

DEVIATION FROM PUBLIC SERVICE ETHICS AND WAYS TO COMBAT IT -A COMPARATIVE STUDY

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ABSTRACT	KEYWORDS
<p>The subject of public office ethics is considered one of the most important topics that are these bisect of our study at the present time, because these ethics represented the most important components of the job, which must be adhered to in order to audience the public job in public administration. The reality we live various public administration shows us manifestations of breaches of ethics public function of various types, the resulting damages, whether to the relationship between the administration and its employees or to the citizen or facility, were the result of subjective causes and factors liked to the person of the public employee, objective reason related to the administration itself and the functional environment, therefore, we had to put in place mechanisms to combat these violation issued by the administration employee and rationalization and rationalizing the ethics of the public job from any administrative violation and in order create and ensure the best administrative work activities administrative for any public administration, because the success of the lather in performing its tails achieving its goals, and achieving the result entrusted to it is an important matter and does not need confirmation because modern administration have become trait there and its sign, its a distinctive sign of modernity and development , and its his responsibility to provide public services to the citizen with a great lewd of quality mastery and with an integrity and transparency in order to reduce all manifestations of administrative forms and corruption.</p>	<p>Ethics- Administrative work- public job- public employee.</p>

Introduction

The human resource possesses ethics by nature, and this is an important and beneficial matter within the work environment in the long term at least, if it is not important and beneficial in the long term, as the effectiveness and efficiency of the individual is closely linked to the high ethical ideals that push him to develop scientific knowledge and behavioral skills towards improving his performance, when ethics in the public service are considered among the concepts that have received their ample share of attention and research in global studies in general. From here we can say that the subject of professional ethics has expanded and has become the topic of the hour and has become a science studied in itself in all universities and schools, due to the spread of the phenomenon of administrative and financial corruption and the increase in ethical scandals with administrative violations and deviations that it faces

in government departments in light of the rapid development witnessed by the administration and technology. The institution, as an official social structure, has sought to achieve quality performance by strengthening the ethical system of work by adhering to ethical laws that guarantee the success of any institution. Therefore, all this interest in the subject of professional ethics is due to the importance of the concept at the level of the individual and the organization and considering it as self-control for the individual, and no less than it is the subject of job performance, and they are two concepts that are closely linked to each other due to their great importance within the institution. Therefore, the administration in various institutions must provide the ethical dimension when practicing its tasks if the institution wants to continue and expand its work, as its work can lose its effectiveness without the required degree of commitment, honesty and integrity.

Research Problem

The research problem lies in the fact that ethics in every society are the product of historical development, so they are an inevitable wealth in the formation of society and in its stability and preservation of its social structure. They differ from one society to another according to its historical beliefs, traditions, culture and the wealth of each society. The society remains a strong foundation for ethics in the public service, not only because it is a prior background in the formation of the individuals of the society that produces human resources from managers and citizens, but also because the administration does not work in a vacuum, but in a good interactive environment. Therefore, the values of this environment and its moral limitations must be taken into account in management decisions and the tendency towards pleasures and financial and administrative corruption in the functional field.

Research Objectives:

What makes us choose the research topic, which is deviation from the ethics of the public service and ways to address it, is because looking at the objectives of studying the topic lies in two aspects: The first: is the employee's awareness that he is the recipient of the service and is the origin and that the employee is subordinate to him, and the second: is that familiarity with functional ethics is through awareness of functional duties and rights and administrative and social responsibility.

Research Methodology:

In this study, we followed the descriptive and comparative approach in studying the laws and rulings issued regarding deviation from the ethics of public office and ways to combat them.

Research Plan:

We will research this topic through two requirements and two branches.

The first requirement

A historical overview of the emergence of public service ethics

In ancient times, the concept of ethics was not intertwined with the concept of community service, which is an essential element of it. It has been missing from the professional journey of individuals for a long time. Due to historical transformations and organizational changes within the government over the years, institutions have operated without this fundamental principle. The integration of ethical principles in the field of public assistance has witnessed many developments and ideas due to the

inevitable nature of its existence and implementation. This event arose from the emergence of innovative approaches to administrative duties. ⁽ⁱ⁾.

Thus, concealing the moral and objective nature of recruitment processes ⁽ⁱⁱ⁾, the administration enjoyed a kind of protection, especially after the French Revolution, where the revolutionaries feared the justice of blessings and therefore resorted to the protection of the administration, which made employees immune from prosecution for actions related to their jobs.

Contrary to this endeavor, the first rules of public service ethics confirm and operate on the principle of administrative responsibility of the administration and its employees.

Consequently, French legislation and judiciary were keen in early 1870 to circulate the pronouncement in its work of the rules of public service ethics towards public employees, and the author of the book in Britain who issued his book was the English author (Betcha), who established it on the basis of benefit and the book included a set of rules that formed in their entirety the rules of ethics, and among these rules we find the duty to perform service, commitment, integrity, nobility, reserve and responsibility ⁽ⁱⁱⁱ⁾.

The idea of public service ethics has been absent for a long time in the professional life of employees, for example, in France, its spread dates back to 1870, the period in which the republican values and principles were affirmed and the rules of professional ethics were defined for administrative use announced since the end of World War II in 1945, which have continued to evolve with the development of the state.

The regulations governing public administration in France were limited to identifying the specific groups targeted by the aforementioned regulations. The elimination of the tradition of appointing first assistant governors in the public administration on the basis of subjective factors such as bias, advice and honesty, in favour of objective criteria such as competence and experience, has had a significant impact on the realisation of the principle of recruitment on the basis of universal availability of the public service.

The administration was required over time to establish the first major public services, which made the birth of the ethics of public service closely linked to the relationship between the republican ideology and the idea of public service ^(iv). It is worth noting that the judiciary played an important role in defining some of the obligations that are considered fundamental to the ethical standards of public service. Reference is made to the view of the French Court (Lesen), which issued a ruling in 1986 on the obligation of confidentiality in the professional field. In addition, on July 30, 1873, the French Court of Disputes distinguished between personal and professional lapses in judgment. Moreover, the French Council of State dealt with disputes involving senior officials through official decrees ^(v).

The requirements of the two world wars also produced some new duties imposed on citizens under the influence of criticism directed against governments and parliament without excluding the administration from them. These are the new obligations and duties that some of them are found today in our various legislative and regulatory texts, including what was stipulated in Article 6 of the law issued on 4/4/1934, which also prevented employees from participating or contributing to the management bodies of commercial companies ^(vi). On the contrary, the establishment of a basic system for the civil service represents a complementary stage for formulating regulations and ethical standards for the civil service, as it was the legal structure that applies to government officials due to the inclusion of employees' responsibilities, which makes adherence to these regulations mandatory. Recent legislation has strengthened these responsibilities, including the provisions of the Algerian legislator,

approved in the decree supervising the legal framework relating to civil servants starting from Decree No. 66-133 of July 2, 1966 containing the general basic law of the civil service in relation to these regulations until Decree No. 6-3 of July 15, 2006 embodying the basic law of the civil service. (^{vii}). Thus, signs of interest in codifying these ethics have also appeared in Algeria through various liberal professions, including the Algerian Code of Medical Ethics (^{viii}).

We would like to mention that despite the existence of rules in the Civil Service Law regarding civil service ethics, there are no fixed rules that apply to all sectors of the civil service, as the specificities of some facilities require the administration to establish ethics that are consistent with the nature of its work (^{ix}).

Therefore, after stating the historical origins of civil service ethics, we must divide this requirement into two branches: the first branch is the concept of civil service ethics in language and terminology, and the second branch is the jurisprudential concept of civil service ethics.

The first section

The concept of public service ethics in language and terminology

The concept of public service ethics includes two basic terms, which are ethics and public service, so we will divide these concepts into two points due to their connection in the field of public service, which are:

First: What is meant by public service (language) is the derivative of the term job in its linguistic meaning from the verb (to employ), meaning to appoint a job or work in the sense of position and service (^x).

As for terminology, it means a unit of work units consisting of several activities combined with each other in content and form and can be carried out by one or more employees or a regulatory entity that includes a set of duties and responsibilities that require its occupant to have certain obligations in exchange for enjoying the rights and benefits of the job (^{xi}).

The public service also refers to a group of employees who hold its duties within the public administration and it has great importance considering that it provides a public service and strengthens the relationship between the state and the public (^{xii}).

Second: The concept of ethics in language.

Ethics is defined in language as "the collection of morals, i.e. nature, manners, character, religion, and morals are nature and habit" (^{xiii}).

Ethics is also defined technically as: "the practice of duties according to the laws of honor, integrity, and honesty, in addition to commitment and dedication to practicing the job, i.e. not combining more than one job and professional secrecy, as it is required of employees on the other hand fairness and good behavior" (^{xiv}).

We would like to point out that the Iraqi Civil Service Law No. 24 of 1960 did not define the ethics of the public service, but rather referred to it in the above law according to the text of Article (4/Paragraph 7), which stipulated that the candidate for a public service position must not have been convicted of a felony or misdemeanor affecting honor (^{xv}).

The UAE legislator also referred to the ethics of the job in Cabinet Resolution No. 15 of 2010, which included (the adoption of the document of principles of professional conduct and ethics of the public service) (^{xvi}). Therefore, we see that the Iraqi legislator differs from what is stated in the UAE law and relied on the text of Article 4, Paragraph 7 of the Civil Service Law No. 24 of 1960 and did not resort

to writing a special code of ethics of the job that obliges the employee to adhere to it when performing his job, but what the UAE law came with was a commendable professional and ethical position in the field of public service, so the Iraqi legislator must follow the example of the UAE legislator and issue a special code of ethics of the public service to be a basic and important guarantee when the employee performs his work in the job field, and also defined ethics: It is a set of values and standards that members of society rely on to distinguish between what is good and bad and between what is right and what is wrong, and they are starting points for distinguishing between what represents virtue and what represents vice ^(xvii)).

Ethics are defined as: "A means of training individuals on the art of dealing with organized behavior, and from this it is understood that ethics are the product of the culture of society, which in turn is the product of the social structure, and thus we find a close link between the ethics of the job and the social component" ^(xviii)). Therefore, after stating the aforementioned concepts, we see that the last definition in the concept of ethics is what applies to the reality of the employee's situation at the present time, in that the concept of ethics is a means of training individuals on organized behavior, and thus the issue of employment in state institutions differs from the concept of ethics, since employment is a stage in the stages of obtaining a job position, but ethics must be effective in the field and have value against security on the one hand. On the other hand, the educational family extension has its significance even in the field of public employment, since (learning from a young age is like engraving on stone), so whoever grew up in a good environment, his extension in the job field was good in terms of morals, ethics, and honesty at work, and whoever grew up in a bad environment, his extension in the job field was bad in terms of morals, ethics, and honesty, and this does not change anything even if he obtained the job position.

The second section

The jurisprudential concept of public service ethics.

The opinions of jurists vary on the concept of public service ethics ^(xix)).

Some of them defined public service ethics as completing the duties imposed on a person by virtue of practicing a certain profession.

Others defined it as: a set of rules that govern the behavior of people who belong to a certain profession and determine its duties and the behavior that must be adhered to when practicing certain work ^(xx)).

He defined public service ethics as: (a set of rules, obligations and internal regulations followed by members or individuals involved in the same profession, and it does not matter if they are imposed by law or merely the result of an informal social path, and therefore they are the ethics of a certain profession) ^(xxi)).

The ethics of public office are defined as: (a set of principles and rules stemming from the Qur'an and the Sunnah of the Prophet, which constitute a standard for individual behavior, whether in administrative or social organization, such as what is permissible, recommended, and obligatory to follow, or forbidden, disliked, and obligatory to avoid, in addition to what the requirements of each job dictate in terms of ethical conditions that do not conflict with these rules and standards) ^(xxii)). Some jurists also defined it as (a set of values and standards where individuals in society extend to distinguish between what is good or bad, between what is right and what is wrong. It is therefore the concept of right and wrong in behavior, and ethics provide evidence through its standards and values on ethical and unethical activities, on what is socially acceptable or unacceptable) ^(xxiii)). Therefore, jurists have

agreed on the definitions that we will mention. Some of them believe that the ethics of public office are (a set of principles and standards that govern the behavior of the individual or group, and these principles are related to determining what is wrong or what is right at a specific time).

Some of them believe that the ethics of public office (are a set of characteristics whose alternatives fail to change and extend globally and culture is considered an integral part of it and constitutes a permanent social system of complementary characteristics) (^{xxiv}).

Therefore, we believe that the concept of public office ethics is the closest to the truth, which states that public office ethics are (a set of principles and standards that govern the behavior of the individual or group and these principles are related to determining what is wrong or what is right at a certain time).

Therefore, the jurisprudential criterion for the definition is the principle (it is the law or it is the basis on which our ideas are based or the rule that must be implemented, or the material that everyone must follow such as the laws observed in nature or the way in which a certain system is built).

That is, in the sense that the principle is related to humanity - ethics must be present in the functional field, i.e. translated according to laws that lie within the individual and cannot be bypassed when performing the functional work.

Second requirement

Manifestations of deviation from the ethics of public office

Manifestations of deviation from the ethics of public office represent a violation of the behavior of the public employee who goes beyond the framework of the agreed-upon rules by departing from the familiar and recognized administrative behavior that must be followed within the management community in order to achieve private purposes far from the public interest.

Thus, the forms of violations and deviations in the functional field vary, some of which relate to organizational deviations as well as behavioral, financial and administrative deviations in addition to criminal deviations, so we will explain this in two branches, the first branch is deviation in organization and behavior, while the second branch is deviation in financial, administrative and criminal issues and ways to address them.

The first section

Deviation in behavior and organization

We will divide this section into two points:

The first: organizational deviations.

Before entering into the basic forms of organizational deviations, we must know what is meant by organizational deviations (these are violations issued by the public employee while performing his duties, which are mainly related to work and its regularity) (^{xxv}), so what are the forms of this deviation? We divide them as follows:

1- Non-respect for working hours.

Non-respect for official working hours in government departments and institutions takes multiple and different forms, which include delaying arriving at the workplace or leaving work before the end of official working hours without prior permission, or wasting time on tasks other than those assigned to the public employee, meaning that the employee may be late to work and rush to leave, which leads to

failure to perform work during working hours, and then failure to perform the service leads to a decrease in work efficiency and a deterioration in the level of services (^{xxvi}).

2- Laziness and negativity.

The concept of laziness is the slowness or laziness of the public employee and the failure to exert the necessary effort

To accomplish the tasks assigned to him on time (^{xxvii}). That is, the tendency of most employees to laziness and laziness and they are not motivated to work except by material incentive or personal interest on the one hand (^{xxviii}), and on the other hand it can be translated into the negligence practiced by superiors towards the aforementioned behavioral manifestations on the part of their subordinates (^{xxix}).

3- Refusal to perform the work required of him.

This phenomenon has been proven when the employee seriously refrains from performing the functional tasks assigned to him and is especially evident when the latter refuses to perform the work assigned to him by his superiors or refrains from performing the duties of his job or performing them properly or delays in performing them (^{xxx}), due to the low wages he receives which are not commensurate with the effort necessary to accomplish the tasks required of them.

Second: Behavioral deviations.

Behavioral deviations are (the administrative violations committed by the public employee that are primarily related to his personal conduct) (^{xxxi}).

They can be divided as follows:

1- Failure to maintain the dignity of the public office.

This image is considered one of the most dangerous images, as the public employee commits indecent acts in the workplace, such as using narcotics or engaging in moral crimes (^{xxxii}).

2- Misuse of authority.

The employee may sometimes exercise his authority according to what he sees as achieving the public interest, which is called discretionary authority. If he deviates in exercising this authority and performs the work to achieve another motive from which he seeks to achieve a personal interest, his behavior is tainted with the defect of deviation in the use of authority. Examples of this include exceeding considerations of objective justice by providing undeserved personal services and facilitating illegal matters for relatives and officials (^{xxxiii}).

3- Mediation and favoritism.

This image includes the acceleration of transactions between routine and administrative complications. Perhaps the most important reasons for resorting to mediation and favoritism are the lack of trust among citizens towards the administration on the one hand and the absence of democracy and administrative backwardness on the other hand (^{xxxiv}).

Consequently, the spread of the phenomenon of favoritism results in the filling of public positions by unqualified persons who lack the necessary trust to perform their duties, which negatively affects the

level of services provided by the administration. As for mediation, some employees use it as a form of exchanging interests ^(xxxv)).

Section Two

Deviation in financial and criminal cases and ways to address them

Deviation in the above-mentioned cases is considered a departure from the ethics of public office. Some practices or behaviors that violate the rules of administrative work and that are issued by the public employee during the performance of his job duties can be described as financial, administrative and criminal deviations. Therefore, these images can be evaluated according to the following:

1- Financial and administrative deviations.

The concept of administrative and financial violations means (that which is related to the course of work assigned to the public employee and is represented by violating the financial and administrative rules and provisions stipulated by law and by the employee following behavior outside these rules and provisions, he has thus committed a deviation for which he is disciplinary questioned ^(xxxvi)).

Financial and administrative corruption is defined as (the misuse of a specific element with the aim of achieving personal interests at the expense of the public interest, including issuing decisions to achieve personal interests such as profit, as well as deviant bureaucratic behavior that aims to achieve personal benefits in an illegal manner and without justification) ^(xxxvii)).

Financial and administrative corruption is also known as (the presence of a defect in performance as a result of error, forgetfulness, following desires, slipping and deviation from the straight path) ^(xxxviii)).

Thus, we see that administrative and financial corruption has become a scourge that eats away at the body of government institutions and that the main founder of this corruption is the public employee who does not make an effort towards the individual except in return for what he provides of negligence, so we can clarify the forms of financial and administrative violations according to the following:

A- Violation of the rules and provisions stipulated within the administration.

Public institutions and administrations are subject to a set of financial rules and provisions stipulated by laws and regulations, and in the event of an employee's breach and deviation from the application of these financial rules and provisions, he is subject to administrative accountability. We summarize some examples of this, the rules and provisions related to auctions, tenders and awarding contracts, as well as the texts that regulate warehouse and purchasing operations ^(xxxix)).

B- Violation of the instructions of the financial control bodies.

This picture can be summarized as the failure to provide the financial control bodies with the accounts and documents related to the administration or failure to comply with correcting reservations and responding to its comments or correspondence or what is requested of data without justification or acceptable excuse, which hinders the work of this body or delays its effectiveness, this is considered an administrative deviation committed by the employee responsible for that action ^(xl)).

C- Overuse of public money.

This image takes many forms of overuse of public money, including squandering public money on buildings, furniture, and unpaid salaries, and spending lavishly on advertising, publishing, and advertisements in newspapers and magazines on occasions of congratulations and condolences, and

other occasions of a flattering nature (^{xli}), in addition to the exaggeration in the use of government cars for personal purposes (^{xlii}).

Therefore, public money has become of great importance at the present time, as it is considered the main pillar of the state's economy, and since the advancement of countries is linked to the stability of the financial situation, it was necessary to protect it by activating the role of financial oversight, as it is considered the main tool for protecting public money from loss and holding accountable those who squander this money through direct coordination with the Integrity and Anti-Corruption Commission and the Waste of Public Money, and controlling any employee who dares to do so and referring him to the judicial authorities to take the necessary action against him.

2-Criminal deviations.

Criminal behavioral deviations are among the most common deviations that we find in our time flourishing within the framework of the public service after the public employee has a psychological acceptance of gradually compromising the standards of performance of the job and professional duty, and thus results in the dissolution of ethics in the field of public service, so we will explain these criminal images according to the following:

A- The crime of bribery.

This crime is considered a case that exists in all societies as it is closely linked to many and varied administrative practices and can be considered an illegal trade in the position or job, so it is a crime punishable by law and rejected by heavenly religions. The goal of bribery is to obtain privileges and returns without right or to expedite transactions outside their legal framework (^{xliii}).

B- The crime of forgery.

The goal of this crime is to obtain advantages and benefits by changing and altering facts or even manipulating the data in the documents, whether by deletion or addition, which results in obtaining dishonorable rights and privileges that cannot be obtained without these documents, papers or certificates (^{xliv}).

C- The crime of theft and embezzlement.

These are acts practiced by employees in various departments and public institutions at various levels of employment and are practiced in many different ways such as forgery, burning or destruction with the aim of attacking public funds (^{xlv}). They also take other forms such as some tax employees collecting undue money represented by fines, fees and taxes (^{xlvi}).

D- The crime of fraud and deception.

This crime aims to practice against deviant behavior in order to achieve private purposes and benefits without right or gain illegal transactions, as it aims to move from the obligations known by laws and regulations and includes the process of fraud and deception in various administrative, economic, civil, cultural and other transactions (^{xlvii}).

Analyzing the above.

The ways to combat deviation in the ethics of public office, including administrative, financial and criminal corruption cases, lie in.

- Enacting the necessary systems and legislation for anti-corruption systems and imposing the most severe penalties on violators, including employees.
- Activating the role of community awareness of this dangerous phenomenon and the extent of its impact on society and individuals and developing their role in combating and eliminating it.
- Allocating a financial reward for anyone who reports cases of financial and administrative corruption in government departments, in coordination with the Integrity Commission, and controlling any employee who dares to deviate from the path of public office ethics.
- Developing creativity among employees through workshops and seminars held in their departments, and the focus of these seminars should be on the ethics of public service
- Forming a specialized committee in each department for administrative reform and studying the administrative reality and behavior of employees to combat administrative and financial corruption cases when it is discovered.
- Appointing young, active leaders who believe in development and change and who have the competence, qualifications and scientific experience in the field of work.
- Finally, putting the right person in the right place

Conclusion

After completing the research, we reached a number of results and proposals as follows:

First: Results:

- 1- After reviewing all of the above, we find that the role of public service ethics has been mentioned in codified texts, including the Iraqi Civil Service Law. Despite this, what has been established by the general basic law for public service must be activated by restricting the duties imposed on the public employee and ensuring that they are not violated.
- 2- Applying the disciplinary system against the employee who violates the ethics of public service and imposing the appropriate penalty on him in order to ensure the smooth running of the public service.

Second: Proposals

- 1- Activating the supervisory role in all state institutions to ensure the restriction of unethical actions and practices carried out by the employee while performing his job.
- 2- Intensifying courses and seminars in all state departments, and the focus of these seminars should be under the title of public service ethics.

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