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Administrative Monetary Penalties During a Pandemic Covid-2019 in Poland. Selected Aspects

Keywords: monetary penalties, Covid-19, public administration
Słowa kluczowe: kary finansowe, Covid-19, administracja publiczna

Abstract

The article discusses administrative fines imposed in connection with the Covid-19 pandemic. The form and rules of their imposition allow us to assume that the pragmatics of their imposition was flawed from the very beginning of the pandemic. This is confirmed by the judgments of administrative courts which question the financial penalties in question.

Streszczenie

Administracyjne kary pieniężne podczas pandemii w Polsce. Wybrane aspekty

Artykuł dotyczy pieniężnych kar administracyjnych nakładanych w związku z pandemią Covid-19. Forma i zasady ich nakładania pozwalają przypuszczać, że pragmatyka ich nakładania była wadliwa i niezgodna z Konstytucją. Potwierdzają to wyroki sądów administracyjnych, kwestionujących przedmiotowe kary pieniężne.

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I.

The year 2020 was, in many respects, an utter surprise to everyone. From the beginning of the Covid-19 outbreak, representatives of the World Health Organization were not convinced whether it was an epidemic or merely a "temporary disturbance". Furthermore, at first they argued that an infectious disease that had begun to spread at an enormous rate did not fulfill the criteria for an epidemic[2].

However, it soon turned out that the assumptions of WHO were incorrect, and the epidemic spread around the world[3]. The coronavirus officially reached Poland on March 4, 2020, when the Minister of Health, Łukasz Szumowski, announced the first case the disease – an infected patient in Lubuskie Voivodship, with all emergency procedures correctly implemented[4]. The development of the infection was dynamic. Consequently, the authorities introduced a lockdown, and thus numerous restrictions which began to limit the rights and freedoms of citizens.

It was accompanied by penalty notices imposed by various services. However, the most burdensome for individuals at that time were the administrative monetary penalties imposed by the State Sanitary Inspectorate (in Polish: *Sanepid*). Such penalties have been and continue to be controversial among the public, publicists, and most lawyers.

The following article aims to examine the validity of imposing administrative monetary penalties on citizens during between March and the end of June 2020, namely during the lockdown period, as well as the restrictions implemented during this period by those in power.

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[2] S. Shah, *Epidemia. Od dżumy przez Aids i ebolę po Covid-19 (Pandemic: Tracking Contagions, from Cholera to Coronaviruses and Beyond)*, Kraków 2020, p. 10.

[3] J. Bielecki, *Wirus resetuje świat*, Warsaw 2020, p. 13.

[4] https://www.gov.pl/web/zdrowie/pierwszy-przypadek-koronawirusa-w-polsce (12.12.2020).

II.

Social and legal changes occurring at present completely alter the sense of existence and meaning of some legal institutions. The scope of administrative responsibility threatened by the so-called monetary penalties is evolving, recently, however, the term 'monetary penalties' appeared in a completely different meaning, such as sanction charges, increased charges, or additional charges[5]. Furthermore, source literature to some degree suggests that administrative monetary penalties represent instruments at the junction of administrative, financial, and criminal law[6].

Other authors, in turn, believe that administrative monetary penalties are a self-contained institution, being, in a way, a manifestation of administrative and legal responsibility. Finally, T. Bąkowski et al. think that administrative penalties constitute, along with liability for crimes and offenses, the third type of criminal liability in the sense of ascribing to an object – a material substrate – a meaning, significance, or value that is concerning a person (…). In such a context, one speaks of the meaning of administrative penalties in the *sensu largissimo*[7].

Therefore, it can be concluded that it is possible to draw many similarities between administrative and criminal liability. Whereas criminal liability implies that an entity bears negative consequences through a criminal sanction for the attributed act attributed, which is also subject to a negative normative qualification[8], administrative liability may be defined in either the positive or the negative sense. In the negative sense, such liability is neither criminal nor civil. On the other hand, in the positive sense, administrative responsibility is regulated by law as the possibility of launching legal measures against a specific entity due to its activity violating the provisions of substantive administrative law, realized in particular forms and procedures for administration. In this case, therefore, one can speak of administrative responsibility based on

[5] M. Wincenciak, *Sankcje w prawie administracyjnym i procedura ich wymierzania*, Warsaw 2008, p. 94.

[6] L. Tyszkiewicz, *Problem odpowiedzialności karnej osób prawnych (zakładów pracy) w polskim systemie prawnym*, "Prace Naukowe Uniwersytetu Śląskiego Prace Prawnicze" 1974, no. 5, p. 170.

[7] T. Bąkowski et al., *Prawo administracyjne dziś i jutro*, Warsaw 2018, pp. 23–40.

[8] W. Cieślak, *Prawo karne, zarys instytucji i naczelne zasady*, Warsaw 2010, p. 71.

police sanctions, fulfilling preventive functions, and responsibility based on repressive sanctions in the form of penalties fulfilling repressive functions[9].

The institution of administrative monetary penalties appeared in the Code of Administrative Procedure in 2017[10]. The legislator added therein a division IVA entitled "Administrative monetary penalties". One of the introduced provisions states that administrative monetary penalty means a monetary sanction specified in the law, imposed by a public administration body, by means of a decision, as a result of a violation of the law consisting in failure to comply with an obligation or breach of a prohibition imposed on a natural person, a legal person or an organizational unit without legal personality[11].

Provisions of the Code of Criminal Procedure also introduce the presumptions for the assessment of an administrative penalty, the withdrawal from its imposition, interest on the overdue penalty, the statute of limitations for imposing an administrative penalty, the statute of limitations for the enforcement of such a penalty and the granting of relief in its execution[12]. Legislator assumed that the purpose of administrative penalties is as follows: repression, general and special prevention, or even compensation[13]. As T. Bąkowski et al. point out, one of the reasons for regulating the rules of applying administrative monetary penalties in the Code of Administrative Procedure was an urgent requirement to clearly distinguish and differentiate them from penalties imposed for both misdemeanors and crimes[14].

The enumerative list of directives for penalties assessment constitutes circumstances relating to both the act and the violator. Thus, having significance for determining the amount of the penalty. Consequently, it appears that the system of applying administrative monetary penalties has been approximated to the amount of a fine, which increases the imbalance of guarantees in

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[9] A. Michór, *Odpowiedzialność administracyjna w obrocie instrumentami finansowymi*, Warsaw 2009, p. 39 and p. 43; P. Wojciechowski, *Z problematyki odpowiedzialności administracyjnej i karnej w prawie żywnościowym*, "Przegląd Prawa Rolnego" 2011, no. 1, pp. 71–73.

[10] Dz.U. 2017, item 665 as amended.

[11] Art. 198b of the Act of 14 June 1960 Code of Administrative Procedure (Dz.U.No. 30, item 168).

[12] Art. 189a §2 points 1–6 of the Act of 14 June 1960 Code of Administrative Procedure.

[13] Justification of the government bill on amending the Act – the Code of Administrative Procedure and some other Acts, "Parliamentary Paper" no. 1183.

[14] T. Bąkowski et.al., op.cit., pp. 23–40.

the application of penalties. In particular, it can be assumed that no concrete indications are given as to whether the principle should be to provide for arbitrarily applied penalties or relative penalties, hence giving the authorities certain discretion in imposing them[15].

Such regulation contradicts the legislator's assumption that administrative monetary penalties should be flexible and proportional to the violation. Particular issues arise in cases where liability will be excluded, for instance, due to force majeure. The Code of Administrative Procedure does not define force majeure, making it necessary to refer to court rulings. Art. 189f (1) of the Code of Administrative Procedure, constituting obligatory prerequisites to abandon the imposed administrative penalty and stop at the instruction, is the source of controversies[16].

It should be noted that the above provision constitutes a sort of supplementation of Art. 189d of the Code of Administrative Proceedings. The waiver is obligatory when the gravity of the infringement is negligible, and the party ceased to infringe the law, as well as when the party was previously punished for the same conduct in the manner specified in the provision, provided that the prior punishment met the objectives for which the administrative penalty would be imposed[17]. It also provides for an optional procedure to waive the penalty if it allows the party to fulfill the purposes for which the monetary penalty would be imposed. Moreover, the party is required to take action, which may consist of the rectification of the law infringement or notification of the identified law infringement[18]. In the latter case, the public administration body shall refrain from imposing the penalty and confine with the instruction if the party has provided evidence of compliance with the order[19].

The institution of waiver of punishment fulfills the function of individual prevention. It is applied to trivial offenses, namely offenses for which an educational measure in the form of instructions may be considered sufficient

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[15] Ibidem, p. 56.

[16] Ibidem.

[17] M. Jabłoński, *Komentarz do art. 189f*, thesis 1, [in:] *Kodeks postępowania administracyjnego. Komentarz*, eds. M. Wierzbowski, A. Witkowski, Warsaw 2019, Legalis/el.

[18] J. Żurek, *Wina jako przesłanka wymierzania administracyjnych kar pieniężnych*, "Roczniki Administracji i Prawa" 2020, vol. 3, pp. 181–192.

[19] Ibidem, p. 187.

to comply with the law[20]. The legislator has also introduced provisions regulating four types of relief, i.e.:

- postponement of the deadline for the execution of an administrative penalty;
- payment of an administrative penalty in instalments;
- postponement of the execution of an overdue administrative penalty,
- payment in instalments, remission in whole or in part, remission of interest for delay in whole or in part[21].

The introduced regulation of administrative monetary penalties is undoubtedly a groundbreaking regulation, although one may find some inconsistencies on the part of the legislator. First of all, it only pursues repressive goals characteristic of criminal liability. In such a context, the question arises as to whether it should not be imposed in criminal or misdemeanor proceedings.

A person imposed with an administrative monetary penalty should be able to have their case settled by an independent court. However, as T. Bąkowski et al. point out, the regulation on administrative monetary penalties is ill conceived. Firstly, the legislator has made the model of punishment by the administration similar to the administration of justice by common courts. Moreover, administrative law provides for non-monetary sanctions in addition to monetary penalties, which may result in a violation of the principle of equality before the law of those who are subject to non-monetary sanctions.

The directives concerning the assessment of the abovementioned penalties increase the differences in the position of the party imposed with a rigid penalty, thus leading to a situation in which, in isolation from the act, the legislator will be the one to decide the penalty amount without the possibility of its modification by the administration[22].

Regulations regarding the assessment of financial penalties require the consideration of certain subjective aspects. Unfortunately, the freedom of

[20] T. Bąkowski et al., op.cit., pp. 56–60. See D. Grzegorczyk, *Administracyjne kary pieniężne po nowelizacji kodeksu postępowania administracyjnego,* [in:] *Nowe instytucje procesowe w postępowaniu administracyjnym w świetle nowelizacji Kodeksu postępowania administracyjnego z dnia 7 kwietnia 2017 roku,* eds. A. Gronkiewicz, A. Ziółkowska, Katowice 2017, p. 382.

[21] T. Bąkowski et al., op.cit., p.76.

[22] Ibidem.

an administrative authority to determine the amount of a penalty is limited since it is determined by the limits of a statutory penalty, namely statutory limits for the amount of an administrative penalty and statutory directives for its assessment. Additionally, the administrative authority's discretion in imposing an administrative monetary penalty can only be exercised if a specific provision does not stipulate that the penalty for law violation is imposed on the offender in the amount strictly outlined in the statute[23].

The introduction of legally substantive provisions into the procedural law also raises doubts. As a result of the above and other doubts related to the application of administrative monetary penalties, it should be assumed that they constitute a penal form of liability. Consequently, the legislator mistakenly qualifies them to the regime of administrative liability, subsequently causing a violation of, for example, the right to a fair trial or the principle of presumption of innocence, or constitutional proportionality[24].

III.

Administrative monetary penalties began to be used by public administration bodies in connection with the orders and prohibitions related to the first wave of coronavirus. Based on the Law on Prevention and Control of Infections and Infectious Diseases in Humans[25], several regulations introducing numerous restrictions on civil rights and freedoms were issued. The first of the above was a decree issued on March 31, 2020, concerning specific restrictions, orders, and prohibitions in relation to the state of the epidemic. One of the introduced provisions therein was that if movement occurs: (…) persons may move at the same time at a distance of not less than 2 m from each other unless the distance is impossible due to the care of:

– a child under the age of 13;

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[23] M. Jabłoński, op.cit.

[24] M. Wincenciak, *op.cit.*, pp. 232–233. See also: P. Nowak, *Sankcja karna w prawie administracyjnym oraz charakter prawny administracyjnych kar pieniężnych*, "Internetowy Przegląd Prawniczy TBSP UJ" 2018, no. 3, p. 69.

[25] Act of December 5, 2008 on prevention and control of infections and infectious diseases in humans (Dz.U.No. 234, item 1570).

– a person with a disability statement or a person with special education needs statement, or persons incapable of moving on their own[26].

A quarantine order for persons returning from abroad was also introduced. A further decree of the Council of Ministers of April 16, 2020 established the obligation to cover mouth and nose by means of clothing or parts thereof, mask or facemask, in public transport, places open to the public, commercial establishments, service facilities[27], or on common property[28].

In practice, the adopted solutions became a source of serious doubts, both constitutional and related to the interpretation of the given regulations. While it was possible to be punished for the lack of social distance, masks, or violations of the quarantine rules with a fine, considerably more dangerous was the prospect of imposing an administrative monetary penalty on a person who did not comply with the prohibitions and orders.

For escaping from quarantine, the administrative authority could impose an administrative monetary penalty of up to 30,000 PLN, whereas, for not keeping an appropriate distance between people who move in a public place a minimum of 5,000 PLN. In addition, the movement was banned. In the period from March to the end of June 2020, for organizing an assembly, the administrative monetary penalty could amount up to 30,000 PLN, which also referred to entering a green area, etc.

The case of administrative monetary penalties applied by the authorities involved cases, in which entrepreneurs did not comply with temporary restrictions. After a wave of unfavorable rulings, the government changed its tactics, and from April, bans and orders related to the epidemic were issued as regulations of the Council of Ministers.

A case from Opole, where a police patrol entered a hairdressing salon, may serve as an example. The entrepreneur conducted business and did not wear the protective mask when the officers entered, although such a requirement

[26] §18 sec. 1 of the Regulation of the Council of Ministers of March 31, 2020 on Regulation of the Council of Ministers of March 31, 2020 on establishing specific restrictions, orders and bans in connection with the occurrence of the state of the epidemic (Dz.U. item 566).

[27] Regulation of the Council of Ministers of April 16, 2020 amending the Regulation on the establishment of certain restrictions, orders and prohibitions in connection with the occurrence of an epidemic (Dz.U. item 674).

[28] It regards real estate within the meaning of Art. 3 sec. 2 of the Act of June 24, 1994 on ownership of premises (Dz.U. 2020, item 532 and 568).

was imposed by the regulation. He did not accept the fine of 500 PLN he received. As a result, the police sent a note of the intervention to the State District Sanitary Inspector. The inspector initiated administrative proceedings and imposed a fine of 10,000 PLN on the entrepreneur.

In the justification for the decision, the body of the first instance stated that as of March 20, 2020 the epidemic state was introduced in the territory of the Republic of Poland by the Regulation of the Minister of Health of March 20, 2020. (Dz.U. item 491 as amended). Conversely, by the Regulation of the Council of Ministers of April 19, 2020 on the establishment of certain restrictions, orders, and prohibitions in connection with the occurrence of an epidemic state (Dz.U. 2020, item 697), temporary restrictions were established on the conduct of hairdressing activities by entrepreneurs. The official police memo was assessed by the first instance authority as "credible, reliable and constituting a significant key source to establish the facts". Even though the entrepreneur appealed to the State Voivodship Sanitary Inspector, the latter upheld the appealed decision.

In the complaint to the Provincial Administrative Court, the entrepreneur alleged a breach of Art. 46b of the Statute of December 5, 2008 on preventing and combating infections and infectious diseases in humans, §7 section 1g of the Regulation of the Council of Ministers of May 2, 2020 on establishing certain restrictions, orders and prohibitions concerning the state of the epidemic, by applying it in the situation it was binding until May 15, 2020. Additionally, the complaint alleged a violation of Art. 15, 11, 107, and 138 of the Code of Administrative Procedure. The Provincial Administrative Court, while considering the present case, stated that according to Art, 233 sec. 3 of the Constitution, a state of emergency should be implemented. This is the only principle upon which it is possible to restrict civil rights and freedoms. In this case, it would be appropriate to introduce a state of national calamity, where civil rights and liberties could be restricted. However, the Council of Ministers abandoned such a solution, believing that the common constitutional measures were sufficient to control the state of an epidemic.

The legislator issued legal acts of the rank of regulation, meaning acts of lower rank than the Act, to limit human freedoms and rights during the epidemic. However, the statutory authorization for the Council of Ministers to issue a regulation, outlined in Art. 46b sec. 2–12 of the Act on Prevent-

ing and Combating Infections and Infectious Diseases in Humans, does not contain grounds for limiting rights and freedoms and does not fulfill the conditions required by Art. 92 sec. 1 of the Constitution of the Republic of Poland. Therefore, it should be assumed that the regulation of the Council of Ministers did not fulfill the constitutional condition of its adoption based on statutory authorization containing guidelines concerning the content of the executive act.

Consequently, the self-imposed legislative activity resulted in the statutory matters and the infringement of many fundamental rights and freedoms. According to the above principles, also the restriction of economic activity was allowed only by means of a statute and due to an important public interest.

In the present proceedings, the prerequisites of Art. 10 §2 of the Code of Administrative Procedure justifying the abandonment of the active participation of a party in the proceedings were not fulfilled, moreover, settling the matter of imposing an administrative penalty after receiving an official note from the Police, which informed about the conduct of the entrepreneur, was not settling the case as a matter of urgency for human life or health.

Additionally, no provision allows the Police to perform any actions to impose a monetary penalty in administrative proceedings. Finally, it should be assumed that the police memo submitted to the State Inspector could not constitute the sole factual basis for issuing the administrative decision in the case, since the content of the memo does not have the evidentiary value under Art. 75 §1 of the Code of Administrative Procedure. The sanitary authorities, by establishing their findings solely based on the Police memo, violated Art. 77 of the Code of Administrative Procedure, which states that in the course of proceedings, public administration bodies uphold the rule of law and *ex officio* or at the request of a party take all necessary steps to clarify the facts and resolve a case, with due regard to the public interest and the legitimate interests of citizens. When imposing the administrative monetary penalty and deciding on its amount, the District Sanitary Inspector, and consequently the appeal body, also breached Art. 189d §7 of the Code of Administrative Procedure and Art. 8 §1 of the Code of Administrative Procedure as they failed to take into consideration the personal conditions of the party upon which the administrative monetary penalty of 10,000 PLN was imposed. In such circumstances, the Provincial Administrative Court revoked

the appealed decision and the preceding decision of the first instance[29]. The costs of the proceedings were charged to the State Treasury. As can be seen, this is yet another case where legislation enacted at a rapid pace does not comply with the requirements of the principles of legislative technique, and thus infringes the constitutional order of the state. It is also a selective treatment by the state authorities of the evidence proceedings regulated by the Code of Administrative Procedure.

It should be noted that when imposing an administrative penalty, the authority should accumulate and consider all the evidence in an exhaustive manner. The authority should not disregard any of the evidence and should, according to the principle of a free appraisal of evidence, refuse to accept it, even though then it is obliged to justify the reasons for such refusal. Finally, and most importantly, the authority should indicate the criteria of its assessment that the conclusion that a given circumstance has or has not been proven[30].

It is also worth mentioning that properly conducted evidentiary proceedings require keeping the evidence supporting the case in the files of the proceedings and providing the party with an opportunity to become acquainted with it and express their position[31]. In the case when the body neglects to fulfill the obligation, such proceedings are flawed, as they violate the principle of legalistic[32] objective truth, expression of social interest, and the legitimate interest of citizens[33]. Hence, the above type of dishonest proceedings infringe the principle of trust in public authorities and should not occur in a democratic state under the rule of law[34].

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[29] Judgment of the Provincial Administrative Court in Opole, file ref. no. II SA/Op 219/20.

[30] Similarly: M. Jaśkowska, *Wpływ zmian w Kodeksie postępowania administracyjnego na sferę praw i wolności jednostki*, [in:] *Analiza i ocena zmian kodeksu postępowania administracyjnego w latach 2010–2011*, eds. M. Błachnicki, T. Górzyńska, G. Sibiga, Warsaw 2012, pp. 25–26.

[31] Judgment of the Provincial Administrative Court in Gdańsk of April 27, 2017, file ref. no. III SA/Gd 228/17, LEX no. 2291361.

[32] Judgement of the Supreme Administrative Court of April 20, 2000, file ref. no. V SA 1609/99, ONSA 2001, no. 3, item 121.

[33] M.P. Przybysz, *Kodeks postępowania administracyjnego. Komentarz aktualizowany*, Warsaw 2019, pp. 24–30.

[34] See: B. Jaworska-Dębska, *Zaufanie publiczne w samorządzie terytorialnym*, [in:] *Sprawiedliwość i zaufanie do władz publicznych w prawie administracyjnym*, eds. M. Stahl, M. Kasiński, K. Wlaźlak, Warsaw 2015, pp. 316–318.

Thus, as can be seen in the present judgments, the administrative courts found that the proceedings were burdened with many shortcomings. In particular, it can be concluded that administrative monetary penalties have become an instrument of disciplining citizens in connection with the sanitary restrictions announced in the period of an increasing number of coronavirus infections. However, one may distinguish some common features within the framework of conducted proceedings for imposing such a sanction. The sanitary inspection used such instruments most often, making the issued decision immediately enforceable.

As a result, in case of failure to pay, an enforcement title was issued, and the case was sent for enforcement under the provisions of the law on enforcement proceedings in administration. As a rule, the deadline for payment of the imposed penalty was seven days from the date of the decision issuance and the income from the penalties was due to the State Treasury[35]. Therefore, one may wonder whether the use of administrative monetary penalties was indeed an appropriate instrument in the fight against epidemics.

It seems that the answer to the question posed in the above way is not entirely unambiguous. On the one hand, the idea of administrative monetary penalties was to discipline citizens to act under the law. In principle, there would be nothing unusual, if the regulations themselves were not burdened with many defects, ranging from constitutional doubts to imprecise provisions in the very texts of legal acts introducing orders and bans during epidemics.

Given the above, it should be assumed that in a democratic state under the rule of law, which utilizes the principles of social justice, the law and the measures applied within its framework should fulfill the constitutional requirements, and thus be characterized by certainty and conform to the principles of legislative technique. It appears that the bodies applying the provisions in their activity did not draw any conclusions, since such undoubtedly severe penalties should have been applied reasonably. Therefore the vast majority of bodies conducting proceedings often committed numerous violations of both substantive and procedural law.

Evidence proceedings were completely disregarded, resulting in a complete marginalization of the idea of evidence in individual cases. In turn, it led to the

[35] D.K. Nowicki, S. Peszkowski, *Kilka uwag o szczególnym charakterze administracyjnych kar pieniężnych,* [in:] *Administracyjne kary pieniężne w demokratycznym państwie prawa,* ed. M. Błachucki, Warsaw 2015, pp. 12–26.

conclusion that the state and its authorities do not have any trust and thus violated the main principles of administrative procedure. Therefore, the control of such actions could not escape the administrative courts, which examined and ruled on the legality of the appealed acts and actions. The courts in their rulings admittedly expressed a legal assessment rather than a substantive decision in the given cases.

Therefore, administrative courts upheld complaints filed by persons or entities that received administrative monetary penalties and confirmed their illegality. It was also an inconvenience to potential citizens that the penalties became immediately enforceable, even though the disregard of a properly conducted investigation or other rights of a party meant that the decision was issued in violation of the law from the very beginning. Consequently, it was illegal and additionally severe.

In this case, one has to agree with J. Żurek on the fact that the use of administrative monetary penalties could be assessed positively, given the importance that such penalties could have contributed to combating the epidemic if all the rules and standards that should have been fulfilled when imposing them had been observed, especially since administrative monetary penalties were treated as a kind of substitute for liability for misdemeanors.

Leaving aside the aspects related to the lack of legal definition of an administrative sanction, uniform principles of imposing administrative penalties or their amount for a potential citizen, one should take actions aimed at unification of principles of imposing penalties, which became an ideal solution for the state as a way of disciplining citizens.

Such a way is inappropriate, since it is possible to imagine that an administrative body can impose an administrative punishment for each act, abandoning criminal law (misdemeanor). This will result in officials administering justice, while guilt and right to trial issues will be completely ignored.

IV.

The period associated with the epidemic outbreak we faced in 2020, and which is still present in our everyday existence, is a particularly demanding time for all citizens, and in particular for people conducting various types of eco-

nomic activity. Progressing high dynamics of the disease, as well as introducing many new orders and bans have complicated social life. People terrified of the possibility of getting sick needed peace of mind, and it should be connected with peaceful, coherent, and well-thought-out actions.

Unfortunately, those in power did not understand how to deal with such a problem, which resulted in the introduction of unconstitutional and ill-considered legislation causing legal chaos. Authorities imposing administrative monetary penalties on citizens did not take evidence as required by the Code of Administrative Procedure, thus showing respect for the parties to such proceedings.

Therefore, such actions caused the public to lose confidence in the authorities, including public administration bodies. It appears that in many proceedings the officials conducting them were more motivated by the desire to achieve their goal than by compliance with legal procedures. Hence, while the orders and bans themselves were undoubtedly necessary, the manner of their introduction and enforcement led to many social tensions and conflicts. Consequently, the number of infections increased, and the unprofessional conduct of the authorities destroyed the public's trust in the authorities and put additional pressure on those wrongly punished.

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