

The constitutional confrontation of the state of emergency

(Corona as a model)

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Abstract

This study aimed to identify the state of emergency, and to identify the constitutional confrontation with the Corona Covid-19 pandemic as a reason why most countries of the world have risen to declare a state of emergency, through three chapters, the first chapter shows what the state of emergency is, and the second chapter shows the components of the state of emergency as well as the Corona pandemic in terms of its concept and the legal basis for protection from it and the constitutional confrontation with it. As for the third chapter, it was intended to clarify the effects of declaring a state of emergency. The study used the analytical and comparative approach due to the nature of the problem and to achievement the desired goals.

The study reached many results, the most prominent of which is: The state of emergency is that legal system that gives the competent executive authority special powers to confront an emergency situation or a public disaster that occurs in the country and cannot be prevented by regular procedures in order to protect the system and the public interest. The researcher also noticed the presence of some ambiguity and contradiction. In the constitutional and legal texts regarding exceptional circumstances and state of emergency. In light of these results, the researcher recommended the necessity of reconsidering the drafting of the exceptional legislative texts, so that the text is clear and free from ambiguity and contradiction, in addition to the explicit stipulation that it is not permissible to violate exceptional legislation and the state of emergency orders issued pursuant to the provisions of the constitution, and also recommended the necessity of activating the role of the administrative judiciary In supervising the exceptional work of the administration and preventing it from abuse and infringing on the rights and public freedoms of individuals.

Key words: state of emergency, constitutional confrontation, Corona pandemic, public order.