



Written by [Michael Tennant](#) on October 11, 2025

Spain Slowly Refunding Lockdown Fines Declared Unconstitutional in 2021

The first 92,000 of Spain's million-plus Covid-19 lockdown fines have been refunded in response to court decisions dating back to 2021.

According to [The Objective](#), the Spanish Ministry of Territorial Policy and Democratic Memory reported that, as of September 3, "the number of fines annulled with an express resolution now stands at 92,278."

However, those cases "barely scratch the surface of a regulatory crisis that jeopardizes the legality of the entire sanctioning regime linked to the lockdown," the website noted Sunday.



diegograndi/iStock/Getty Images Plus

Emergency Brake

As with so many other countries that followed China's lead during the pandemic, Spain imposed a strict lockdown on its citizens from March 14, 2020, to June 21, 2020, following that with less-restrictive curfews. More than 1.3 million people are estimated to have been fined for violating those two regimes.

In 2021, responding to a lawsuit from the Vox Party, Spain's Constitutional Court ruled that the strict lockdown was unconstitutional not because it was a gross violation of Spaniards' rights with no scientific backing but because the government had gone about imposing it the wrong way.

According to the [BBC](#):

Spain has three levels of emergency: state of emergency, state of exception, and the highest level, state of siege....

In Spain, a state of emergency — known as a "state of alarm" in Spanish — can be declared by the government and implemented before it is debated in parliament. This allows the government to put new rules into force quickly.

A state of exception, however, is not directly agreed by the government. Instead, the proposal needs to be taken to parliament first, which then has to declare the emergency.

The initial lockdown was imposed under a state of emergency. The Constitutional Court found that such a suppression of fundamental rights could only be enacted under a state of exception, which Parliament had not declared.

The decision, observed the BBC, left "the door open for people who were fined for breaking the rules to reclaim the money they paid."



Written by [Michael Tennant](#) on October 11, 2025

Don't Do the Time If You Didn't Do the Crime

Two years later, [Sur](#) reported, the Supreme Court not only ruled that all lockdown fines had to be remitted but also that

the hundreds of prison sentences handed down by the courts for disobeying orders, and ignoring or confronting police instructing people to return to their homes will also be annulled if they are appealed.

One case that led to the decision was that of a man who repeatedly and deliberately flouted the lockdown rules. Wrote Sur:

The Supreme Court took the man's side, arguing that for a crime to have been committed, not only must the guilt of the accused be proven, but there must also be "unlawfulness" in the behavior.

Gag Gift

Disobedience of police was the leading excuse for punishing lockdown violators. Under Spain's 2015 Citizen Safety Law, more than one million people were fined during the first 75 days of the lockdown, primarily for disobeying law enforcement. "This is a 42% increase over all sanctions during the first three and a half years that the law was in effect," wrote Madrid newspaper [El País](#).

Popularly known as the "gag law," the act "established fines for doing things like protesting in front of parliament or taking and sharing photographs of police officers," penned the paper. It also "sets out fines of €601 to €30,000 for disobeying law enforcement officers."

In 2018, now-Prime Minister Pedro Sánchez rode reform of the law to victory for the Spanish Socialist Workers' Party. As with most politicians' promises, however, this one was broken; the law remains in effect to this day.

Had the promised reform occurred, it would likely have left the penalties for disobeying police on the books, Interior Minister Fernando Grande-Marlaska announced after all those lockdown fines had been assessed. Why would the party want to give up such a goldmine now that it controlled the purse strings?

Lax Refunds

Not everyone in government was so enamored of the gag law's application to lockdown dissidents. In 2020, reported The Objective, "several courts systematically overturned fines based on the so-called 'gag law' on the grounds that it was not applicable to health restrictions." Other judges tossed fines for their own reasons.

The higher courts' decisions cemented the fines' illegality as nationwide jurisprudence and, furthermore, applied the findings retroactively. That is, "administrative acts based on provisions now declared null and void lack coverage and must be considered invalid 'from their origin,' according to established jurisprudence," wrote The Objective.

"Given this situation," the website explained,

a general refund of fines from the first state of emergency was ordered, although



Written by [Michael Tennant](#) on October 11, 2025

enforcement has been slow and uneven across regions. Even so, refunds pose multiple complexities: some fines were paid under the prompt payment system, others have appeals already dismissed, and cases are being processed by regional or local delegations. The administrative burden for government delegations and sub-delegations is considerable, and some courts are still analyzing the merits of each revocation on a case-by-case basis.

The 92,278 cases revoked to date barely scratch the surface of a regulatory crisis that jeopardizes the legality of the entire sanctioning regime linked to the lockdown. While affected citizens process complaints and appeals, institutions face the task of legal redress.

The government deserves no sympathy for having created such a monumental task for itself. But ordinary Spaniards, who may have to wait decades for their stolen property to be returned, deserve much.



Subscribe to the New American

Get exclusive digital access to the most informative,
non-partisan truthful news source for patriotic Americans!

Discover a refreshing blend of time-honored values, principles and insightful perspectives within the pages of "The New American" magazine. Delve into a world where tradition is the foundation, and exploration knows no bounds.

From politics and finance to foreign affairs, environment, culture, and technology, we bring you an unparalleled array of topics that matter most.



Subscribe

What's Included?

- 24 Issues Per Year
- Optional Print Edition
- Digital Edition Access
- Exclusive Subscriber Content
- Audio provided for all articles
- Unlimited access to past issues
- Coming Soon! Ad FREE
- 60-Day money back guarantee!
- Cancel anytime.