

## **The role of conflict management in combating the social effects of the pandemic. Identification, neutralization, solution<sup>1</sup>**

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### **Abstract**

*In exceptional situations, especially in the context of the health crisis generated by the Covid -19 pandemic, conflict management comes to identify, neutralize, smooth and resolve the medium and long term effects generated by social disputes between both the state and the community, as well as within the community, more precisely between its members. We must not neglect the social effects, but also those of a psychological nature, which are born or were born during and after the pandemic crisis. The obvious consequences of this crisis and its impact on society are missing the top of the iceberg, leaving time to reveal the full effects on civil society, but also on the citizen. Major changes in society, at structural or systemic level are already obvious and irreparable. The normal is redefined and the possible return to this normal is already a desideratum, a real Morgana girl.*

**Key words:** COVID-19 pandemic, conflict management, identification, neutralization, settlement, citizen, social effects.

### **Preamble:**

In Romania, with the declaration of the global pandemic situation by the World Health Organization, restrictive measures were instituted, declaring a state of emergency and a state of alert, through the following preliminary acts.:

1. Presidential Decree no. 195/2020 of 16 March 2020, for the establishment of the state of emergency,
2. Presidential Decree no. 240 of 14 April 2020<sup>2</sup>

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<sup>2</sup> See art. 1. „ Starting with April 15, 2020, the state of emergency on the entire territory of Romania is extended by 30 days, established by Decree no. 195/2020, published in the Official Gazette of Romania, Part I, no. 212 of March 16, 2020”;

3. Government Decision no. 24/2020 of 18.05.2020 for the approval of the establishment of the state of alert at national level and of the measures for prevention and control of infections, in the context of the epidemiological situation generated by the SARS-CoV-2 virus

3. Government Decision no. 24/2020 of 18.05.2020 for the approval of the establishment of the state of alert at national level and of the measures for prevention and control of infections, in the context of the epidemiological situation generated by the SARS-CoV-2 virus etc.

All these regulations were extended whenever the sanitary situation imposed it for a period of 30 days, culminating with the Government Decision 1242 of 08.12.2021.

Thus, we can consider that starting with March 20, 2020 and until this moment, with small exceptions, Romania was under the rule of the restrictions generated by the COVID pandemic 19.

Moreover, starting from this state of affairs, it is necessary to analyze mainly the possibility of managing social conflicts through the prism of conflict management.

*„Human relations, in general, represent in their entirety communicative interactions. Communication, defined in the simplest way, consists of a complex process of transmitting information, ideas and opinions from one individual to another, from one social group to another. Relationships and interactions between people are of a communicative nature, having a symbolic dimension, being impossible without the use of sign systems and codes for the transmission and reception of messages.”<sup>3</sup>* In the conditions in which the communication is affected, or becomes defective, it creates favorable premises for the appearance of the conflict.

With the advent of human society came the conflict. From ancient times to the present day, throughout our history we have numerous examples of conflicts that have led to epic crises resolved through epic wars<sup>4</sup>. Sumerians, Greeks, Romans, Egyptians, and other more recent civilizations have left behind evidence of conflicts over time with other civilizations or societies, as well as clear and ingenious evidence of the management of social and human crises as a result of an event or social context.

Conflict is a social phenomenon and is the result of human interaction or non-interaction. It occurs by combining all the factors and stimuli generated by the environment, a person, a family, a community, even a state but is also

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<sup>3</sup> Claudiu Ignat, *Communication, manipulation and persuasion*, Universul Juridic Magazine, no. 6, June 2020, <http://revista.universuljuridic.ro/comunicare-manipulare-si-influentare/>, op. citat

<sup>4</sup> Ionela Cuciureanu, *Legal instruments for capitalizing on rights in Romanian law-legal diplomacy or strategic formalism*, *Diplomacy & Intelligence / Journal of Social Sciences, Diplomacy and Security Studies*, no. 11/2018, pag. 5-11

influenced by the general local or global socio-economic context existing at a given time<sup>5</sup>.

In the literature, the authors consider "Conflict, a contextual social phenomenon determined by the clash between the interests, concepts, needs or pride of some people or groups is manifested when they come into contact and have different or seemingly different goals."<sup>6</sup>, referring primarily to interests that contradict their needs and goals.

Conflict can occur at both the micro and the macro level, and its intensity increases each time the number of individuals or human communities involved or involved in the conflict increases.

Man and the human community are always in the middle of the conflict, naturally including everything related to it, feelings, beliefs, anxieties, dissatisfaction, failures, dissatisfaction, poverty, wealth, needs and desires. All this under the pressure of stimuli at some point becomes a factor in conflict, almost always leading to a crisis.

By analyzing the phenomenon and understanding the context but also the generating elements of the conflict, we can understand it, we can identify solutions to neutralize and generate viable options for resolving it.

The personal history of the individual or individuals as well as their place in the community, their integration into society, are essential elements in diagnosing the characters and persons involved in the conflict, providing important information in determining the intensity of the conflict and how to restore bridges. liaison between the participants in the conflict, restoring communication. Very important in the analysis of the conflict is how it affects the people close to the belligerents, the time and resources that are allocated for the maintenance, more or less artificial, of the conflict.

Against the background of insecurity, be it social or emotional, generated by the health restrictions imposed by the authorities as a result of the pandemic caused by the COVID virus, restrictions that led to significant social restrictions but also to freedom of movement causing a real social earthquake accentuated and intensified the conflict-generating stimuli.

Prohibitions on movement imposed by health regulations have led to real social unrest, sometimes at the level of society imposing a permanent state of insecurity of freedom of movement, causing the individual to find new forms of protest and social resistance to protect against any form. restrictions imposed by the authorities.

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<sup>5</sup> Ionela Cuciureanu, *Humanitas Impacting Ius - The Curious Case of Justinian's Digest. A Lecture between the Lines of History*, Ius Romanum, no. 2/2018.

<sup>6</sup> Zeno Şuştac, Claudiu Ignat, *Negotiation Guide*, Bucharest, University Publishing House, 2010, pag.123, op. cit.

There are latent conflicts in our current society but also manifest conflicts that if not identified in a timely manner can lead to real social crises whose attempt to resolve may require considerable and perhaps prohibitive material and human resources.

In this context, the role of conflict management is essential, as it is an essential tool in identifying the conflict as well as its nature, the factors generating the conflict but also the levers for settling it. At the same time, conflict management neutralizes in the short and long term the consequences of the conflict until the choice of an efficient and adapted strategy for its resolution.

A first phase of conflict management is the recognition of the conflict, followed by the identification of the parties to the conflict and their awareness that they are in conflict. After recognition, the parties can and must be aware of their needs but prioritize their wishes in contradiction with their immediate or future needs.

Based on the age and history of the conflict but also by analyzing the claims of the parties to the conflict, but especially in relation to the manifestations of the conflict, neutralization strategies will be chosen in the first phase and later settlement strategies.

After choosing the strategy, following the analysis of the parties involved in the conflict as well as their needs and desires, the method of final settlement of the conflict is selected.

Restrictions imposed by public authorities both in the country and abroad have affected and affect in the medium and long term freedom of movement, locally, nationally and internationally, they also restrict the access of the population to basic and basic services, such as be access to public spaces, access to health services, access to justice and even access to administrative services by restricting access to local or national civil servants.

Access to justice has been hampered by the imposition of restrictive access rules in court premises, the prohibition of hearings but also by the sanitary rules for the protection of personnel in the justice system, which have implicitly led to a lack of communication and transparency of the act. justice as well as an increased distrust of the litigant towards this institution. Their poor technical equipment as well as the non-adaptation or difficult adaptation of the staff related to the relocation of a part of the activity online has produced and continues to produce both procedural syncopes and syncopes of access of the citizen to the act of justice most often arousing conflicts between citizen and representatives of the justice system. On the other hand, the lack of electronic means, of the citizen, of information and access to public information, but also regarding the electronic communication due to the lack of material means for their acquisition, the refusal or inability to use them are just as many causes that

lead to the emergence of organizational conflicts between the citizen and the public institutions of the local or national administration.

Another important aspect and a factor generating conflict is the lack of access of the citizen to medical services as during this period these services are mainly focused on treating diseases caused by the pandemic.

Access to education is a difficult goal to achieve in the conditions in which most of the educational activities regardless of their nature have moved in the online environment, the teaching staff, both the gymnasium, the high school and the university but also the pupils and students have proved to be difficult and the adaptation to the new conditions was done gradually and not without difficulties.

The online environment sometimes proves to be more difficult than it seems even if from a technical point of view all participants are prepared, from the daily reality it is clear that from a psychological point of view we are far from accepting the new reality. This spirit of frond often comes from the paradigm shift but also because most of the time the restrictions or prohibitions imposed, even for the common good, social, are difficult to accept, the citizen opposing almost instinctively and involuntarily.

### **Communication as a way to resolve conflicts between the citizen and the public administration**

*„Effective communication of the citizen with public institutions is a goal that the public administration, whether central or local, must fulfill, by virtue of ensuring the right to good governance. In the context of a physical impossibility to communicate with the public administration, given the situation generated by the Covid-19 pandemic, new effective means of communication must be found between the citizen and the public institutions”<sup>7</sup>.*

*“ The appropriate amount, form and character of the communication as well as the identities and qualities of the communicators are usually strong influences on the outcome of the negotiations.”<sup>8</sup>.*

In general, the conflicting parties do not always share the same culture or value system, as they are part of different cultures. Different cultures have differences in the psychological end of the conflict, as well as the degree to which

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<sup>7</sup> Claudiu Ignat, *Communication with public institutions in the context of the state of emergency and alert*, vol. *Conference Aspects regarding the observance of human rights in the conditions imposed by the appearance of pandemics or special situations*, conference organized by the Faculty of Legal, Economic and Administrative Sciences- Craiova OADO and People’s Advocate, October 2020, Sitech Publishing House, Craiova, ISBN 978-606-11-7641-0, op. Citat.

<sup>8</sup> Christopher W. Moore, *The Mediation Process*, revised 3<sup>rd</sup> edition, USA, 2003, p. 185, op. citat;

it is necessary and desirable to conclude an amicable settlement solution, whether amicable or not, and how this resolution can be achieved<sup>9</sup>.

There are cultural paradigms that are unanimously accepted by community members, whereby conflicts may need a more or less psychological approach, with a greater emphasis on a legal approach and a more focused approach to procedural correctness and fairness. on the basis of individual agreements accepted by mutual agreement<sup>10</sup>.

Effective communication between the citizen and the public administration as a way of neutralizing the conflict must be based primarily on criteria of mutual respect, both of the citizen towards the civil servant representing the institution and of the civil servant towards the citizen. Redefining the communication standards specific to a citizen-public administration relationship must be adapted to the social and conjunctural realities, especially in the situation of the pandemic restrictions of the last almost three years.

The adaptation of the citizen but also of the administrative apparatus to the realities imposed by the sanitary norms as well as the migration of the communication and administration of the citizen's petitions in the online environment can be a solution in the medium and long term if it is doubled. on the contrary, poor communication inherently leads to conflicts.

### **Negotiation and Mediation as procedures for neutralizing and resolving the conflict**

Mediation and negotiation are alternative, non-contentious dispute resolution procedures, amicably, with the help of a neutral and impartial third party, the mediator or negotiator, able to facilitate communication and negotiation in order to generate viable options<sup>11</sup> for understanding based on the needs and interests of the parties in conflict.

The mediation procedure as well as the negotiation are part of the family of alternative methods of conflict resolution (ADR), having as central element the parties, their needs as well as their needs. First mediation and negotiation the parties together with the mediator or negotiator generate options for resolving the conflict in optimal conditions and satisfying both sides.

These two procedures are some of the most used methods or strategies for resolving social conflicts, each emphasizing each time the defining elements for both the parties and the solutions they will reach.

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<sup>9</sup> ibidem, p. 323

<sup>10</sup> Claudiu Ignat, *Effective Tehniques For Approaching Communication In Mediation*, Journal of Law and Administrative Sciences, ISSN 2392 – 8298 ISSN-L 2392 – 8298, No. 12/2019.

<sup>11</sup> Ionela Cuciureanu, *Alternative investment dispute resolution in the context of bilateral investment promotion and protection treaties*, Universul Juridic Magazine, no. 12, December 2019, pp. 43-50.

Conflict management strategy by choosing the negotiation strategy is not only a purely theoretical option, but is chosen after a careful analysis of the parties to the conflict, as well as their interests can not be drawn in perfectly rational terms. The strategy always depends on the character and temperament of the negotiators at the negotiating table.

The strategy developed must be adaptive in order to have positive results, because if it is elaborated too thoroughly and rigidly and the negotiations take an unexpected turn, difficult to anticipate, then the result loses its predictability and can even be negative.

Concluding the conflict, it affects all areas of social life, affecting our way of life, influencing behaviors, sometimes antisocial. Realizing that our actions or inactions have an effect on a greater or lesser number of people but also on entire communities or even countries, when we legislate, act, interact both as an individual and as a society, or state, we must have in predictability factors for future regulations or actions as they may and may affect more or less behavior. In other words, unpopular measures must always be explained and analyzed and communication in this case must be more than transparent, it must be based on empathy and understanding of the target audience, especially since it will be the one who will support these measures.

Thus, strategies for approaching, managing and resolving conflicts must include multidisciplinary and interdisciplinary techniques and methods that the conflict management specialist must know and apply so that the conflict is neutralized or eliminated, by eliminating all conflict-generating factors., to make sustained efforts to restore communication between the parties to the conflict, at least at a pre-escalation level of the conflict, and if this cannot be improved, to generate multiple options each time, helping the parties to negotiate knowingly on the basis of criteria as objective as possible and based on the needs and interests of the parties.

The lack of clear regulations to withstand the constitutional review exercised by the Romanian Constitutional Court has amplified at least psychologically and declaratively, even provoking protests against the restrictions. A significant example in support of this argument, the Constitutional Court announced, following a press release dated 15.02.2022, that by unanimous vote, it admitted the exception of unconstitutionality and found that the Ordinance of the whole is unconstitutional. Government Emergency no.192 / 2020 to amend and supplement Law no.55 / 2020 on some measures to prevent and combat the effects of the COVID-19 pandemic, as well as to amend letter a) of art. 7 of Law no.81 / 2020 2018 on the regulation of telework activity.

Ignoring the signals that society through local communities, through civil society or even through individuals, can sometimes lead to real social crises, due to the lack of prevention of the possibility that a certain situation, be it

conjunctural, to generate social conflicts. One important point to note is that, even under normal conditions, without the pressure of emergency restrictions, civil society reacts like a living organism to any stimulus, whatever it may be.

Consequently, for a good management of the conflict and to prevent new social conflicts, our recommendation is that the state through its administrative apparatus to better disseminate the information of the adoption of a normative act but before validation to be subject to civil society control and legality control. exercised by the Constitutional Court of Romania and the People's Advocate.

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