


POLICE POWER IN TIMES OF PANdemic: PROPORTIONALITY IN THE RESTRICTIONS IMPOSED ON THE RIGHT TO COME AND GO? AN INTERDISCIPLINARY APPROACH

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DOI: <https://doi.org/10.48143/RDAI.14.vrs>

Keywords: Police power, Individual rights, Right to life, Right to free movement, Proportionality

The aim of this study is to present brief considerations about the legal possibility of imposing limitations on individual freedoms in current times to contain the effects of the spread of Covid-19, in the light of the Proportionality Principle, in an interdisciplinary approach.

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References

AVILA, Humberto. Theory of principles. 14. ed. São Paulo: Malheiros, 2013.

BARAK, Aharon. Proportionality – Constitutional rights and their limitations. Cambridge: Cambridge University Press, 2012.

BERKEMANN, Jörg. Der Grundsatz der Verhältnismässigkeit – Bericht über den “State of the Art”. Deutsches Verwaltungsblatt (DVBl), 2018, p. 741ff., Cologne: Carl Heymanns, 2018.

CASSE, Sabino. Monism and giudiziario dualism. Story and prospect. Rivista trimestrale di Diritto Pubblico, Milan: Giuffrè, Year LXVII, issue 3, 2017.

Eberhard Schmidt-Assmann. Verwaltungsrechtliche Dogmatik. Tübingen: Mohr Siebeck, 2013.

EPPING, Volker. Grundrechte. 4. ed. Heidelberg: Springer, 2010.

GIANNINI, Massimo Severo. Administrative Dirt. 2. ed. Milan: Giuffrè, 1988. v. I, p. 35ff.

HARKO T, LOBO FSN, MAK MK. Exact analytical solutions of the susceptible-infected-recovered (SIR) model and the SIR model with equal death and birth rates. Appl Math Comput. 2014;236(March):184-194. doi:10.1016/j.amc.2014.03.030.

KLATT, Mathias; MEISTER, Moritz. The constitutional structure of proportionality. Oxford: Oxford University Press, 2012. p. 8ff.

MANNORI, Luca; SORDI, Bernardo. Storia del diritto amministrativo. 10. ed. Rome-Bari: Laterza, 2018. p. 247ff.

MAYER, Otto. Deutsches Verwaltungsrecht, Erster Band. 3. ed. Berlin: Von Duncken & Humblot, 2004.

MEDAUAR, Odete. Changing administrative law. 3. ed. Brasilia: Gazeta Legal, 2016

MENDES, Gilmar Ferreira; BRANCO, Paulo Gustavo Gonet. Constitutional Law Course. 8. ed. São Paulo: Saraiva, 2013. p. 217ff.

MICHAEL, Lothar. Das Verhältnismässigkeitsprinzip als Schlüssel(bund)konzept. In: JEASTEDT, Mathias; LEPSUS, Oliver (Org.). Verhältnismässigkeit, Tübingen: Mohr Siebeck, 2015.

SILVA, Vasco Manuel Pascoal Dias Pereira da. In search of the lost administrative act. Coimbra: Almedina, 2003.

SILVA, Virgilio Afonso da. Fundamental rights – essential content, restrictions and effectiveness. São Paulo: Malheiros, 2009.

SORRENTINO, Federico. *Le fonti del diritto italiano*. 2. ed. Padua: CEDAM, 2015.

Statement on the meeting of the International Health Regulations (2005) Emergency Committee regarding the outbreak of novel coronavirus 2019 (n-CoV) on 23 January 2020.

How to Quote

Schirato V. POLICE POWER IN TIMES OF PAndemic: PROPORTIONALITY IN THE RESTRICTIONS IMPOSED ON THE RIGHT TO COME AND GO? AN INTERDISCIPLINARY APPROACH. RDAI [Internet]. 30Sep.2020 [cited 8Jan.2021];4(14):187-0. Available from: <https://rdai.com/ojs/index.php/rdai/article/view/232>

v. 4 n. 14 (2020)

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