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Professional Culture of the Specialist of the Future

PROFESSIONAL ETHICS OF PUBLIC SERVANTS AND PREVENTION OF THE CONFLICT OF INTERESTS

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Abstract

Civil servants, implementing the functions of the state, should exercise effective administration aimed at the realization of the main freedoms and rights of citizens and legal entities, of the state and society as a whole. The quality of state governance largely depends on the professional culture of specialists, with all its ethical standards and values. In the era of global transformations in all spheres of life, ethical standards and moral values are quite controversial. The state attempts to develop a uniform approach to the development of basic moral values, which is a very important aspect in the work of state officials. The image that they create affects the perception of the existing government in terms of evaluative categories by the citizens and society as a whole. Reforms of the civil service at the turn of the twentieth and twenty-first centuries are aimed to increase the role of moral tenets in the implementation of administrative activities. An important aspect, from an ethical point of view, is the avoidance of conflicts in the civil service that can result in the substitution of national goals for personal ones, and, consequently, leads to an increase in the level of corruption, which has a negative impact on the work of the state administration. This paper studies the work of the state on the formation of civil servants' professional ethics, analyzes legislative and organizational measures conflicts prevention and determines the need for further regulation of public servants work in terms of moral values and ethics.

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1. Introduction

In the modern period of time, one of the most important issues is to increase the efficiency of public administration. Various measures are taken to optimize its structure, to define and standardize its powers, to establish the requirements for official conduct. Nevertheless, it cannot be said that the required level of public administration has been achieved. It has been noted that the civil service has created «an ambiguous brand ... there are rules, but not values» (Papchenkova & Prokopenko, 2016, p.2). This statement is due to the fact that all the changes that are taking place mainly concern the external aspect of the activities of civil servants, while the content related to internal values is not given significant attention. As a result, there are flaws in the internal content of the management mechanism, which is reflected in negative social consequences, such as corruption of public authorities, explicit lobbying, nepotism, etc. The moral and ethical component of the civil servant's professional activities leaves much to be desired, while it is the one that determines the level of democratic institutions development (Zaslonkina, 2011).

The ethical aspects of public servant's work are given much attention in modern scientific literature. Some authors formulate the conditions which make it possible to form an ethical basis for the activities of public servants, i.e. stable legislation, a positive image of a public servant and anti-corruption measures (Kolmykova & Stuley, 2016). Orlova (2016) pays great attention to the image, noting that «the more positive the image is, the more adapted it is to the social attitudes, the easier it is for the state to get the trust of the population in the activities of government bodies and the realization of their social goals» (p.15). In addition, public servants themselves should deem it necessary to follow the professional and administrative ethics (Pedych, 2011). Unfortunately, the conducted studies have shown that the public servants do not strive to obey moral and ethical standards and develop ethical values by themselves (Irkhin, 2011; Ivaschenko, 2012). The influence of corruption-related factors on the ethical component is especially great, and they can only be dealt with through the radical processing of the entire regulatory body and personnel policy in public administration (Abezin & Alekseeva, 2015). For this purpose, the legislation establishes various requirements to the formation of the public administration staff, the appointment procedures and service itself. Special requirements are also established to the candidates for the position of a public servant, and each government body develops the standards of ethics which are compulsory.

In international practice, codes of public service ethical behavior have taken their place in the system of norms necessary for implementation (Portnyagina & Fortunyak, 2015). They are kind of a filter that hinders the actions of officials in spite of the moral standards adopted in developed democratic societies. Such an approach makes it possible to set additional barriers to corruption processes that actually distort the democratic principles of socially-oriented states, whose level of development enables them to use the state mechanism effectively to meet the demands of the citizens. However, the development of ethical requirements in the professional activities of numerous government officials in any country depends largely on the level of social development, which allows cutting off corruption-related factors in the process of making decisions on the most acute problems (Filimonov, 2018). It should be noted that the democratic countries of Western Europe, North America and Australia have reached a high level of the development of ethical criteria imposed on public administration workers. For

centuries, most developed countries were preoccupied with the problems of improving the work of government bodies in order to overcome mass corruption so that these countries could become legal, democratic and social states. It is impossible to achieve significant results in preventing corruption within a very short time, as any society is rather inertial in terms of historical and social development, and ethical problems typical for the activities of governmental bodies are of long-term character. It is rather obvious that significant improvement in the level of professional ethics of public servants requires considerable efforts from both the workers in this field and from society as a whole. Only a society as a whole can develop the necessary set of ethical requirements for each official to comply with. In Russia, the process of the «ethical law» development began relatively recently (Petrovskiy, 2012). Its importance was understood much later than in the leading developed countries. However, at the beginning of the twenty-first century it became quite clear that it was impossible to increase the level of public confidence in the activities of state bodies without creating a high level of professional culture of officials, based on moral norms and values. The basis of the moral and ethical image of a modern public servant is based on such generally accepted requirements for official conduct as the conscientious performance of official duties; exclusion of actions related to the influence of any personal, property (financial) and other interests that prevent the conscientious performance of official duties; the adoption of measures provided for by the legislation of the Russian Federation to prevent the occurrence of conflicts of interest and the settlement of conflicts of interest that have arisen; anti-corruption measures; the realization of the rights and freedoms of citizens (Shleverda, 2015).

On the basis of these general principles, model codes of ethics have been developed, which should be applied in all state and municipal bodies and serve as the basis for carrying out professional activities in public administration.

The norms of typical ethical codes are aimed at preventing the corrupt behavior of public servants, and they stipulate the prevention of personal interest that can lead to a conflict of interest (Shaganyan, 2016). Non-observance of ethical norms can lead to moral responsibility as well as disciplinary responsibility of state employees. In addition, the degree of compliance with ethical standards is taken into account during certification.

Thus, at the state level, the formation of a professional culture of public servants in terms of moral and ethical values and norms is considered as one of the priority areas.

2. Problem Statement

The moral and ethical values of civil servants are an important element of their professional culture, which is necessary for the effective public administration and increase of trust in democratic government institutions. It is also vital for counteracting corruption. This study examines the mutual influence of two socio-legal institutions: professional ethics of public servants and conflict of interest. It is assumed that there is a relationship between the mechanism quality of legal regulation of the conflict of interest within the public service, the level of professional ethics of officials and the level of corruption in the state.

3. Research Questions

Corruption is a phenomenon closely associated with public administration. It is well-known that it negatively affects many state and administrative processes. Many experts highlighted the need for its thorough study in order to fight corruption. The main issues of the study are the following. The development of ethical standards elevated to the level of corporate acts will lead to an improvement in professional culture based on moral values. The development of an effective mechanism of taking into account moral and ethical standards for the appointment to the position of a public servant will lead to a decrease in corruption within the state body.

4. Purpose of the Study

The aim of the research is to study the institution of conflict of interests in modern law as a necessary element in the formation of a professional culture of a public servant based on high moral and ethical principles. In order to ensure the progressive development of a democratic legal state and the compliance of the activities of the numerous management apparatus with the demands of society, it is necessary to develop a system of ethical criteria preventing corruption.

5. Research Methods

To achieve the goal of the study, general theoretical methods were used, such as analyzing the main elements of the professional culture of administrative bodies in conjunction with the public authorities work in economic, political, social and cultural spheres. In addition, the influence of complying with ethical requirements has been synthesized with the work of the state administrative bodies to resolve problems facing a particular society. The method of dialectic interaction of the image of a public servant with social expectations of the society in terms of practical work was used. With the help of the comparative legal method, the essential features of the impact of ethical norms on specific types of professional activity of public servants were identified. A formal legal approach was applied to the study of the legal norms governing the requirements for the official conduct of public servants.

6. Findings

In Russian legislation, a conflict of interest in a state or municipal service implies the situation in which the personal interest (direct or indirect) of a person in a position, the replacement of which includes the obligation to take measures to prevent and resolve a conflict of interest, affects the proper, objective and impartial execution of their official (official) duties (exercise of authority).

At the same time, a personal interest refers to the various opportunities associated with obtaining benefits or preferences both directly by the person exercising state administration and by other persons related to him in kinship, property, or other connection.

The public servant and his employer are charged with additional duties, the fulfillment of which should ensure the prevention of a conflict of interests, the realization of which can be expressed in the

disqualification or withdrawal of a public servant, change of his official position or transfer of securities and property to third parties and other actions.

To achieve this result and ensure proper behavior of government employees, various measures are required to tackle with this issue and ensure the performance of state officials so that it would strictly correspond to the exercise of authority within the framework legislation on public service (Vasilevich, 2018). This situation is achieved by special bodies aimed to monitor the compliance of the professional activities of employees of the managerial level with the main functions that are implemented by all public authorities. To address this issue within the framework of the current legislation, the government bodies provide for the creation of the committees, which can contribute to the formation of the administrative staff exercising their powers without the violation of ethical requirements.

However, in the formation of the above-mentioned bodies, the actual question is who specifically will recommend individuals to work in a committee that tackles issues of professional ethics within the framework of the implementation of state authority in the field of management. This aspect is important in the context of creating special committees that determine whether or not a public servant will be impeccable morally and ethically in solving managerial tasks. It is no secret that in practical work, the committees that control the ethics of the professional service face difficult-to-resolve issues. Committee members are to predict the behavior of an employee who performs administrative functions in situations when a particular individual has to choose a certain course of action. Significantly important is the level of moral values, which determines the purposefulness of actions within the framework of the requirements imposed by the law on government employees so that they fully satisfy the interests of society.

These specially created committees cannot provide the objective assessment of the ethical behavior of a particular public servant, unless it is based on clear criteria defined by the legislation of the Russian Federation. In this context, the dialectic relationship between the requirements of legal norms imposed on employees of state administration and ethical rules that are acceptable for a specific historical stage of modern society development is realized. The above connection of regulatory legal acts with ethical and moral criteria prevailing in society is complex in its nature, and is not always definable. This situation imposes additional requirements on the work of the special committee created to prevent negative phenomena in the field of professional ethics of public servants, which significantly complicates the problem of avoiding the conflict of interests between personal aspirations and social needs.

Considering the performance of the committees evaluating the moral and ethical side of the administrative employees work, it is necessary to take into account the circumstances that serve as the basis for the legal activities of all government bodies corresponding to the socio-economic interests of the population. The Committee considering the ethics of public servants employees behavior is obliged to clearly and unambiguously determine whether they do not violate the rules stipulated by regulatory acts as restriction measures for replacing certain positions at various levels of public service. In a democratic state of law, these rules are based on the tenets of the separation of powers and the performance of only those functions that are provided by the legislative acts for various state bodies.

On the basis of the specified list of rules, the Committee must promptly respond to any fact of violation of professional ethics by civil servants, and promptly propose measures to prevent actions that

undermine the authority of the state. It is important that the rules that restrict the unlawful nature of the actions of officials exercising state power should be developed in accordance with the requirements of the national legal system (Cherepanova, 2018). It should be noted that the mechanism of public administration is prone to changes as it is a complex socio-political phenomenon that resolves the pressing issues of modern society.

In terms of this position, the range of rules and their specific list should also be updated. Otherwise, the prohibitions affecting the assessment of the professional ethics of behavior of numerous government officials will take the form of anachronisms that do not meet the modern requirements of a developed civil society. Such situation would contradict the socio-progressive changes in the life of the population.

Considering the activities of the committees that control the ethical and moral side of the work of the state administration, it should be noted that there should always be a specific leader at the head of this body with the rank of chairperson. In addition, the deputy head of this body should be a member of the above-mentioned committees, and the committees can carry out their activities only when fully formed. An important requirement is that the number of members of such committees should be odd, otherwise, problems may arise when deciding the question of the responsibility of a particular official for non-compliance with professional ethics and the violation of the rules.

The Commission makes the final decision by voting. Members of this body must be present at the meeting and be able to actively discuss all relevant issues related to violations of ethical legal norms by a specific representative of the administrative apparatus.

The formation of this body is determined by a special provision, which is approved by the head of the relevant state authority. For the effectiveness of these committees, they should include the representatives of the public council, members of the public organization of veterans, employees of the trade union acting in accordance with the legislation in the state management body. Such a composition makes it possible to form a body that is largely objective, which is important for ensuring its effectiveness.

It should be noted that the members of these committees cannot have any personal interest in one form or another that could a conflict of interest between the state power structures and the incentives of the committee members in resolving the relevant issues. If such a situation arises, the committee member is obliged to make a statement about the impossibility of his participation in the work of the committee when discussing a specific problem.

There are several reasons for starting a committee to prevent conflicts of interest within the framework of the performance of public administration employees, which serve as an unconditional reason for holding a meeting of such body in order to prevent various corruption-related factors that negatively affect the work of public authorities.

The Committee does not consider reports of crimes and administrative offenses, as well as anonymous appeals, does not conduct inspections on the facts of violation of official discipline.

In accordance with the legislation, the Committee members must comply with certain requirements that guarantee the rights and freedoms of a particular public servant, whose actions are discussed at a meeting of this body, because a person whose professional ethics became the subject of

consideration of this committee must be able to present his arguments in the defense of individual interests, which emphasizes the genuinely democratic nature of the procedures for exercising the civil rights of state employees. It also testifies to the comprehensiveness and objectivity of the decisions made and allows the committee to avoid the resolution of acute state-social issues. Thus, the decisions of the committees emphasize the connection between the legal requirements and the moral and ethical criteria adopted in the society at the moment of its development.

7. Conclusion

The main purpose of the professional culture of a public servant is the high-quality and effective performance of official duties, the implementation of state functions and the protection of the rights and freedoms of citizens. While exercising their professional duties, it is important for state employees to rely on legal acts establishing the order of their activities, as well as ethical norms that determine the moral rules and principles of their activities. Otherwise, negative consequences could arise, which would not allow them to carry out their duties properly. That could lead to corruption, undermine the basic foundations of democratic institutions and cause citizens' distrust in public authority.

The analysis conducted allows us to conclude that active measures are currently being taken to develop the moral and ethical values of the state employees, which will soon make it possible to attain the high ethical image of a public servant.

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