ETHICS AND DEONTOLOGY IN PUBLIC ADMINISTRATION

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„There’s nothing more dangerous than power in the hands of clumsy person.”
J.J.Rousseau

Abstract:
In the past years, public administration from Romania has faced significant changes with respect to its own operational framework. Because of difficulties in the public sector management system, there is a need for a set of anticorruption reforms that need to include a series of measures for the modification of working conditions in both central and local public administration.

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The term ethics is defined as a term including those attitudes, characteristics, customs specific to a culture, people or human group, the ethics regards a system or a conduct code based on moral debts and obligations that set a certain conduct.

The ethics treats the ability of distinguishing between good and evil and the promise to do well. There are authors considering that the ethics regards a system or a conduct code based on moral debts and obligations that set a certain conduct.

In order to understand this phenomenon, Waldo, a famous theorist of the ethics in management, wants to explain this complex phenomenon without setting some clear rules to be followed within this area.

He is aware of the fact that more ethical dilemmas in administration are most of the times conflicts between the various ethical codes.

Also, he considered the government as a born political process ever since he wrote “The Administrative State”. In Dwight Wlado’s principle, the ethics in government is a complex and complicated problem. This matter is hard to explain and understand, taking into consideration that in our centuries the ethical codes have changed and the feeling that morality is “relative” has increased. Due to the growing diversity of the organizations, the need for new ethical markers is more present. However, no effort is being made for creating a new ethical code adjusted to the new needs.

The D. Wlado’s theory is that the public officers should undertake 12 obligations:
- obligations regarding the Constitution;
- obligations regarding the law;
- obligations regarding the nation and country;
- obligations regarding the democracy;
- obligations regarding the norms of bureaucratic organization;
- obligations regarding the profession and professionalism;
- obligations regarding the family and friends;
- obligations regarding one’s self;
- obligations regarding the communities they encounter;
- obligations regarding the public interest and general welfare;
- obligations regarding the humanity or world;
- obligations regarding God or religion.

The author asserts that these obligations cannot be ranked in accordance with their importance, and their number may indefinitely increase, making only a review of the most important ethical rules in his perceiving. He treats these obligations at the level of individual debts, the individual’s debt to the personal morality and not the debt to the organization. Waldo refers to the need to understand the ethics in the context of the political theory.

An important criterion of a correct moral behaviour is the respect of the human’s rights for freedom of expression and information. As a branch of the ethics, Deontology is the science studying the obligations and behaviour of those practicing a certain profession. It is based on the verbal debt, without overlapping the study of philosophy or general theory of the moral debt. Also, there must be specified an essential difference between ethics and deontology. Thus, while the ethics includes the philosophic study of debts, the deontology is an applied and applicable science. In the case of the public position, the scope of Deontology is represented by performance of the public service and satisfaction of the citizen’s need.

Deontology, by the specific of its research objective, lies at the border between right and morality. It represents the group of norms delineating a certain type of professional or private behaviour. Some of these legally recognized norms, being thus imposed by the intervention of the coercive force of the state; others are sanctioned only by the public opinion, entering the category of the ethical norms. Deontology may be considered a bridge between the legal sciences (law) and ethics, being studied under two aspects:
- the one of the given regulations based on the “legality principle” in junction with the moral principles
- the second aspect regards the fact that deontology represents: “the group of the legal and moral norms corresponding to the public position, as intrinsic element of the public service, objectively stated by the society at a certain point in order to make effective the public service by those appointed to fulfill the public position”.

The efficacy does not represent the result of a good organization and management of an activity. The obtaining of a maximum efficacy depends on the degree of conscientiousness, on the conscientious attitude towards the job obligations of the public officer. In a general acceptance, the public officer may be defined as “that person occupying a public position”. In a first stage it can be asserted that the public position implies a legal situation of a natural person legally vested with attributions for competence performance of a public authority. In a broad sense, a public officer must assure the applicability of law. In case the public officer has a well established legal situation, they are assured certain rights allowing their activity performance under good conditions and providing of a decent living, they can entirely dedicate to the authority’s activity or to the public institution to which they belong. Under these conditions, they shall fulfill in a conscientiousness manner the job obligations and shall make available for their position all the knowledge and qualities they possess.

The primary debt of the public officer is serving the general interest as the etymology of the word administration itself shows it, from the Latin “administer” which means “employee, servant”. Therefore, the moral obligations to respect derive from the public position performance, namely serving the society and citizens. As far as the regulations expressly stipulate these moral obligations, they get a professional dimension.

The (career) public officer within the government is the citizen appointed under the law conditions, on an undetermined period, in a public position, in the service of a central or local public authority, or, as required, in a public institution or autonomous administration under the authority of the central bodies of the government or of the county or local council. Given the definition above, the following elements are marked out, some of them mentioned in the definition itself, others implicit, such as:

1. Only the Romanian citizen resident in the country can be a public officer because, as per the art. 16 paragraph 3 from the Constitution “civil
and military public positions and offices can be occupied by the persons having only a Romanian citizenship and residency in the country”.

2. Only the citizen appointed on a vacant public position within a public office can be a public office, and not the selected one.

The expression “vesting on position” has been avoided from the definition’s text, because it supposes not only the appointment, but also the assignment, selection, etc. The vesting on position is realized by appointment as it supposes the integration of the public officer within a hierarchy related to the government nature, in a public power. By appointment, or differently put, appointment procedure by the competent authority, the person is conferred the quality of public officer and they are integrated within the administrative hierarchy. The person occupying a public position must undertake, apart from the obligations of legal adviser, a series of moral obligations, both written or unwritten, and which set the ethics of the public officer profession. All these moral obligations undertaken by a public officer during their public position performance are generically named “deontology”. The collocation “deontology” derives from the Greek terms “deon”, “deontos” which mean “what is met”, “what needs to be done” and “logos” which means “study, science”.

The deontology of the public officer expresses in its turn the group of regulations related to the professional and moral behaviour of the public officer during work and outside work, taking into consideration that they are the mouthpiece of the public authority. Thus, there is a deontology of the physician, lawyer, judge, and journalist and, given the common norms recognized by the deontology, a specific of “the deontology of the public officer”.

**Corruption within Government**

Corruption is generally known as representing a major problem of the modern society, which prejudices the stability and safety of the state subject to the rule of law, the democratic and moral values. The fact that the corruption has existed since the oldest times, being even nowadays one of the most serious and prevalent behaviour of persons occupying positions of management, it’s an undoubted statement.

Defined as a deviation from normality, duty, corruption means abusive use by a person of the intermediary or decision position they occupy, in order to grant to the corruptive one or to the interests community they represent, an economic or administrative advantage, in exchange of a sum of money, presents, travels, trips, vacations or entertainment or properties. Corruption is also usage by a person of their social position in order to evade or avoid respecting some regulations, standards or normal procedures in exchange of receiving certain material advantages or professional or administrative positions.

Corruption generates discrimination and inequalities, rapid and illicit enrichment, it leads to monopolies which deprave and destroy the laws of the market economy. “It violates the economic and social rights, and eventually it weakens the trust among people, attacking thus the essence itself (heart) of the human’s rights”.

Corruption represents the abusive public power in order to satisfy certain personal or group interests. As an antisocial act, corruption frequently occurs within the society and it is particularly serious because it favours the interests of private persons, especially in the economic area, affecting the collective interests by: bribery, power abuse in performing the job responsibilities, economic-financial fraud, extortion, lobbyism, nepotism, favoritism, misuse of funds, appropriation of unfair funds, conflict of interest by engaging in transactions or gaining a position or a trading interest incompatible with the role and official duties. Corruption regards a group of immoral, illicit, illegal activities, performed not only by individuals occupying positions of management or exercise a public role, but also by groups and organizations, public or private, in order to obtain certain material or moral advantages or a superior social status by usage of a constraint form, blackmail, fraud, bribery, purchase, intimidation.

Corruption and lack of the ethical standards from the public position frame threatens the government with regard to the credibility strengthening of the public position and democratic institutions in front of its own citizens and also contributes to the poverty intensification and weakening of the system of services provided to the citizens.

In our country, the corruption phenomenon is spread in various activity areas. It seems to be spread, if not permanent, in administration, both at
high and local level, being emphasized by the lack of a clear responsibilities definition, confusion in separating the administrative positions of the political ones and a lack of transparency of the administrative procedures.

There is added to those above the lack of a proper legal frame effectively supporting the fight against corruption within the government. The distinction between the central and local government is based on the usage of more cumulative criteria, criteria regarding the territorial and material competence of the bodies composing the government and the nature of the interest they promote.

Therefore, the central government exercises its territorial competence at the level of the entire national territory, and the local one only at the level of the administrative-territorial units within which the respective authorities were selected. But from another point of view, the bodies composing the central government dispose of a general material competence, as the Government, and a domain one, as the ministers, while the local authorities have a material competence setting the achievement of the local interest. Certainly, there is also the promotion of the interest, which may be general-national, obviously by the central government, or of the respective locality, by the local government.

Within the government, the subjects of the corruption acts are the public officers, whom are permanently or temporarily granted certain rights and obligations, in order to perform positions in a public office or in another institution. Corruption and lack of the ethical standards within the public position threatens the government with regard to the credibility strengthening of the public position democratic institutions in front of its own citizens and also contributes to the poverty intensification and weakening of the system of services provided to the citizens.

In conclusion the human’s rights, public interest, professional requirements are regulations which the public officers must take into account in the performance of their activity and they must not be influenced by any kind of manipulation or pressure over them in order to be able to make correct decisions from an ethical point of view.

There is necessary a series of measures to be included in an anticorruption strategy in order to avoid this phenomenon so spread within the society.

The first solutions to be considered recommend the adoption of a specific legislation, meant to put an end to the corruption phenomena, mentality change, an increased control, an ethical revolution, etc. No one can deny the importance of a proper legal frame effectively supporting the fight against corruption. To put an end to corruption, its causes must be treated, and the legal frame represents only one of its multiple generating causes.

Due to the shortcomings of the existing management system within the public sector, there is necessary a set of anticorruption reforms that must comprise a series of measures to modify the work conditions within government. In other words, there is necessary a reform in the government including all the aspects of the state organization and each of them must be verified, tested and if necessary adjusted, in order to obtain the most suited combination of the hierarchical structure and administrative capacity with the management efficacy and efficiency and capacity of obtaining results and performances.

Thus, in the reality of the government, not everything legal is also ethical. Whether we like it or not, the public officers work with legal norms which are not necessarily ethical in a general criterion.

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