

A Review of Legal Impacts of COVID-19 Studies: Trends and Future Challenges

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This paper aims to review the literature in COVID-19 in terms of a law published up to 10 May 2021 and to critically analyse insight and directions for future studies. The paper gathers data from Scopus databases and objectively chooses 224 documents. This research classifies dominant authors, leading journals, top contributing countries, uppermost funding organisations and involvement by subject area. The results of this research indicate that there is an increasing trend of applying law for enhancing a measure of protection against the coronavirus pandemic. This paper systematically reviews the data for COVID-19 studies in law, aiming to provide an inclusive but straight impact of COVID-19 on law.

Key words: *Covid-19, healthcare, law, measure of protection, right to health, outbreak*

1. Introduction

On 10 May 2021, the COVID-19 statistics show 157 million cases and 3.2 million deaths. The recent pandemic has caused a global crisis for public health. The scientists claim that the number of infected people remain far higher than the given statistics as a good number of global populations remain asymptomatic. The global response to the pandemic has been encouraging; as at the time of writing this paper, the vaccine to treat the COVID-19 affected people is being injected in the UK (BBC, 2020). The role of the World Health Organisation (WHO), international community of states, and human rights organisations have shown solidarity to deal with the challenge of the pandemic (Amon and Wurth, 2020). For instance, the European Commission has injected almost 37 billion euros to help the healthcare system cope with the disease. Globally, the states have shown vigilance to administrate the healthcare in curtailing the spread of the disease, diverting finances to the health system, and cooperating with other nations to ensure the measures to minimise the impact of the disease (Taddeo, 2020). The global strategies remain diverse as France adopted strict lockdowns, Denmark chose to have



soft measures, Germany went for the bulk testing system, and the UK adopted strict and soft measures (Lambert, 2020).

The COVID-19 curtailment measures by the states started a human rights debate among the academic researchers, lawyers, and judicial interpretations. The emergency measures adopted by the states prima facie conflicted with the fundamental rights guarantees. For instances, the European Convention on Human Rights (ECHR), a document setting the consolidated human rights standards for the member states to the EU, provides the guarantee to protecting the health along with other rights (Khoo and Lantos, 2020). The rights provided in the convention can be limited in case it is necessary for a democratic society. Article 15 of the convention allows derogation from the rights in the states of emergency such as life-threatening circumstances. The outbreak of COVID-19 affects not only health but also life. On the same analogy provided in the ECHR, International Covenant on Civil and Political Rights (ICCPR), Arab Charter on Human Rights, American Convention on Human Rights (ACHR), and other regional treaties allow states to limit operation of certain rights.

The member states to international and regional human rights can limit the operation of human rights in case of emergencies. The similar can be done under the national constitutions. However, the limitations are not absolute as they require fulfilment of certain conditions such as proportionality, justification, objective, and the need for enforcing limitations on human rights. All this has triggered academic writings on the topic. Therefore, this paper systematically examines academic literature vis-à-vis 'Covid-19' and 'law'. This paper collects data from Scopus databases to review research on impact of Covid-19 in law.

2. COVID-19 and Law

As COVID-19 spreads around the globe, governments have tried to tackle measures for providing protection against the pandemic such as imposing quarantines and banning travelling (Parmet & Sinha, 2020). Most of countries locked down whole countries, banned travelling and so on. During the pandemic, not only healthcare systems but also many sectors such as sectors of employment, events and sports sector or retail clothing stores, were suddenly halted. Governments, therefore, reacted speedily to the circumstances and took action to avoid more harm to these individuals especially lower-income households.

In the EU, governments have a duty to protect the health of the public in accordance with Article 11 of the European Social Charter 1961 (Griffith, 2020).

3. Method

A literature review is described by scholars as a more or less well-organised way for prior study to be gathered and synthesised (Tranfield et al., 2003) A systematic literature review is a method used to collect general information about studies prepared on a subject and to determine

the situation (Davis et al., 2014). The Scopus database has been used for collection data. Many academicians have called Scopus database a reliable source (Bakkalbasi et al., 2006)

This paper reviews studies on COVID-19 and law published up to 10 March 2021. The research finds 224 papers from the Scopus database by doing a keyword search on the title. The keywords used in the search are “COVID” and “law” and limited to title only.

4. Analysis

As a result of the literature review, it can be easily said that a total of 224 publications were found in the Scopus database indexed in the field of “COVID” and “law” research published by 10 March 2020 since the pandemic started in Wuhan City, China in December 2019 (WHO). Table.1 shows that the highest number of documents are articles (160) which is around 72% of the documents. The 2nd and 3rd highest document types are review papers and note respectively.

Table 1: Published documents types in the Scopus databases report

Document type	Number	%
Article	160	71.4 %
Review	27	12.1 %
Note	14	6.3 %
Editorial	9	4.0 %
Book Chapter	3	1.3 %
Letter	3	1.3 %
Conference Paper	3	1.3 %
Short survey	3	1.3 %

Figure 1 shows that documents that contain the words “COVID-19” and “law” in their titles have been mostly published in the United States which has the highest number of cases and death. Following that, United Kingdom stands at the 2nd position (with number 35), Italy ranks third in terms of the number of publications. Interestingly, the number of publications (with number 9) in China, where the first case occurred, is comparatively low. Overall, it has become clear that America and Europe dominate the literature on the impact of COVID-19 on law. This might be due to the rapidly increasing number of cases in these countries.

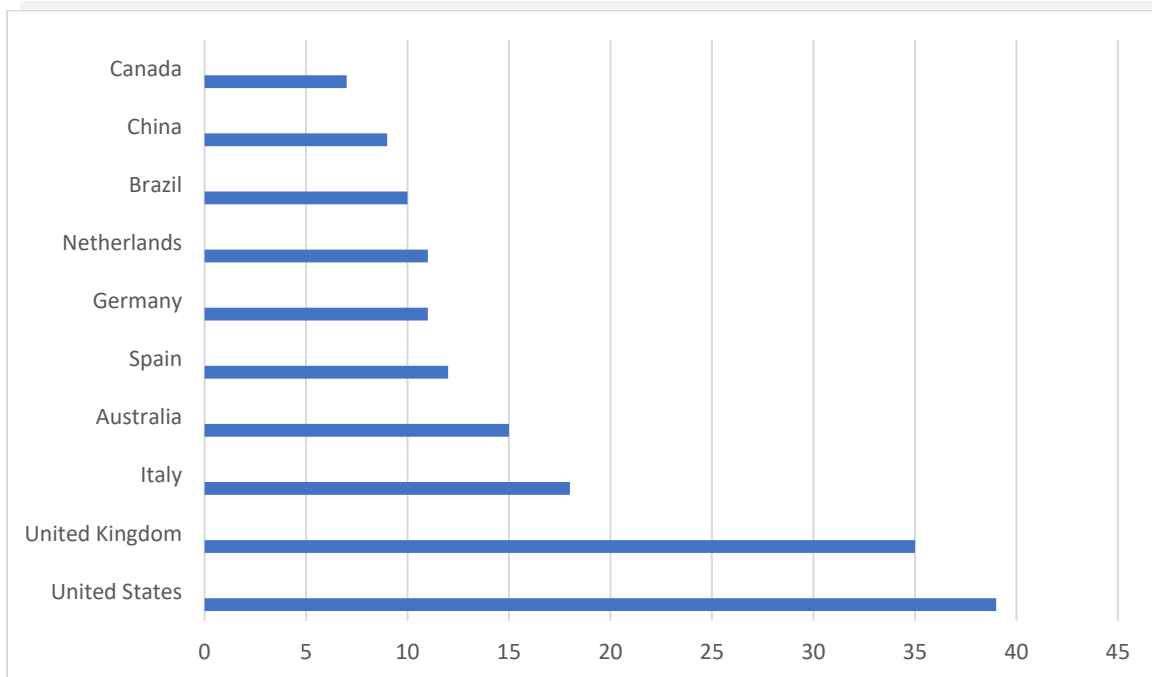


Figure 1: Top ten countries by publications in the Scopus databases report

The research takes into account the citation of papers in the compilation of knowledge and ideas about prominent law authors who examine COVID-19. Table 2 below gives the top ten most cited papers in the Scopus databases report which have been collected in May 2021. In the database report, it can be seen that the most cited (with 127 times) paper is titled “COVID-19 - The law and Limits of Quarantine” published in the New England Journal of Medicine in 2020. Moreover, the paper was written by ‘Manchein’, ‘Brugnago’, ‘da Silva’, ‘Mendes’ and ‘Beims’ and stands as the most second cited papers in the database reports of Scopus. Moreover, the article titled “Law, structural racism, and the COVID-19 pandemic” published in the Journal of Law and the Biosciences has been cited 15 times. Overall, the results, as shown in Table 2 indicate that papers, which do not stand at the first third of the table, received at most 5 citations.

Table 2: Top ten cited papers contain the words “COVID-19” and “law” in their titles in Scopus database.

Title	Author(s)	Journal & Publisher	Cited Times
COVID-19 - The law and limits of quarantine	Parment, W.E., Sinha, M.S.	382 (15) New England Journal of Medicine (2020)	127
Strong correlations between power-law growth of COVID-19 in four continents and the inefficiency of soft quarantine strategies	Manchein, C., Brugnago, E.L., da Silva, R.M., Mendes, C.F.O., Beims, M.W.	30 (4) Chaos (2020)	35
Law, structural racism, and the COVID-19 pandemic	Yearby, R., Mohapatra, S.	70 (1) Journal of Law and the Biosciences (2020)	15
Computational and theoretical modelling of the transmission dynamics of novel COVID-19 under Mittag-Leffler Power Law	Sher, M., Shah, K., Khan, Z.A., Khan, H., Khan, A.	59 (5) Alexandria Engineering Journal (2020)	14
The COVID-19 pandemic: Growth patterns, power law scaling, and saturation	Singer, H.M.	17 (5) Physical Biology (2020)	11
Social distancing laws cause only small losses of economic activity during the COVID-19 pandemic in Scandinavia	Sheridan, A., Andersen, A.L., Hansen, E.T., Johannesen, N.	117 (34) Proceedings of the National Academy of Sciences of the United States of America (2020)	10
Power-law distribution in the number of confirmed COVID-19 cases	Blasius, B.	30 (9) Chaos (2020)	9
The Immediate Impact of COVID-19 on Law Enforcement in the United States	Jennings, W.G., Perez, N.M.	45 (4) American Journal of Criminal Justice (2020)	9
COVID-19: Fear, quackery, false representations and the law	Freckelton QC, I.	72 (1) International Journal of Law and Psychiatry (2020)	8
A Caputo power law model predicting the spread of the COVID-19 outbreak in Pakistan	Arfan, M., Shah, K., Abdeljawad, T., Mlaiki, N., Ullah, A.	60 (1) Alexandria Engineering Journal (2021)	5

Figure 2 indicates that Freckelton published the highest number of documents (3 out 224) related to COVID-19 and law. It is safe to say that the rest of the document's authors have published at most two publications. The current study analyses authors' work in Scopus databases to get a better idea of the top authors by comparing the number of papers published.

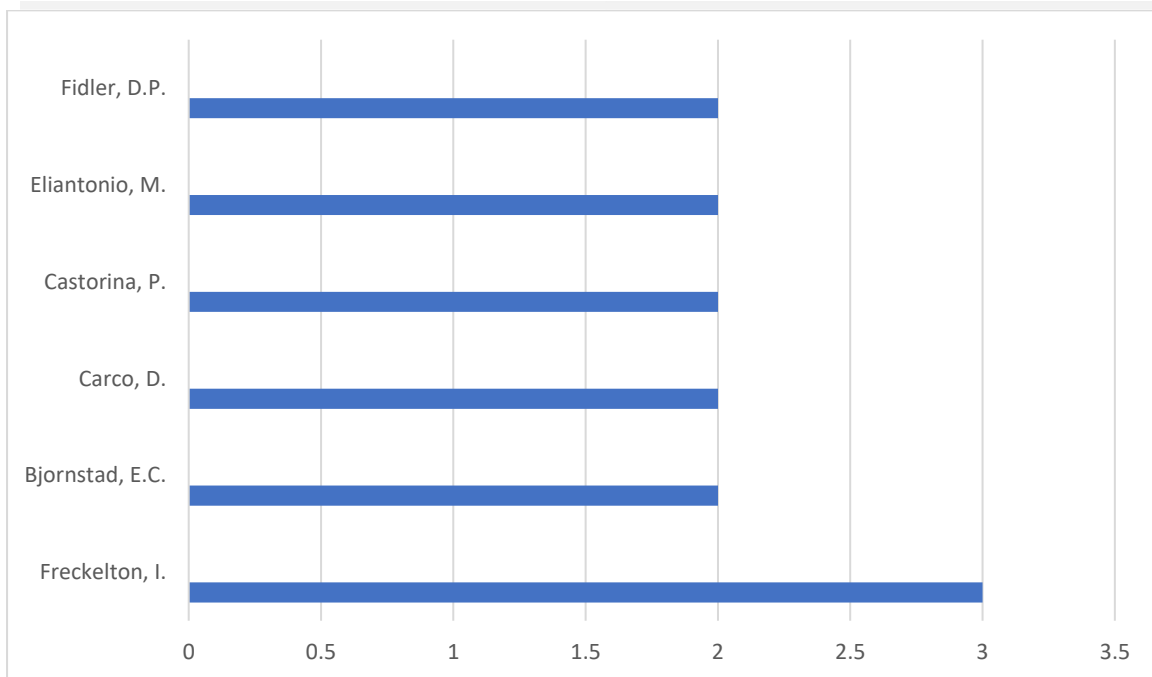


Figure 2: Documents by the top six authors

Various subject areas being applied in the COVID-19 and law literature shows its importance and it has received considerable attention in the academic arena. The data obtained from the preliminary analysis of the Scopus database report are presented in Table 3 and show that the highest number of papers was contributed by areas of social science discipline (154), which scores 43.9 % of the total contributions. Following that medicine science ranked as the 2nd highest field which covers 17.7 %, followed by art and humanities with 6 %.

Table 3: Documents by subject area

Research Area	Number of documents	%
Social Sciences	154	43.9 %
Medicine	62	17.7 %
Arts and Humanities	21	6.0 %
Biochemistry, Genetics and Molecular Biology	19	5.4 %
Mathematics	12	3.4 %
Nursing	12	3.4 %
Physics and Astronomy	10	2.8 %
Economics, Econometrics and Finance	9	2.6 %
Environmental Science	9	2.6 %
Business, Management and Accounting	7	2.0 %
Other	36	10.3 %

Figure 3 indicates COVID-19 and law publications by authors' affiliations. The figure shows that the University of Melbourne, Australia published the highest number of documents in Covid-19 in law literature. This institution alone published 6 papers, which are approximately 4% of the total documents published. The second most leading institution is Prince Sultan University, Saudi Arabia, which published 5 papers followed by Université McGill, Harvard Medical School and Johns Hopkins University.

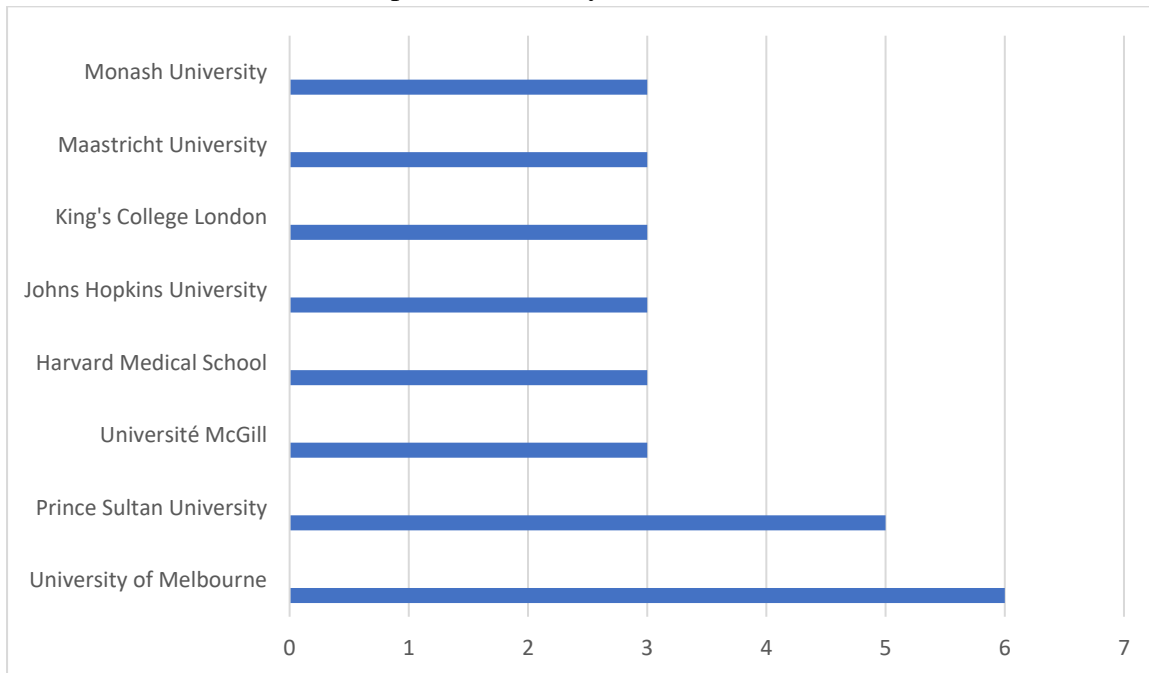


Figure 3: Top seven institutions by publications

5. Legal Impacts of Covid-19

Covid-19 continues its effects in the field of law; therefore, it is the leading topic on the agenda of all countries around the world to take precautionary measures for reducing the effects of this pandemic. In this part of the study, the effect of Covid-19 on execution and bankruptcy law, litigation proceedings, and labour law will be examined.

In terms of legal order, it is not surprising that extraordinary periods are tried to be overcome by means of extraordinary solutions or some temporary legal instruments, and measures to mitigate the effects and consequences of these extraordinary processes as much as possible come to the fore.

In Turkey, Article 330 of the Enforcement and Bankruptcy Law states that “execution proceedings may be suspended for a certain period by virtue of a Presidential decree in cases of an epidemic, a common hostility or war”. Based on this article of the law, in order to prevent the spread of the Covid-19 epidemic, from 22nd March 2020 to 30th April 2020:

- All enforcement and bankruptcy proceedings (except those commenced for child support payments) in Turkey was postponed.
- Any proceedings thereof were not be carried out.
- Requests for new enforcement and bankruptcy proceedings were not handled
- Any provisional seizure decisions were not enforced or executed.

In Switzerland, Article 62 of the Swiss Enforcement and Bankruptcy Law authorises the Swiss Federal Council to suspend enforcement and bankruptcy proceedings in times of a general epidemic or national disaster. In this context, the Swiss Federal Council suspended all enforcement and bankruptcy proceedings until April 4, 2020, with the decision taken on March 18, 2020 due to the Covid-19 outbreak.

The Swiss Federal Council declared that an "extraordinary situation" exists in the sense of the Epidemics Act, on Monday, 16 March 2020; several cantonal judicial authorities took measures affecting the judicial sector by suspending or postponing court hearings, suspending proceedings, or granting generous extensions of deadlines.

Recently, a full lockdown came into force for the period from 29 April to 17 May 2021 in Turkey as part of the reducing impact of the COVID-19 pandemic. The Council of Judges and Prosecutors postponed planned hearings, negotiations and on-site examinations from 7 pm on Thursday, 29 April 2021 until 5 am on Monday, 17 May 2021.

As it can be seen, traditional litigation systems throughout the world have responded to the coronavirus pandemic outbreak by postponing or pausing proceedings (Habyyev and Kaya, 2021). While some courts and ADR institutions have tried to utilise ICT such as using videoconference to lessen delays, others have decided to delay all proceedings considered non-essential (Weiss, 2020). Parallel to the impact of the Covid-19 on the economy, the number of disputes remain to climb (Dunn, 2020). In order to reduce further disruption in an unpredictable economic atmosphere, many disputants may explore a fast and effective way to resolve their disputes. In this regard, arbitration institutions have started to move from Alternative Dispute Resolution (ADR) to Online Dispute Resolution (ODR) despite the global pandemic (Habyyev and Kaya, 2021).

In terms of labour law, the Law on Reducing the Effects of the Novel Coronavirus (COVID-19) Pandemic on Economic and Social Life and the Law on the Amendment of Certain Laws Numbered 7244 provided new measures for employment contracts in Turkey. The said law stated that:



- Employment agreements shall not be terminated by employer for 3 months (Except for violations of the Code of Ethics and goodwill).
- Employers will be entitled to send the employee on unpaid leave unilaterally during the period of prohibition of termination.
- Monetary financial aid shall be provided to employees.
- Short-term working allowance shall be made without waiting eligibility assessment and confirmation.

6. Conclusion

In 2020, parallel to the increasing the number of cases and death due to the COVID-19 and its impacts on healthcare, economic, law and so on, there has been an increasing interest in publishing papers in the field of COVID-19 from a law perspective. In this paper, law studies related COVID-19 which have been indexed in the Scopus database, are examined. In accordance with the method used in the systematic literature review, the research is limited to studies in which the words "COVID" and "law" are used in the title. It is worthy to note here that it is possible that there may be studies in the same field which have not used either both words or only one of them in the title.

It has been inevitable to make different regulations in order to minimise the effects and negative consequences of the global epidemic with the idea of public order and benefit as much as possible. Within the scope of the measures taken in response to COVID-19, significant changes have been made to execution and bankruptcy law, litigation proceedings and labour law.



REFERENCES

- Amon, J. J., & Wurth, M. (2020). A virtual roundtable on COVID-19 and human rights with human rights watch researchers. *Health and Human Rights*, 22(1), 399.
- Bakkalbasi, N., Bauer, K., Glover, J., & Wang, L. (2006). Three options for citation tracking: Google Scholar, Scopus and Web of Science. *Biomedical Digital Libraries*, 3(1). <https://doi.org/10.1186/1742-5581-3-7>
- BBC, Coronavirus: Vaccine rollout 'marathon not a sprint' 6 December 2020, Available from: <https://www.bbc.com/news/uk-55202093> Retrieved 6 December 2020.
- Davis, J., Mengersen K., Bennett S., & Mazerolle L. (2020). Viewing Systematic Reviews and Meta-Analysis in Social Research Through Different Lenses. *Springerplus*, 511, 3. Retrieved 27 November 2020.
- Dunn G, Coronavirus and Force Majeure: Addressing Epidemics in LNG and Other Commodities Contracts, Available from: <https://www.gibsondunn.com/coronavirus-and-force-majeure-addressing-epidemics-in-lng-and-other-commodities-contracts/> Retrieved 10 May 2021.
- Griffith, R. (2020). Using public health law to contain the spread of COVID-19. *British Journal of Nursing*, 29(5), 326-327. <https://doi.org/10.12968/bjon.2020.29.5.326>
- Habyyev R and Kaya S, 'A Critical Role of Diplomatic Protection in Investor-State Disputes, Oniki Levha, 2021.
- Khoo, E. J., & Lantos, J. D. (2020). Lessons learned from the COVID-19 pandemic. *Acta Paediatrica*.
- Lebret, A. (2020). COVID-19 pandemic and derogation to human rights. *Journal of Law and the Biosciences*, 7(1), Isaa015.
- Parnet, W., & Sinha, M. (2020). COVID-19 — The Law and Limits of Quarantine. *New England Journal of Medicine*, 382(15), e28. <https://doi.org/10.1056/nejmp2004211>
- Taddeo, M. (2020). The Ethical Governance of the Digital During and After the COVID-19 Pandemic.
- Tranfield, D., Denyer, D., & Smart, P. (2003). Towards a Methodology for Developing Evidence-Informed Management Knowledge by Means of Systematic Review. *British Journal of Management*, 14(3), 207-222. <https://doi.org/10.1111/1467-8551.00375>
- Weiss D C, SCOTUS delays arguments while other courts suspend trials or close over COVID-19 concerns, Available from: <https://www.abajournal.com/news/article/supreme-court-delays-arguments-while-other-courts-through-country-suspend-trials-or-close> Retrieved 10 May 2021
- WHO, Weekly epidemiological update – 10 May 2021. Available from: <https://www.who.int/publications/m/item/weekly-operational-update-on-covid-19---10-may-2021> Retrieved 10 May 2021