

See discussions, stats, and author profiles for this publication at: <https://www.researchgate.net/publication/348741623>

Evaluation of the COVID-19 regulations in the Visegrad group

Article in *Transforming Government People Process and Policy* · January 2021

DOI: 10.1108/TG-08-2020-0228

CITATIONS

9

READS

377

3 authors:



Anna Urbanovics

National University of Public Service

75 PUBLICATIONS 128 CITATIONS

[SEE PROFILE](#)



Bálint Teleki

National University of Public Service

22 PUBLICATIONS 17 CITATIONS

[SEE PROFILE](#)



Peter Sasvari

University of Public Service

208 PUBLICATIONS 394 CITATIONS

[SEE PROFILE](#)

Some of the authors of this publication are also working on these related projects:



Cyber security master degrees in the US and UK: a comparative analysis from scientometric aspect [View project](#)



Knowledge Sharing Platform [View project](#)

Evaluation of the COVID-19 regulations in the Visegrad group

Visegrad
group

Anna Urbanovics, Péter Sasvári and Bálint Teleki
National University of Public Service, Budapest, Hungary

Abstract

Purpose – The purpose of this paper is to analyse the legal and political background of COVID-19 related measures introduced during the first wave of the pandemic in the Visegrad Group. These countries introduced measures within the state of emergency that may be violation against the values of the European Union, such as the rule of law.

Design/methodology/approach – A mixed approach methodology is used. Firstly, the examined countries are analysed and compared from the aspect of constructional law and political science in the form of case studies. Then, empirical research is conducted based on social media analysis limited to Twitter contents.

Findings – The authors found that, however, in every analysed country, the measures challenge the European values these are not expressed in the social media equally. While Slovakia is displayed from a cooperative aspect, the Czech Republic has a few critics. Poland and Hungary have a biased, negative reputation filled with heavy critics.

Research limitations/implications – The limitation of this paper lies in the empirical research, as social media analysis was conducted based on keyword search and within a defined time scope.

Practical implications – Findings help decision-makers concentrate on and modify their communication concerning the extraordinary regulations during a worldwide crisis, such as the COVID-19 pandemic.

Social implications – The feedback of social media users analysed is valuable for politicians and government officials as well.

Originality/value – The socio-political impacts of the COVID-19 pandemic have not been elaborated in the literature yet with respect to the V4 countries. The V4-countries are a special entity as an intergovernmental platform within the EU, whose reputation as democracies is rather heterogeneous.

Keywords European union, Social media, Rule of law, COVID-19, Visegrad group

Paper type Research paper

Received 19 August 2020
Revised 4 October 2020
Accepted 26 October 2020

Introduction

This paper investigates the legal and political background of the state of emergency in the Visegrad Group (V4), namely, the Czech Republic, Hungary, Poland and Slovakia. The research aims to analyse and compare the measures introduced during the first wave of COVID-19 pandemic that began in early March 2020 in the examined states. The legal measures are further investigated through the lens of European and international social media contents as COVID-19 is seen the first worldwide pandemic in the social media era (Hao&Basu, 2020).

Since the oldest recorded times up until today, humanity has gone through different stages in its evolution process including threats which did not embody the form of a normal human, such as different pandemics, and history has proven that only a single solution can be implemented, common effort followed by sacrifices (Șerbănescu, 2020). The state of emergency consists of several measures implemented on a national or local level to deal with a certain threat that could have a large negative impact either on the existence of the constitutional democracy or on the national security. During a state of emergency, the executive power has to ensure the protection of the public interest and order of law. The



main impact of such a situation occurring would be that some restrictions could find their place in the area of fundamental rights (Sári, 2007; Sári and Somody, 2008; Şerbănescu, 2020).

Methodology

The research is based on a mixed approach methodology using both primary and secondary sources. The countries are presented and compared as case studies with the use of specific legal regulations, while the empirical evidences to demonstrate the public opinion on the measures introduced by governments within the context of the state of emergency are collected through social media analysis. Social media is a widely used empirical tool in political science researches as they are getting an ever-growing importance in the engagement and political mobilisation of citizens (Visvizi *et al.*, 2019). Twitter, as a micro-blogging forum is ideal to collect and analyse the impact of decisions made by governments (Molnár and Urbanovics, 2020). Twitter is an ideal tool for self-promotion, engaging voters in active dialogue and to present their political activities and ideologies. With the emergence of social media use, more and more politicians opened Twitter account from the early 2010s, as it provides an instant form of communication with their followers (Aharony, 2012). In the examined countries, there is a growing internet penetration with a fast-growing number of active social media users (Eurostat, 2020).

The research aims to investigate the legal and political background of the COVID-19 measures in the Visegrad Group. These states have similar cultural and political roots that provide a solid base for comparison. The social media analysis is limited to Twitter contents appeared on the official webpage of European Union institutes European Council, European Commission and European Parliament as three of the most important European Union organs are ideal for studying the European echo and public opinion on the measures introduced by the chosen countries. The time scope is restricted to the period with the starting date of 1 March 2020 and end date of 31 July 2020. Collected mentions were later filtered by their influence score, a score showing the total reaches as an indicator of their influence (the more users access the content, the bigger influence it has). A qualitative content analysis was conducted by keyword searching to get the most relevant contents that are used as empirical evidences on the general attitude of the public towards the activities of the national governments.

Table 1 summarizes the number of mentions with the tag of the examined EU institutions and limited to the mentions where the name of the analysed countries appears

Poland

In Poland, also the basic details of the state of emergency, and not only the authorisation itself – unlike in the cases of the Czech Republic and Slovakia – are in the Constitution.

Table 1.
Number of total mentions tagging the European union institutions, filtered by country name (source: authors' own figure based on the data of senti one)

	Total mentions	European council (@EUCouncil)	European commission (@EU_Commission)	European parliament (@Europarl_EN)
Czech republic		89	242	132
Hungary		434	2,437	495
Poland		282	1,861	585
Slovakia		18	260	44

Art. 228 (1) of the *Constitution of the Republic of Poland* says that:

In situations of particular danger, if ordinary constitutional measures are inadequate, any of the following appropriate extraordinary measures may be introduced: martial law, a state of emergency or a state of natural disaster.

However, the Polish Government has not initiated the declaration of any of the three extraordinary measures listed in the Constitution. In the case of the COVID-19 crisis, the state of natural disaster would be the most suitable.

Instead, the Polish Government declared a state of epidemic emergency (*stan zagrożenia epidemicznego*) in accordance with the Act (of 5 December, 2008) on the preventing and combating infections and infectious diseases of humans (henceforward: Polish Infectious Diseases Act). Pursuant to Art. 2 (23) of the Polish Infectious Disease Act, state of epidemic emergency is defined as follows: “legal situation introduced in a given area due to the risk of an epidemic to take preventive actions specified in the Act”. The detailed regulation of the state of epidemic emergency is set out in Articles 46–48. The state of epidemic emergency came into force on 14 March, the restrictions are being gradually lifted since the end of May.

Polish constitutionalism and democracy – just like Hungarian – has been a common topic of serious debates in the European Union for years before the COVID-19 crisis. [Kustra-Rogatka, 2020](#) claims, that the rule of law in Poland has been systematically undermined since the elections of 2015. In the general election the right-wing Christian democratic and populist Law and Justice (*Prawo i Sprawiedliwość, PiS*) won an absolute majority in both chambers of the parliament (Sejm and Senate), which enabled it to form a one-party cabinet with Beata Szydło as prime minister. The presidential election has also been won by the PiS’s candidate, Andrzej Duda (In the 2019 general elections PiS won the Sejm, but lost its majority in the Senate, which was still enough to continue the governance with Mateusz Morawiecki as new prime minister). As [Kustra-Rogatka, 2020](#) mentions, during the past five years, the judiciary system, especially the courts were targeted by the government on a level which were not only unconstitutional, but also in violation of international and European Union law.

The main issue of the past months in Poland besides the COVID-19 itself was that how the 2020 presidential elections would be held during the crisis. According to academics, the reason why the government chose the state of epidemic emergency instead of the state of natural disaster pursuant to the Constitution, because during the latter the elections could not have been held, and the governing party did not want to postpone the election, as incumbent Andrzej Duda stands a great chance of a landslide victory according to polls ([Kustra-Rogatka, 2020](#); [Nowicka, 2020](#); [Sadurski, 2020](#); [Ziółkowski, 2020](#)). The first round of

	Poland	Czech Republic	Slovakia	Hungary
Was there any emergency of state regulation in effect?	Yes	Yes	Yes	Yes
Did it mean any restrictions of fundamental rights?	Yes	Yes	Yes	Yes
Did it surpass the legal framework of a democratic state of rule of law?	Yes	No	Yes	Yes
Was the government partner in tackling such infringements after warning from the EU or other relevant actors?	No	(not relevant)	Yes/No	No
Did the social media communication related to the examined three institutions of the EU reflect the infringements?	Yes	(not relevant)	No	Yes

Table 2.
Comparative results based on the measures taken by the governments of the examined countries (source: authors’ own figure)

was due to be held on 10 May, but due to the crisis, the National Electoral Commission (*Państwowa Komisja Wyborcza, PKW*) postponed it to 28 June, and although Duda has won as expected, there had to be second round on 12 July, as he had no absolute majority. Duda has won the latter as well, so he remained the president of Poland.

Regarding the combat against the COVID-19, besides the Polish Infectious Diseases Act, there are several situation-specific laws, all under the so-called Polish Anti-Crisis Shield (*Tarcza antykryzysowa*), which modified many already existing laws (Baker and McKenzie Insights, 2020; Jaraczewski, 2020). Jaraczewski, 2020 selected three issues concerning the Polish emergency measures, namely, legality; means of enforcement; and legal remedies. Ad 1) The Polish Infectious Diseases Act is unconstitutional in the way how it does not outline the scope of the limitations of human rights and freedoms, moreover, it empowers the government to limit the freedom of movement in an unconstitutional way. Ad 2) The punitive enforcement of the anti-COVID-19 measures was relegated overwhelmingly to the administrative sphere, i.e. the fines in cases up to the worth of 6.600 euros – whereas the average monthly gross salary is around 1.200 euros – are not imposed by a criminal court, but by state officials and are enforceable immediately. Ad 3) Because of the suspension of most legal proceedings, including the administrative courts, judiciary control over the enormous fines virtually does not exist, as the concerned parties are temporarily deprived of exercising their right to appeal.

Czech Republic

In the Czech Republic, the detailed regulation of the state of emergency is not to be found in the Constitution of the Czech Republic, but in a separate legislative act, namely, the *Constitutional Act No. 110/1998 on the Security of the Czech Republic* (henceforward Czech Security Act, CAS). Further relevant inferior legislative acts are the *Act No. 240/2000 on Crisis Management* (henceforward: Czech Crisis Management Act, CMA), and the *Act No. 258/2000 on the Protection of Public Health* (henceforward: Czech Health Protection Act, APPH).

Art. 2 of the Czech Security Act enumerates the declarable types of the extraordinary authorisation, among whom the *state of emergency (nouzový stav)* is one, whose detailed rules are set out in Articles 5–6. According to Art. 5 (1):

The government may declare a state of emergency in cases of natural catastrophe, ecological or industrial accident, or other danger which to a significant extent threatens life, health, or property, or domestic order, or security.

“A state of emergency may be declared for a period of no more than 30 days. The stated period may be extended only with the prior consent of the Chamber of Deputies.” [Art. 6 (2)] A 30-day state of emergency was declared with effect of 12 March. This state of emergency was later extended until 30 April. The state of emergency was subsequently extended until 17 May. The Government of the Czech Republic has itemised and made public – also in English language – on a website all the measures which was taken during the state of emergency period, to combat the COVID-19 (Government of the Czech Republic, 2020).

According to Art. 6 (1) of the Czech Security Act:

A state of emergency may be declared only for the stated reasons, for a fixed period, and in relation to a designated territorial area. Concurrently with its declaration of the state of emergency, the government must specify which rights prescribed in individual statutes shall, in conformity with the Charter of Fundamental Rights and Basic Freedoms, be restricted, and to what extent, and which duties shall be imposed, and to what extent. Detailed provisions shall be laid down by statute.

(The Charter of Fundamental Rights and Basic Freedoms is a constitutional document enacted in 1991 by the Czechoslovak Federative Republic and later in the Czech Republic it remained a separate document with the same legal standing as the Constitution, while in Slovakia it became an integrated part of the Constitution. It is not to be confused with neither the Charter of Fundamental Rights of the European Union, nor with the European Convention on Human Rights and Basic Freedoms).

In accordance with Art. 5 of the Czech Crisis Management Act, in a state of emergency specified human rights and freedoms, including the freedom of movement, the right to free assembly, and the right to conduct business can be limited by the government. All of these can only be restricted for a limited period of time and “to the extent unavoidably required to react to the situation” (Vikarská, 2020). It has to be pointed out, that the government annulled many of its resolutions originally passed under the Czech Crisis Management Act – between 12 March and 12 May altogether 65 resolutions were issued – and then the Ministry of Health issued the same rules under the Czech Health Protection Act. The reason is that under the regime of APPH, much more damage claims stemming from damages in connection with the crisis measures could be rejected by the state, whereas under the regime of the CMA, pursuant its Art. 36, all such damages were to be compensated (Vikarská, 2020).

The goals of the state of emergency were defined as follows:

- to control the development of the disease and protect the health of the citizens;
- to maintain the operation of the economic system by means of home office, e-communication and provision of financial aid and subsidies; and
- to restore the *status quo ante* as soon as possible (Zemánek, 2020).

There was a controversy concerning the state of emergency regulation that raised big attention and was even compared to the later discussed Hungarian case was a rather unfortunately timed proposal which – after it would pass through the legislative process – would enable the government or even just the prime minister – to declare the state of emergency or state of war without parliamentary consent. However, this issue was under discussion for years, but still raised concerns about the Czech constitutionalism in the midst of the COVID-19 crisis. (Janebová, 2020)

In general, and especially from a pro-Western and pro-EU point of view, the politics of President Miloš Zeman and Prime Minister Andrej Babiš seem to be relatively in line with each other, however, their role in the combat against COVID-19 seems to be judged differently by the Czech public. The current coalition government of Babiš – formed by the ANO 2011 party led by Babiš himself and by the Czech Social Democratic Party (*Česká strana sociálně demokratická, ČSSD*) – follows the foreign policy of Zeman (Pehe, 2020).

Regarding the COVID-19 crisis, they both had important speeches about the situation, which were given a warm welcome, but not at the same level. Zeman addressed the Czech public through television on 19 March and gave a speech predominantly supportive of the government, he added, however, criticism regarding the substantial shortage of medical and protective equipment. He also praised the help provided by China, subjected to criticism some media, journalists and commentators who misuse the crisis to politically motivated attacks and depreciation of the state’s policy (Zemánek, 2020). Most of the political parties welcomed the speech, but reserved the right to exercise free speech regarding government measures they deem inappropriate. There were also voices from the opposition, however, who claimed that Zeman’s speech was divisive and far more pro-China, than necessary (Zemánek, 2020).

Babiš delivered two speeches on two consecutive days. On 23 March he addressed the Czech public through television, welcomed by both the coalition partners and the opposition. On 24 March he addressed the Chamber of the Deputies regarding the earlier mentioned proposal about the amendment of the Security Act intending to make easier for the government to declare state of emergency ([Zemánek, 2020](#)).

Slovakia

The structure of the regulation of state of emergency of Slovakia is very similar to that of the Czech Republic. “Conditions for declaring war, declaring a state of war, declaring a state of crisis, declaring a state of emergency and the manner of exercising public authority during a time of war, a state of war, a state of crisis, shall be laid down by a constitutional act [Art. 102 (3)].”

The previously mentioned constitutional act is the *Constitutional Act No. 227/2002 on state security at the time of war, state of war, state of emergency, and state of crisis* (henceforward: Slovak Security Act, CASS). However, there are two more, inferior legislative acts, which have a role in the COVID-19 emergency, and these are:

- the *Act No. 42/1994 on civil safety* (henceforward: Slovak Civil Safety Act); and
- the between 27 March and 24 April effective *Act No. 62/2020 on certain emergency measures in relation to the spread of the dangerous contagious human disease COVID-19, and in relation to the judiciary, and amending certain laws* (henceforward: Slovak Covid-19 Emergency Act).

Other acts and statutes concerned with *ad hoc* amendments will be mentioned later.

With effect of 12 March a so-called “extraordinary situation” was declared by the government, in accordance with the Slovak Civil Safety Act. The main feature of these measures was the obligation for all legal entities to provide material support for the handling of the situation, depending on actual need of course. Besides that other restrictions, mainly the closure of certain public facilities and venues were introduced ([Dentons Life Sciences Newsletter, 2020](#)).

The *state of emergency* (“núdzový stav”) in accordance with the Slovak Security Act was declared with effect of 16 March and brought about a package of much stricter restrictions and precautionary measures. According to Art. 5 (1) of the Slovak Security Act:

The government may declare a state of emergency only under the conditions that it has occurred or there is an imminent danger that the life and health of persons or the environment endangered, or significant assets jeopardised due to a natural disaster, catastrophe, industrial, traffic or other operational accident; the state of emergency can only be declared on the area of the occurrence or on the immediate endangered area.

The state of emergency is strictly limited temporally, pursuant to Art. 5 (2) for a maximum of 90 days. The state of emergency was lifted gradually in Slovakia, beginning with 14 April.

The Slovak COVID-19 Emergency Act has also introduced extraordinary measures with the object to extend the effect of certain measures. Accordingly, statutory periods for bringing an action in private law and for filing of appeals in criminal law that would run out during the state of emergency were extended until 30 April. The legislation further provided for an extension of the period for filing for bankruptcy, and a statutory prohibition against the execution of lien until the same end date. Courts, however, retained discretion to exceptionally deny the extension of the statutory period for filing an action “for reasons of

danger to life, health, safety, liberty or substantial damage to the parties”. (Henčeková and Drugda, 2020)

From a political point of view, the first related development in Slovak politics happened just before the crisis started. There was general election on 29th February. The former coalition government comprised of Direction – Social Democracy (*Smer – SD*), the Slovak National Party (*Slovenská národná strana, SNS*) and the predominantly Hungarian minority party.

Most-Híd, and was characterised by prime minister Peter Pellegrini and former long-time prime minister Robert Fico, has lost the elections. The elections were won by the by Igor Matovič led anti-corruption movement called Ordinary People and Independent Personalities (*Obyčajní Ľudia a nezávislé osobnosti, OĽaNO*), who managed to form a coalition with three other parties, the right-wing populist We Are Family (*Sme Rodina, SR*), the right-wing neoliberal and eurosceptic Freedom and Solidarity (*Sloboda a Solidarita, SaS*) and the right-wing centrist liberal For the People (*Za ľuďi*). The new government was enacted on 21 March, until then Pellegrini led Slovakia as a caretaker prime minister.

Besides the unfortunate timing of the elections – which of course could not have been foreseen – the other problem with the new government is that without a shared ideology, the coalition seems somewhat fragile, especially in time of a severe crisis. The way they cope with the COVID-19 will be a clear indicator of their viability as a coalition. (Janebová, 2020)

In their analysis Henčeková and Drugda, 2020 identify five “questionable restrictions of fundamental rights and freedoms”, which are as follows:

- prohibition to enter the country for foreigners;
- state quarantines;
- location data;
- marginalised Roma communities; and
- protection of rights of seniors. (Henčeková and Drugda, 2020)

Regarding *the prohibition to enter the country for foreigners* (ad 1), the Slovak Government introduced a prohibition in effect from 13 March with no legal basis, and with no further legal clarification provided, not even for the request of the Slovak Ombudswoman (Henčeková and Drugda, 2020).

About *state quarantines* (ad 2), the main issue is that mandatory isolation in accordance with emergency measures is ordered by the PHA (Public Health Authority – *Úrad verejného zdravotníctva*). The legal nature of the measures issued by PHA has aspects of a normative legal act, which the PHA does not have the authority to issue. There were a wide spectrum of other doubts as well about the whole state quarantine scheme, ranging from execution problems and minor inconsistencies to such anomalies that police officers and soldiers had to decide about the exceptions from state quarantines because of health reasons, but they were not qualified for such a decision. More than eleven thousands of Slovaks travelling from abroad signed a petition to abolish the state quarantine scheme. The parliament decided only on 15 May to replace the state quarantine with the 14-day-home-isolation (Henčeková and Drugda, 2020).

Regarding *location data* (ad 3), Art. 4 of the Slovak COVID-19 Emergency Act modified the *Act No. 351/2011 on electronic communication* in a way that PHA has been given the authority to collect, process and store data which would otherwise would be subject of telecommunications secrecy. The Constitutional Court examines this amendment but has already partially suspended it (Henčeková and Drugda, 2020).

About *marginalised Roma communities* (ad 4), five of those were subjects of a lockdown and deployment of the military in early April as a measure taken pursuant to the “Plan to solve the disease COVID-19 in Marginalised Roma Communities” (Henčeková and Drugda, 2020).

Regarding *protection of rights of seniors* (ad 5), the extensive testing in several social care homes, resulting in numerous deaths, and other measures such as prohibition of senior citizens from shopping of 9–11 a.m. on workdays, have drawn criticism from constitutional lawyers and the Ombudswoman. The shopping ban was later lifted by the Chief Hygienist. (Henčeková and Drugda, 2020).

Hungary

In Hungary the general rules of the certain types of “special legal order (különleges jogrend)” are regulated within the Constitution, according to Articles 48–54. (The Constitution of Hungary of 2011, being in effect since 1 January 2012, is officially called the Fundamental Law, but for practical reasons here it will be referred to as the Constitution)

In case of the COVID-19 emergency, the so-called “state of danger (veszélyhelyzet)” pursuant to Art. 53 was declared on 11 March. According to Art. 53 of the Constitution:

- In the event of a natural disaster or industrial accident endangering life and property, or to mitigate its consequences, the Government shall declare a state of danger and may introduce extraordinary measures laid down in a Cardinal Act;
- In a state of danger, the Government may adopt decrees by means of which it may, as provided for by a Cardinal Act, suspend the application of certain Acts, derogate from the provisions of Acts and take other extraordinary measures;
- The decrees of the Government referred to in paragraph (2) shall remain in force for fifteen days, unless the Government, on the basis of authorisation by the National Assembly, extends those decrees; and
- Upon the termination of the state of danger, such decrees of the Government shall cease to have effect.

The government used its authorisation pursuant to Article 53 (2)–(4) to manage the crisis governing only through decrees, until it managed to pass the Act. No. XII of 2020 on protection against coronavirus (henceforward: Hungarian Coronavirus Act, also Hungarian Enabling Act) through the parliament (decrees were issued also afterwards). This act was created with reference to Art. 53 (1) of the Constitution, and to some other provisions of the Constitution making it a so-called Cardinal Act. In accordance with Art. T) (4) of the Constitution: “Cardinal Acts shall be Acts, the adoption and amendment of which requires the votes of two thirds of the Members of the National Assembly [the parliament] present.” The Hungarian Coronavirus Act came into effect on 31st March and was annulled when the state of danger was lifted on 18 June.

According to Szente (2020), the Government Decree No. 40/2020 (III. 11.), which itself was the declaration of the state of danger, was unconstitutional, because it was declared because of a “human pandemic causing mass illness”, which under Hungarian law is neither a “natural disaster” nor an “industrial accident”. Pursuant to Art. 44 para c) of *Act. No. CXXVIII. of 2011 on disaster management and on amending certain related laws* human pandemic causing mass illness or “epidemic threat” can be legitimate basis to declare a state of danger, however, this is an arbitrary extension of statement of facts in. Art. 53 of the Constitution, for whom the parliament did not have the authority. (Szente, 2020)

Regarding the political situation in Hungary, the present government coalition formed by the right-wing conservative and populist Alliance of Young Democrats (*Fiatal Demokraták Szövetsége, Fidesz*) and the Christian Democratic People's Party (*Kereszténydemokrata Néppárt, KDNP*) has won three consecutive general elections (2010, 2014 and 2018), winning each time a 2/3 majority in the unicameral Hungarian parliament. Consequently, since the spring of 2010, Hungary is being governed by the governments of Prime Minister Viktor Orbán. The president of the republic, which is a relatively weightless position in Hungary, is elected by the parliament, consequently, in the past decade the candidates of the Fidesz-KDNP coalition were elected, the current president, János Áder is in office since 2012. The coalition had been dominant also in the local governments, however, in the 2019 municipal elections they suffered a severe setback and lost many positions, including the mayor and the most of the seats in the general assembly of the capital Budapest, where Gergely Karácsony of the unified opposition managed to take over.

The one most (in)famous legislative act concerned is still the previously mentioned Hungarian Coronavirus Act, which was relatively early started to be mocked as Enabling Act (*felhatalmazási törvény*) in the domestic and international media and common talk, because it gives the government a parliamentary mandate to rule by decree without a sunset clause, i.e. a measure within the act which provides that the law shall cease to have effect after a specific date. The name "Enabling Act" obviously refers to the act which was adopted in national socialist Germany On 23rd March 1933 in response to the crisis of the Reichstag fire to enable Hitler to issue decrees independently of the Reichstag and the presidency (Kovács, 2020).

According to Szente, 2020, besides the lack of the abovementioned sunset clause, several other articles of the Hungarian Coronavirus Act are whose constitutionality is at least doubtful. Art. 1 implicitly approves of the Government Decree No. 40/2020. (III. 11.), but even an act cannot make an unconstitutional decree constitutional. Art. 2 (2) virtually provides an unlimited authorisation regarding the subject-matters of the regulation, i.e. there is no exceptional subject not concerned with this authorisation. Art. 3 (1) authorises the government to extend the temporal effect of the government decrees introduced before – whose constitutional temporal effect is 15 days – but through Art. 3 (3) this extension automatically and collectively – consequently without any expectable individual examination – and in the name of the parliament happens in case of all government decrees introduced due to the state of danger (Szente, 2020).

Evaluation of social media contents

Regarding the posts about Slovakia, we find 322 mentions (least compared to other V4 countries) and no negative sentiments are observed. Contents about the country reflect on the assistance that Slovakia provides for other partner countries, for example for Italy, as stated "This was closely coordinated with the EU Emergency Response Coordination Centre. #StrongerTogether." (21/04/2020) On the other hand, Slovakia is seen to be the "largest beneficiary" (04/06/2020) of the EU recovery fund that was proposed/by the EU Commission. "The @EU_Commission approved #Slovakia's state aid scheme worth €80m to support research, development and testing infrastructure for development linked with the #coronavirus pandemic" (14/07/2020).

Concerning the Czech Republic, negative sentiment contents were found primarily related to the Prime Minister Andrej Babiš. Critics demand for significant changes. "@AndrejBabis should renounce to participate in any budget-related negotiations in the @EUCouncil until his potential conflict of interests is fully resolved. If conflicts aren't resolved, Babiš should step down as PM" (02/05/2020). While serious concerns about

corruption related to EU funds became to the forefront as well. Posts informed about the sanctions against Babiš introduced by the European Parliament. “Later today, the @Europarl_EN will vote on a resolution that strongly condemns the Czech prime minister Andrej #Babiš’ conflicts of interest” (19/06/2020). However, Babiš is also strongly criticised for his aggressive comments against the members of the European Parliament. “Attacking elected representatives is nothing short of an attack on democracy and shows complete lack of respect” (05/03/2020). In the case of the Czech Republic, an understanding towards Hungarian legal measures are expressed by Vera Jourová Czech politician, Vice President of the European Commission for Values and Transparency. “Despite claims of a #Hungarian ‘dictatorship’, @EU_Commission Vice President for Values and Transparency @VeraJourova recently admitted on Czech public television that #Hungary’s law does not violate any #European guidelines.” (27/04/2020) It shows the unity of Visegrad Group within the European Union and a solidarity among these states.

Regarding the measures during the pandemic, Poland and Hungary is very much considered being in the same shoes. However, posts about Poland (2,728 mentions) is not as numerous as about Hungary (3,366 mentions). Polish government is heavily criticised by the violation of the rule of law, but EU institutes are also criticised not sanctioning them. “The situation in #Poland is deteriorating on a nearly daily basis. But despite immense public criticism, @EUCouncil keeps denying its responsibility and refers to the quasi deadlocked #Article7 procedure!” (08/05/2020) Concerns about the EU organs raise related to the EU funds. “Rule of law enforcement in Europe? De facto suspended. In the meantime the EU shares billions with #Hungary and #Poland #RuleOfLaw.” (23/04/2020) Social media users demand for the exclusion of Poland and Hungary from these deals. Due to the violation of rule of law, Article 7 procedure against Poland has been introduced. “Widen scope #Article7 procedure vs #Poland to include breaches democracy and human rights” (27/05/2020). Besides these, sceptic voices are risen filled with sarcasm. “Keep in mind though, that turkeys don’t vote for Christmas, so Poland and Hungary will only vote for rule of law conditionality if it is so watered down they are sure it will never be enforced by @EUCouncil and their funds will keep flowing” (20/07/2020). On the other hand, nationalist viewpoints are also expressed in favour of the Polish and Hungarian national interest. “Poland’s justice minister warns that linking EU funds to rule-of-law compliance would ‘transfer the powers of the Polish state to the EU’ and give the @EU_Commission a ‘nuclear weapon.’” “Neither Poland nor Hungary can agree to it under any circumstances” (18/07/2020).

Among the examined states, Hungary is the most heavily criticised based on the social media contents. Many of these mentions appear related to Poland so only Hungary related comments are analysed here. Officials from the Human Rights Watch posted about the Hungarian events. According to Andrew Stroehlein “Thread on how EU is green-lighting dictatorship in a member state. Incredible that @VeraJourova sees no problem with a prime minister having unlimited power to rule by decree for an unlimited time.” (30/04/2020). While Philippe Dam stated “#Hungary authorities used #COVID19 to justify anti-democratic measures and threaten to sanction free speech” (16/04/2020). Investigations have been conducted related to breaches of the rule of law in Hungary that demonstrated the severity of the situation. “The EP will hold a hearing on Hungary’s Coronavirus Protection Act tomorrow. Previously, the @EU_Commission, the sole EU institution with the authority to review national laws, and @VeraJourova confirmed that the law does not conflict with EU law” (13/05/2020). Despite the EU Commission did not find conflict between the national and EU law, a group of MEPs signed the petition for further investigations. “Von der Leyen criticises #Hungary upon latest laws introduced under #coronavirus emergency but fails to mention the state-name. @Europarl_EN Sassoli asked for a re-assessment of compliance

w/most imp texts of #EU treaties” (01/04/2020). By not directly naming Hungary and Prime Minister Orbán, “[he] has now officially become the Lord Voldemort of EU politics” (01/04/2020). The members of the signatory group confirmed “We don’t attack Hungary, we attack those who undermine democracy in a European country” (14/05/2020).

Conclusions

The first conclusion which has to be drawn, is that there were and in certain cases still are such problems in all four countries analysed, which raise concerns about the state of democracy and the rule of law in these countries. These problems were thoroughly enumerated in the chapters about the certain countries.

However, after carrying out the Twitter analysis, it was rather surprising, how unbalanced is the reflection of the abovementioned concerns in the social media. As the European Ombudsman, Emily O’Reilly tweeted:

The latest events in Hungary are a serious concern for all Europeans. Democracy, the rule of law and freedom of speech remain vital, and indeed help tackle the #COVID19 crisis. The @EU_Commission must examine these events rigorously (03/31/2020).

And as MEP Sophie in ’t Veld tweeted:

More silence and inaction from you @vonderleyen and @EUCouncil? The rule of law is the backbone of the EU, and you are letting it rot away beneath your feet in Hungary and Poland. You may think it is just their domestic problem, but the rot will spread across the Union (22/04/2020)

It is hard to understand why there are no such manifestos about Slovakia, where there were also serious infringements of human rights at a certain period of time, and just a few about the Czech Republic. A bias against Poland and Hungary is observed in the EU mainstream, which makes the actors of the European discussion more sensitive about the wrongdoings of these two countries, but the bad reputation of Poland and Hungary is the result of a decade long series of questionable political steps on their own behalf.

Social implications of the research presented is found in the impact of the above-studied regulations on the EU mainstream communication and public opinion resonated in the analysed tweets. Research findings can help V4 countries’ governments to build or modify their strategies for the regulation purpose considering the EU’s and international opinions on their activities.

References

- Aharony, N. (2012), “Twitter use by three political leaders: an exploratory analysis”, *Online Information Review*, Vol. 36 No. 4, pp. 587-603.
- Baker and McKenzie Insights (2020), “Law on COVID19 in Poland – handbook”, available at: www.bakermckenzie.com/en/insight/publications/2020/04/law-on-covid19-in-poland-handbook (accessed 10 July 2020).
- Dentons Life Sciences Newsletter (2020), “Slovak republic: Declaration of the slovak government of an extraordinary situation”, available at: www.dentons.com/en/insights/alerts/2020/march/13/declaration-of-the-slovak-government-of-an-extraordinary-situation (accessed 10 July 2020).
- Eurostat (2020), “Digital economy and society statistics - households and individuals”, available at: https://ec.europa.eu/eurostat/statisticsexplained/index.php/Digital_economy_and_society_statistics_-_households_and_individuals (accessed 10 July 2020).

- Government of the Czech Republic (2020), “Measures adopted by the czech government against the coronavirus”, available at: www.vlada.cz/en/media-centrum/aktualne/measures-adopted-by-the-czech-government-against-coronavirus-180545/ (accessed 10 July 2020).
- Hao, K. and Basu, T. (2020), “The coronavirus is the first true social-media “infodemic”, MIT Technology Review, available at: www.technologyreview.com/2020/02/12/844851/the-coronavirus-is-the-first-true-social-media-infodemic/ (accessed 10 July 2020).
- Henčeková, S. and Drugda, Š. (2020), “Slovakia: Change of government under COVID-19 emergency”, available at: <https://verfassungsblog.de/slovakia-change-of-government-under-covid-19-emergency/> (accessed 10 July 2020).
- Janebová, P. (2020), “Impact of the COVID-19 pandemic on rule of law in Central Europe: Turning crisis into opportunity?”, available at: <https://cz.boell.org/en/2020/04/03/impact-covid-19-pandemic-rule-law-central-europe-turning-crisis-opportunity> (accessed 10 July 2020).
- Jaraczewski, J. (2020), “An emergency by any other name? Measures against the COVID-19 pandemic in Poland”, available at: <https://verfassungsblog.de/an-emergency-by-any-other-name-measures-against-the-covid-19-pandemic-in-poland/> (accessed 10 July 2020).
- Kovács, K. (2020), “Hungary’s orbánistan: a complete arsenal of emergency powers”, available at: <https://verfassungsblog.de/hungarys-orbanistan-a-complete-arsenal-of-emergency-powers/> (accessed 10 July 2020).
- Kustra-Rogatka, A. (2020), “Backgrounder: Poland’s presidential elections, covid-19 and the rule of law crisis”, available at: https://democracy-reporting.org/dri_publications/backgrounder-polands-presidential-elections-covid-19-and-the-rule-of-law-crisis/ (accessed 10 July 2020).
- Molnár, A. and Urbanovics, A. (2020), “The role of e-democracy in Italy and Hungary”, Transforming Government: People, Process and Policy, doi: 10.1108/TG-01-2020-0010.
- Nowicka, K. (2020), “Preparing for the pandemic elections”, available at: <https://verfassungsblog.de/preparing-for-the-pandemic-elections/> (accessed 10 July 2020).
- Pehe, J. (2020), “Coronavirus and the Czech Republic’s geopolitical crossroads”, available at: <https://worldcrunch.com/coronavirus/coronavirus-and-the-czech-republic39s-geopolitical-crossroads> (accessed 10 July 2020).
- Sadurski, W. (2020), “The polish presidential campaign in the shadow of the pandemic”, available at: <https://verfassungsblog.de/the-polish-presidential-campaign-in-the-shadow-of-the-pandemic/> (accessed 10 July 2020).
- Sári, J. (2007), “A magyar jogforrások rendszere”, in Kukorelly, E. (Ed.), *Alkotmánytan I*, Osiris Kiadó, Budapest, pp. 82-84.
- Sári, J. and Somody, B. (2008), “Az alapjogok korlátozása”, in Sári J. and Somody, B. (Eds), *Alapjogok – Alkotmánytan II*, Osiris Kiadó, Budapest, pp. 48-52.
- Șerbănescu, R. (2020), “The Restrictions of Fundamental Rights during a State of Emergency”, in Puaschunder, J.M. (Ed.), *RAIS Conference Proceedings – The 17th International RAIS Conference on Social Sciences and Humanities*, RAIS, Washington, DC, pp. 190-193.
- Szente, Z. (2020), “A 2020. március 11-én kihirdetett veszélyhelyzet alkotmányossági problémái”, *MTA Law Working Papers*, Vol. 7 No. 9, pp. 1-22.
- Vikarská, Z. (2020), “Czechs and balances – if the epidemiological situation allows...”, available at: <https://verfassungsblog.de/czechs-and-balances-if-the-epidemiological-situation-allows/> (accessed 10 July 2020).
- Visvizi, A., Jussila, J., Lytras, M.D. and Ijäs, M. (2019), “Tweeting and mining OECD-related microcontent in the post-truth era: a cloud-based app”, *Computers in Human Behavior*, Vol. 107, doi: 10.1016/j.chb.2019.03.022.
- Zemánek, L. (2020), “Czech Republic political briefing: State of emergency and nationwide quarantine: the Czech answer to the coronavirus crisis”, available at: <https://china-cee.eu/2020/05/04/czech->

[republic-political-briefing-state-of-emergency-nationwide-quarantine-the-czech-answer-to-the-coronavirus-crisis/](#) (accessed 10 July 2020).

Ziólkowski, M. (2020), “An election in the time of pandemic”, available at: <https://verfassungsblog.de/an-election-in-the-time-of-pandemic/> (accessed 10 July 2020).

About the authors

Anna Urbanovics is an Expert in International Public Service Specialised in Security Studies (MA in 2020, National University of Public Service, Budapest, Hungary). She is a PhD Student (Doctoral School of Public Administration Sciences, Public Administration Management and Sociology Program, National University of Public Service), MA Student (Sociology MA Program with specialisation in Global Social Sciences, Corvinus University of Budapest). Her research interests include Social Science Research Methodology, Scientometrics, International Relations and International Security Studies.

Péter Sasvári is an Economist, Mechanical Engineer (PhD in 2009, University of Miskolc; Habilitation in 2020, National University of Public Service). He is an Associate Professor at the National University of Public Service, Budapest (2013–) and at the University of Miskolc (2010–). His research interests include Scientometrics, Information Society and Business Information Systems. He is a member of editorial board for five internationally recognised scientific journals, and a member of the IX Section of Economics and Law at the Hungarian Academy of Sciences. Péter Sasvári is the corresponding author and can be contacted at: iitsasi@uni-miskolc.hu

Bálint Teleki is a Juris Doctor (MA in 2015, Eötvös Loránd University of Sciences). He is a PhD Student in the field of European Union Law and Administration (Doctoral School of Public Administration Sciences, International and European Studies Program, National University of Public Service). His research interests include European Union (especially EU agencies and agencification), Hungarian Law, Financial Law, Administrative Law and Social Sciences related to the field of Legal Studies.

For instructions on how to order reprints of this article, please visit our website:

www.emeraldgroupublishing.com/licensing/reprints.htm

Or contact us for further details: permissions@emeraldinsight.com