

## ETHICAL RULES OF PUBLIC SERVICE AND ITS PRINCIPLES

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*Abstract: This article refers to the science of ethics, aiming to provide the knowledge necessary to understand the concept, how it evolved, and the fundamental principles of ethics in general and in particular, those relating to public official.*

*Key words: science of ethics, public official, principles of ethics.*

Ethics is the discipline - science - dealing with debts that must be met by a particular category of persons, carrying on an activity organized within a profession, or of a particular system.<sup>1</sup> The word *ethics* is derived from Greek words Deon, DEONTOS meaning science. Initially it was identified with morality, and we find this idea in his "Deontology and moral science" - 1834, the English philosopher and jurist Jeremy Bentham. The paper is structured in two parts, dealing a theory of virtue and the other, the practice of virtue. On this occasion marking the distinction between ethics, which deals with what must be, what "must be respected".<sup>2</sup>

Further, development of ethics has occurred particularly in the exercise of professions and human activities (scientific, political, productive, etc.). As they had more sophisticated tools and instruments that gives individuals opportunities for action such that the issue of what should and what not to do, that what is allowed and what is not allowed could not be resolved without passing through the filter of human behavior and consciousness of moral commands.

Requirements of a civilized society have required that each category of people who work for the benefit of operating a company to comply with conduct that is beneficial to the community in general but also for himself and also combined with the interests of other individuals which they operate in the same area. The mandatory rules of conduct have emerged for different categories of professions most notably those of civil servants, doctors, police, tax officials, lawyers, magistrates, etc. These rules were set by society, by the governing bodies of state rules and customs governing relations between the category of individuals who have a particular profession and the people with whom they enter into official relations, official-citizen, doctor-patient, attorney-client, policeman-citizen, honest cop offender citizen, citizen offender, Judge-Justice, etc., or rules and practices of individuals who have the same status or function, the doctor-doctor, lawyer-lawyer, Magistrate-Judge, public servant-servant, etc.

Ethical norms adopted by society, unfortunately bears Fingerprint policy, but they have a natural tendency to accede to satisfy public interests of all citizens who normally should be treated equally regardless of their legal status or religious beliefs. If it had not followed this path rules of conduct and practices had become dogma and brakes while the civilization relations between people, always promoting the company's strong protest in unison against which all. Dictatorship, corruption, inequality, differential treatment of gender, to - All democracies requires eliminating the risk of politicization of the civil

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<sup>1</sup> Explanatory Dictionary of Romanian language, Ed Academiei, Bucharest 1975.

<sup>2</sup> Florea Voiculescu, Manual contemporary pedagogy, Ed Risoprint, Cluj Napoca, 2005

service but this is but one goal. No company may have cut real distinction between political power that is required and an administration that is running even if the administration is striving and growing trend to have an independent power.

The idea of the above it is natural that in their public officials to be constantly guided by moral and legal rules. But acting on these coordinates public officials to help ensure effective achievement of rights and liberties and also to fulfill their duties in good conditions.

Deontology function of the public official must be understood as something to be done in the exercise that was undertaken voluntarily and that is remunerated and contains no comments for fulfilling obligations, rules of conduct and it would carry out the duties of a moral profession.

Moral dimension of the rules which people must meet, the state and the attention of one of the most important philosophers namely IMM KANT arguing that the law itself should be a commitment to moral good, because interest is purely moral interests, which does not depend on the senses.

Deontology, the specific object of research, is the interference between law and morality.

In doctrine<sup>3</sup> is defined as all the ethics rules that shape a particular type of private business or behavior.

As a public official definition of ethics, approved the idea, that science is all those legal and moral rules governing professional conduct of their duties and conduct voluntary and remunerated private public official by virtue of holding the state's legal function.

In this idea, we must understand that some of these rules, are legally established, thus may be imposed by force of coercion of the state, others are penalized only by public opinion, as part of what we call ethical norms - moral.

We must understand that the rule of law demands we tend to impose the rule of law, sovereignty LAW beyond individual interests.

In the struggle to achieve this goal, the plan is required to display their first public official must have the ability to serve the law, not bend it. On this ground, appears pressing problems of today's government is accused of corruption. So what is born of discretion of public administration often violate the rights and interests of citizens.

We see therefore that ethics has emerged in this context as an expression of fundamental moral training of command to respect the inalienable attributes of the human person (dignity, freedom responsibility, right to pride and self-esteem, etc.). This is why codes of conduct affect professional fields as medicine, psychology, pedagogy, etc. Currently ethical norms in these areas were included in laws, regulations, statutes, codes where necessary official requirements to practice as such.

To note is the fact that in any of its scope, ethics is essentially a moral code designed to ensure and guide the behavior or those who, by occupation and status have a certain position of power, influence and, in this position might cause, intentionally or unintentionally, not only beneficial but also negative effects on those they lead, its influence and whose destinies they are temporary hands.

Eg: doctor - ethics requires them to protect the patient, let us ensure security, to respect health, etc.

No doubt that the written and unwritten codes of conduct are covered and the professional rules to protect himself on the grounds that in any field there are risks that are beyond human control.

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<sup>3</sup> Virginia Vedinas, Ethics public servant, Public servant status, ED. NEMIRA, Bucharest in 1998.

The very existence of codes of conduct is, among other things, meant to protect the one referred to (officer, doctor, magistrate, etc.) of any blame and reproach that I might do in case of failure, of course, when failure has not occurred amid deviation from the rules of professional ethics. This fact does not change but, in essence, that ethics is meant to ensure that morality acts influence the exercise of human subjects and to protect individual or group of individuals to "aggressive potential" that could result from the exercise those who represent the power at a time.

Ethics and public official does not avoid the general rules, it must be reflected in all forms of individual expression.<sup>4</sup>

Deontology national officials have specified that they act on behalf of public power, that they are the instrument of the will and act of authority.<sup>5</sup>

In our country, the process of administrative reform is a reality, the period after 1990 in this period to reform the state, the old institutions are not viable, and new ones have not got the strength to resist negative developments. There was almost natural that generated strong critical assessment painfully public official and public functions. The first is called corruption plague. It operates easily crossing national borders marking free legal movement of goods, finances, and people and even penetrating the legal system.

We do however state that this wound due to cancer society is not something that characterizes only the Romanian society, she meets around the world. Here is much talked about and there is almost nothing to eradicate what we DIPLOMATIC Tips that has old roots to the Orient which unfortunately have rodesc on Romanian soil fertile and dictionaries of synonyms in our language we find the term for various facets of expression.

Bribery is defined as graft, gravy, tip, and corruption is decadent, damage corrupt immorality or vice. We believe that from what we understand by bribery to CORRUPTION is only a small step.

Corruption, to show we understand the term, comes from Latin CORRUMPERE, which means to break, to disintegrate and has negative connotations. In modern languages the meaning has been reduced drastically, and prohibiting any show. However the situation is different.

Corruption has taken dangerous dimensions precisely in periods when the state is reforming. It is normal to introduce new situation when we pass through an economic crisis, increasing the gap between rulers and the ruled, a lack of effectiveness of institutions of power.

These factors have eluded us so that it favored the penetration of corruption in administration, economics and politics, coming from a symbiosis between the state and criminal structures in the state with its institutions became part of the problem ceases to be one of means to resolve them.

As regards developments in the high spheres, corruption in higher device state leads annually from extortion to fall by 20 % of budget revenues. Corruption in the State apparatus and its subordinate economic system is added the private economic structures within which is uncontrollable.<sup>6</sup>

This process of structural reform, virtually never ending, always is looking to upgrade components. The core of the reform process is self-evident, human resources, operating in the administrative system.

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<sup>4</sup> M. Cochinescu, "Introduction to public ethics", Journal Law Nr. 4 / 1995.

<sup>5</sup> P. Negulescu, "Treaty of administrative law, Ed II, Bucharest, 1943, p. 52.

<sup>6</sup> SOURCE No. Tribune. December 2001 Page 12 of 36

Human resources are virtually officials serving system, and in this context they are to behave in a certain way, they should be permanent serve citizens, provide quality services and timely. So they must conform to certain ethics which as I said depends on the political regime governing State, but always to move away from what we called the politicization of civil service ace.

It is well known that the activity of most civil servants are in a direct relationship, continuous and direct to the beneficiaries of public services even in the Constitution are set forth the principles underlying the professional conduct for public servants, fidelity to the country and fulfilling the goodwill of its obligations is however worth mentioning that the performance should not mean a mechanical performance, but a compliance under the law.

We admit that stated many times that the image of a country depends and its administration so that our task to take such steps to build an administration that is respected by all citizens because of the way officials conducts them a form.

With regard to public official ethics principles, they are those guiding ideas which should be within unquestionably binding on the basis of all activities they carry out a person who is an official public idea that aim to determine and effective operation of the service or institution operating officer respectively.

They are known the following principles, basic science considered civil service ethics:

1. Equal treatment to all beneficiaries of public service has its source in art. 16 of the Constitution entitled-equal rights-which is stipulated stipulates that citizens are equal before the law and public authorities, without privilege or discrimination. Servant is required to conduct a balanced and non-discriminatory basis to all those that address the different issues.

2. Defending the principle of supremacy of Constitution and respect the law. The public official in his work lies in Article 51 of the Basic Law of Romania called-Respect the Constitution and laws-where state compliance with the Constitution and laws of her rule as binding. This is not an obligation only for citizens but for the bearers of public authority, obligation must be reflected in their work in their professional conduct, both inside and outside the institution. In the performance of service, the official shall fairness, with, as dialectic of accuracy expressed very well by GWF Hegel, the same content which is a right and a duty and a debt is what is right. Servant is entitled to exercise a function means that as long as that function is a duty for him. Any other criteria for debt failure are leading to lack of evidence.

In principle, after having finished the service and left the administrative building, the officer is free to act as it sees it, within legal norms, but, it is estimated that some events may harm the dignity of a function that holds that a and immoral attitude of a public attitude is immoral resfränge the prestige of Administration and the official authority.

3. Public servant shall work as to defend the prestige of the institution he represents.

4. The public official must show professional discretion on any information in the performance of its functions aware.

5. The public official must defend and respect the dignity of public service users, respect and protect the intimate, family or private purposes. The phrase -based public-directly to the meaning of dignity that is invested with an official function relative to other citizens. Prohibits the publication of the official function to act as others and to seek advantages for themselves or for other public officials are required to show worthy of consideration and trust that requires their official position and refrain from any acts likely to compromise the prestige they hold office.

The officials denied that, directly or indirectly, solicit, accept or promise made to them, for themselves or for others, by reason of their official position, gifts or other benefits. Subject matter material, the official is paid to and performs the duties and the part he enjoys moral authority, no right to relieve him or function.<sup>7</sup>

Government relations with the public issue are very important.

Public institutions should not be separated by an impenetrable wall of people. Instead the administration is to serve the citizen.

Starting from the essence of administration should always be a concern to ensure the best relations between public institutions and the public. The public should be informed about the public institutions with requirements to preserve secrecy. The main public institutions, both central and local, need to create special services to be concerned about the public information about government activities that - modern conception of administrative transparency in government determines administrative reasons and to order officials to meet requests for public information within the law.

It is true that it is difficult to reconcile the professional discretion of the official duty and therefore public information. It depends on the development of society, the reasons that it needs more transparency of knowledge of government records, the political decision to provide interested parties the contents of these files, the balance to be made between administrative services and application requirements Information

6. The entire business, public officials should express their faith and fidelity to the country that owns the art. 51 paragraph 2 of the Constitution.

7. Public servant in the work performed show obedience to his hierarchical superior. It is clear that this requirement opens the gate of the head enabling abuse corruption. For this reason the official doctrine recognizes the right to refuse execution of the order if it is manifestly illegal or harmful to fundamental human rights.

8. Transparency

9. Stability in the exercise of public functions.

In our country, the process of administrative reform is a reality, the period after 1990 in this period to reform the state, the old institutions are not viable, and new ones have not got the strength to resist negative developments. This process of structural reform, virtually is never ending, always looking to upgrade components. The core of the reform process is self-evident, human resources, operating in the administrative system.

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<sup>7</sup> Prof. A. Iorgovan, Administrative Law Treaty, Ed. Nemira, Bucharest, 1996, vol 2 pag.658.