

The Pandemic and Measures to Curb It: Restriction of Movement between Municipalities and “Curfew”

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The article analyses the measures to contain the Covid-19 pandemic, which cause controversy in the Slovenian public and media, among those who are empowered to implement and supervise them, and - last but not least - in the Slovenian Constitutional Court. A brief retrospective of the events that led to the declaration of the corona virus pandemic in most European countries is followed by a general review of legislative and executive measures that more or less restrict fundamental rights in order to prevent the spread of infections and protect public health in Slovenia. Meanwhile, the restriction of movement between municipalities has already reached the Constitutional Court's final decision, and the initiatives related to curfew have been accepted for decision. In the article, the relevant Constitutional Court's decisions on both measures are analyzed in more detail in the light of the warnings of some legal experts that during the epidemic, we are witnessing a socially harmful and disproportionate restriction of fundamental rights and the erosion of law. The purpose of this article is to acquaint potential readers among social supervisors who monitor compliance with the measures, conduct misdemeanour proceedings and impose fines with the basic substantive constitutional legal aspects and issues of exercising their powers in the current situation.

Keywords: epidemic, COVID-19, freedom of movement, “police curfew”, constitution, proportionality

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