical associations dealing with the problems of protecting people's health into the process of their activities. It is really essential in order to take specific measures at the early stages of the spread of dangerous diseases, aimed at timely and high-quality medical care to citizens. The level of such integration of medical institutions, public associations and public authorities determines the solution of various medical issues and, accordingly, the adoption of urgent programs in the health sector. Public authorities should be well aware of the state of health of the population [2], as well as of the problems of providing medical care due to the specifics of the geographic, economic, demographic state of specific states.

According to the World Health Organization, many countries still do not regularly collect high-quality data to monitor health-related indicators. 117 countries proved that, on average, 9.3% of the population in each country spends more than 10% of their family budget on health care - this level of spending may cause families to experience financial difficulties [3]. These findings reveal the need to activate state activity towards the integration of public and private healthcare organizations in terms of increasing the financial stability of families with low incomes. Hence, the quality of health of the population depends on the availability of medical care, which in turn affects the level and potential of labor resources, the ability of citizens to protect their homeland, to preserve the environment and the cultural heritage.

In accordance with Article 5 of the ILO Convention on Medical Assistance and Sickness Benefits, any member of organization, whose legislation provides the protection of employed persons may be excluded from the scope of the Convention. They are: a) persons whose work is of casual character; b) family members of the entrepreneur living with him - in relation to work performed for him; (c) other categories of employed persons whose number does not exceed 10 per cent of the total number of employed personnel. [4]. However, any limitation or exclusion of persons from the medical protection guarantees can entail serious negative consequences, since for diseases - viruses that pose a high threat to the population, it does not matter who and to what extent is insured. The practice of combating COVID-19 has shown that if one person is infected, then there are high risks of infecting other people. This

circumstance should be taken into account while providing medical care, regardless of age, gender, race, financial or other state of the person. Consequently, when deciding on the prevention and averting of the spread of dangerous diseases, both national and universal standards of legal regulation must be applied and all states must adhere to them.

Public authorities must create conditions for the provision of medical care to the population of social character, despite the factors that have a negative impact on it - the financial and economic crisis, changes in the exchange rate, insufficient material and financial resources. At the same time, public authorities in the field of healthcare should correctly coordinate the activities of healthcare institutions, effect coordination within the framework of international legal regulation, which is really important. Thus, the problem of the spread of dangerous diseases affects all states of the planet, regardless of the development of a particular state. In pandemic conditions, states must also carry out a prompt exchange of information and experience, and, if necessary, provide humanitarian assistance [5].

In international standards of legal regulation of public health protection, new principles should be adopted and aimed at preventing and averting the spread of diseases that make a high threat - the principle of "modernization", "universal international coordination of states", "promptness of decisions and actions of public authorities", "guarantees of equipment medical means and drugs", "social distance".

In the field of construction of buildings and premises, public authorities should develop new standards for the legal regulation of construction and development, taking into account the increase in the volume of square meters, which will create the necessary social distance between visitors of state, public and cultural institutions. Perfection of the public authorities' activities in the field of creating conditions for the provision of medical care to the population should include promising issues influencing the effectiveness of the implementation of public health protection in an operational mode. The transfer of the public authorities' performance, public institutions and citizens to a self-isolation mode in the context of the spread of coronavirus infection (2019-nCoV) showed that public authorities were not ready for such difficult situations. It acquired a form of a systematic and comprehensive fight against coronavirus infection, in which all public authorities and municipalities must be involved. In this regard, it is important to identify, analyze errors and drawbacks made by public authorities as a result of the epidemiological situation in the Russian Federation in the spring of 2020, namely in connection with the spread of coronavirus infection (2019-nCoV). Undoubtedly, public authorities have taken a number of measures aimed at preventing the spread of this disease. However, we can hardly constitute that public authorities, including local governments, were ready to curb its intensive spread. That is why, in the context of this study, it is crucially important to enhance a theoretical and the practical search for ways to improve the activities of public authorities in the field of protecting the health of citizens and providing medical assistance to the population in the context of the dynamic spread of diseases, so to foresee future mistakes.

The experience of curbing the spread of coronavirus infection showed that the legislation of the EU countries did not contain norms providing for measures to constrain diseases that present a hazard to the population, as well as a combination of these legal measures with organizational and logistical conditions. Due to the spread of the disease world- wide, coronavirus infection (2019-nCoV) (B 34.2 - the disease code according to the International Statistical Classification of Diseases and Related Health Problems (10th revision) is classified as a disease of international importance and representing an emergency in the public health realm [6].

Infectious diseases that endanger neighboring people, are considered to be human infectious diseases characterized by a severe course, high death and disability rates and rapid spread among the population (epidemic). However, the method of analysis of the normative legal acts of the EU countries has shown that public authorities mainly use the norms of population information about the possibility of the spread of dangerous diseases, as well as about the threat of the emergence and occurrence of epidemics. This tendency is not prompt and effective enough to prevent the infections spread that constitute a danger to the life and health of the population.

### **2.1 Problems of legal regulation of the activities of public authorities in the context of the spread of diseases that pose a danger to the population**

In order to improve the legal regulation and the validity of measures taken to curb the spread of coronavirus infection, states should adopt norms defining the concept of "mode of spread of diseases posing a special public danger". They should also work out a legal algorithm for consolidated actions of public authorities to prevent the spread of dangerous diseases, which should be followed by appropriate measures for the introduction of emergency situations. In order to prevent the emergence and spread of infectious diseases, anti-epidemic measures should be taken in a timely manner and in full scope, and should be urgently provided for in the national legislation of states.

Such measures should include the sanitary protection of state territories, the introduction of restrictive measures (quarantine), control measures for patients with infectious diseases, preventive measures (medical examinations and vaccinations), sanitary and hygienic education and education of the population. An analysis of the legislation of the states of Europe and Asia showed that there is no consensus in the states about the standards providing for "measures of self-isolation of the population", which are one of the deterrents to the spread of coronavirus infection, which in practice emphasized the fact that the traditional sanitary measures were not effective. In this connection an incredible rise of contagious disease among the population was discovered. Any restrictive measures must be temporary in nature and contribute to the improvement of the situation of the population, without leading to social tension.

The self-isolation regime introduced everywhere has revealed a large number of burning issues. The most important one was the problem of the correlation of such self-isolation with respect for the rights, freedoms and legitimate interests of citizens, legal entities and individual entrepreneurs, compliance with special legal regimes established by the national legislation of states. In the legislation of many countries, there is no definition of the concept of self-isolation of citizens, which, accordingly, does not make it possible to implement the scope of the self-isolation regime correctly.

According to experts, self-isolation is a set of restrictive measures for the population, which are introduced by the government for a certain time period to combat the spread of a dangerous disease [5], [7]. Basically, these measures are limited to verification that citizens comply with the regime of stay at the place of permanent residence, do not go out outside without urgent need, limit contacts with other people and comply with all recommendations for the prevention of viral diseases proposed by the medical community. At the same time, it should be noted, that self-isolation measures are not always interconnected with measures under the high alert regime, when citizens are prohibited to leave their place of residence (stay).

What determines the effectiveness of self-isolation measures for citizens? It seems that the measures applied by the state authorities, in the aspect of self-isolation, are not only effective

in terms of the application of negative sanctions of a criminal-legal and administrative-legal nature. They are also determined by the civil activity of the population in terms of self-defense, the personal choice of a citizen how to act in a situation associated with a pandemic. Therefore, the issue of the right of citizens to freedom of movement, as well as measures aimed at restricting the right to freedom of movement, within the framework of a legal regime introduced by public authorities in accordance with the norms of national legislation, becomes especially relevant. It should be said that the rights of citizens to freedom of movement in settlements where, in the case of various diseases spread, special conditions have been introduced, and the modes of residence of the population require the establishment of legislative regimes of "high alert" and "compliance with living conditions".

In order to inform the population about the threat of the spread of dangerous diseases, public authorities inform the population about the risks of dangerous diseases by posting information on the notice boards in public places, in the media, on official websites on the Internet. They also use specialized technical means of warning and information of population in public places, etc. However, information should be as predictive and objective as possible in order to show the real situation with the infection of people with dangerous diseases. Therefore, it is important to introduce forms of public monitoring of the state of the epidemiological situation.

It is necessary to establish planned standards for assessing the health state of population. It is evident that in the context of preventing the spread of coronavirus infection, risks of infection of people with contagious diseases were not properly assessed by public authorities. Finally, it influenced the speed of spread of dangerous disease. To solve this problem, the authors state the need for the formation of special structural units of public authorities, which will specifically deal with issues of health protection and medical care to the population, especially in those settlements with a high population density.

Another important problem is the creation of reserves of material resources in case of emergencies, which include the spread of coronavirus infection. Public authorities should create back-up guarantees of financial and material resources for cases of the spread of dangerous diseases. Such reserves include: food, food raw materials, medical equipment, medicines, vehicles, communications, construction materials, fuel, personal protective equipment and other material resources. Nevertheless, as the practice of combating 2019-nCoV showed in Brazil, there was a shortage of intensive care beds [1]. In Nigeria there was inadequate equipment and a shortage of medical supplies [8]. In Afghanistan a lack of personal protective equipment, limited capacity of testing laboratories was found out[9], in Italy, the problems of territoriality (decentralization) of the health care system and the insufficient volume of free medical care were revealed [10]. In the USA were identified the problems of fragmentation of the health care system and compulsory health insurance [11].

State institutions are authorized to create of material resources reserves in case of emergencies and should develop and adopt new nomenclatures of stocks of material resources, taking into account the fact that diseases dangerous to others are the cause of emergencies. When erecting modular infectious disease centers, municipalities should provide maximum assistance to state institutions when deciding on medical organizations location. It is necessary to develop legal norms and standards that provide a systematic algorithm for interaction between public authorities and medical institutions in the event of the occurrence and spread of diseases that pose a danger to others by developing and adopting programs of joint actions.

### **3. Results**

For many years, in international relations and at the level of national laws, there were no norms establishing the procedure and conditions for the activities of public authorities to combat the spread of diseases that constitute special public danger. Many norms and standards in the field of protecting the health of citizens and providing medical care to the population are outdated. Therefore, they require an innovative approach. All developed states, within the framework of national legislation, must develop legal norms that reveal the concepts of "self-isolation of the population", "social distance", "regime of increased epidemiological danger", "remote work mode", develop norms of behavior in industrial, public and cultural institutions.

The study has revealed that the performance programs of public authorities in the field of civil defense and protection of the population from emergencies did not provide for the risks of pandemic situations, therefore, it becomes essential to develop special programs of measures due to the risks of the occurrence and spread of infections dangerous to people. In the view of above said specialized structural subdivisions of public authorities responsible for protecting the health of citizens must be formed. They must realize the functions of health care protection of the population in close touch with medical and public institutions.

States should develop standards for the differentiation of workers and employees on basis of the principle "remote mode of performing professional functions" at the international level. In order to protect the health of citizens, the need has been proven to develop new rules and standards for the life of the population, considering the risks of the occurrence and spread of diseases presenting a danger to others. The norms on social distancing should be taken into account in the formation of objects of social importance, while the municipal policy in the field of provision of non-residential premises should provide for a reasonable correlation between the volume of premises provided and the amount of rent charged for their use. Guarantees of humanitarian provision of food and basic necessities of the vulnerable layers of the population should be adopted in the event of the spread of dangerous diseases at the legislative level.

### **4. Conclusions**

Public authorities, representing the will of the government, the interests of the state must, in the shortest possible time, resolve the issues of adopting special legislation regulating the procedure and conditions for protecting the health of citizens and providing medical care in the conditions of the spread of diseases that present high social danger. Since all states are interested in the fight against dangerous diseases, it is important to build an algorithm for operational interaction and coordination of state forces and means aimed at preventing the spread of dangerous diseases at the international level. Moreover, new standards for health protection and care should be developed at the international level, considering the following principles: - the principle of "modernization" - the principle of "universal international coordination of states"; - "promptness of decisions and actions of public authorities " , - "guarantees of the reserve of medical supplies and drugs"; - "social distance"; - "mode of business and social behavior".

### **References**

- [1] *Camila Vantini Capasso Palamim, Fernando Augusto Lima Marson. [COVID-19 – The Availability of ICU Beds in Brazil during the Onset of Pandemic. Annals of Global Health](#). 2020; 86 (1). DOI [10.5334/aogh.3025/](https://doi.org/10.5334/aogh.3025/).*

- [2] Allah Nawaz. [Public health awareness: a precursor to better preventive & curative health care in Pakistan.](#) *Gomal Journal of Medical Sciences*. 2017; 15 (3). [3] World health statistics: monitoring health for the SDGs, Sustainable Development Goals. P.11.
- [4] Convention No. 130 of the International labour organization "On medical care and sickness benefits" (Together with the "International standard economic classification of all economic activities") (Concluded in Geneva on 25.06.1969).
- [5] Gholamreza Zakersalehi. [Legal Aspects of the Pandemic Covid19: Obligations and Duties of Government.](#) *Journal of Evidence Based Health Policy, Management & Economics*. 2020; 4(3):150-153. P.150.
- [6] COVID-19 Public Health Emergency of International Concern (PHEIC) Global research and innovation forum. URL: [https://www.who.int/publications/m/item/covid-19-public-health-emergency-of-international-concern-\(pheic\)-global-research-and-innovation-forum](https://www.who.int/publications/m/item/covid-19-public-health-emergency-of-international-concern-(pheic)-global-research-and-innovation-forum) (access date: October 8, 2020).
- [7] Asmaa Azizi, Doha Achak, Khalid Aboudi, Elmadani Saad, Chakib Nejjari, Youness Noura, Abderraouf Hilali, Ibtissam Youlyouz-Marfak, Abdelghafour Marfak. [Health-related quality of life and behavior-related lifestyle changes due to the COVID-19 home confinement: Dataset from a Moroccan sample.](#) *Data in Brief*. 2020; 32:106239.
- [8] Olayinka Stephen Ilesanmi, Aanuoluwapo Adeyimika Afolabi. [Six months of COVID-19 response in Nigeria: lessons, challenges, and way forward.](#) *Journal of Ideas in Health*. 2020; 3 (Special1) DOI [10.47108/jidhealth.Vol3.IssSpecial1.63](https://doi.org/10.47108/jidhealth.Vol3.IssSpecial1.63).
- [9] Don Eliseo Lucero-Prisno, Mohammad Yasir Essar, Attaullah Ahmadi, Xu Lin, Yusuff Adebayo Adebisi. [Conflict and COVID-19: a double burden for Afghanistan's healthcare system.](#) *Conflict and Health*. 2020; 14 (1):1-3 DOI [10.1186/s13031-020-00312-x](https://doi.org/10.1186/s13031-020-00312-x).
- [10] Emanuele Rizzo, Simona Carlà, Salvatore Ruggeri. [A COVID-19 exemption code to ensure post-recovery care: From the territory a proposal for the Apulia Region government.](#) *EClinicalMedicine*. 2020; 26:100516.
- [11] USA vs. COVID-19. The complexities of American healthcare. URL:<https://www.interfax.ru/world/709959> (access date: October 8, 2020).