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ПРИНЦИПОТ НА ЕТИКА ВО ЈАВНАТА АДМИНИСТРАЦИЈА

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Резюме: Едно од основните обележја на модерните, демократски држави е професионализацијата на нивната (јавна) администрација. Со други зборови, не може да се говори за развиена држава, односно држава со развиен систем ако јавната администрација не се јавува како чувар на демократските вредности од една страна (не само да ги врши дејностите согласно законот туку и да промовира општо-прифатени вредности), додека служи на граѓаните, т.е. нивните права и интереси од друга. Ова стојалиште не е прифатено само во доктрината туку ви најзначајните акти (мандаторни или не) на релевантни меѓународни организации меѓу кои Европската унија, Организацијата за економска соработка и развој, Организацијата за безбедност и соработка во Европа и Обединетите нации. Оттаму, клучното прашање за секоја држава која цели да прогресира е како да се постигнат стандардите кои овие организации ги поставуваат? Иако постојат повеќе фактори односно причинители, еден од клучните е принципот на етичност. Всушност, можеме да забележиме дека постои каузалитет помеѓу начинот на кој етичките вредности се транспонирани во правниот систем и однесувањето на административните службеници. Следствено, овој труд ја обработува токму таа тематика. Прво ќе се осврнеме на прашањето дали и како македон-



скиот правен систем го обезбедува почитувањето на етичките стандарди од страна на вработените службеници. Тоа практично значи дека ќе бидат проучени (1) правилата кои ја регулираат работата на административните службеници, а кои го споменуваат принципот на етичност; (2) карактерот на тие правила, односно (3) дали може службеникот кој не ги почитува да биде санкциониран и, за крај (4) како службениците можат без правна принуда да бидат поттикнати да се однесуваат етички? Веднаш потоа соодветно внимание ќе се обрне и на меѓународните правила, стандарди и принципи кои во суштина ќе бидат споредени со адекватните правила во македонскиот правен систем. Особено ќе се фокусираме на тоа како администрацијата може да ја мониторира работата на административните службеници. Конечно, ќе бидат споменати и Етичките кодекси во Република Македонија. Идејата е да се нотира дека иако традиционално перцепирани како „меко право“, тие се проследени со санкциони механизми, така што административните службеници можат да бидат отпуштени од служба ако не се однесуваат согласно Кодексот. Методи кои се користени се аналитичкиот, компаративниот и историскиот.

Клучни зборови: етика, јавна управа, етичка одговорност, добро владеење, деполитизација, јавни служби

THE PRINCIPLE OF ETHICS IN PUBLIC ADMINISTRATION

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Abstract: One of the most essential characteristics of a modern, democratic state is the professionalization of its (public) administration. In other terms, one could not label a country or its system as a developed one if the respective public administration does not function as a guardian of the democratic values on one hand (not only operate within the law, but also promote certain deeply accepted values), while serving the citizens and their (best) interest on the other. This standpoint is not merely emphasized in the legal doctrine, but also in the acts (cogent and soft-law) and reports adopted by the largest and most relevant international organizations such as the European Union (EU), the Organization for Economic Co-operation and Development (OECD), the Organization for Security and Co-operation in Europe (OSCE) as well as the United Nations (UN). Thus, the crucial question for every state striving towards progress is how to achieve these standards? Although the factors and determinants are numerous one of that is of paramount importance - to our view - is the principle of ethics. Namely, one could draw a clear line of causality between the way the principle of ethics is transposed in the legal system and the public administration professionalization. Consequently, this article deals with the very particular issue. First and foremost, we are going to illuminate how the Macedonian legal system ensures the

compliance with the principle of ethics in the public sector. This practically means there are several aspects to analyze: (1) are there any rules regulating the public administration operations which refer to the principle of ethics; (2) are those (potential) rules declaratory (the obligation to behave ethically is only proclaimed) or do they provide mechanisms for their enforcement; (3) can the public servants be penalized if it is settled that they have behaved in an unethical manner; (4) which are the non-legal means that would raise the public sector employees' awareness on the importance of the principle of ethics? Upon this initial study, the focus will be shifted towards the international rules and principles that were already mentioned. The idea is to compare them to the Macedonian ones, therefore setting the trace for any future legal reform in the country at hand. Special emphasis will in this sense, be placed on the international organizations' recommendations on how the civil society can monitor the public administration's (un)ethical behavior. Finally, the last point that shall be included in the article are the Code of Ethics, more precisely their role in the unacceptable behavior eradication (especially in the Republic of Macedonia, but also in the comparative law). The reason why they are specifically underlined is that the authors notice the trend of their legal sanctioning, i.e. a trend in to make the Code of Ethics not only a soft-law mechanism but an imperative one - the Administrative Servants Act of the Republic of Macedonia provides that the employee may be dismissed from office if he/she does not behave in line with the Administrative Servants' Code. The article is going to be written using the analytical, comparative and historical method.

Key words: ethics, public administration, ethical liability, good governance, depolitization, public services

1. Introductory remarks on the publ administration servants, their role and duties

„People change in three situations only: when they have close ties with the government and the servants, during poverty or wealth. If they do not change then, they have strong moral compass.“ (Amidi, 1987)

Human resources are the crucial component of a certain organization, regardless whether speaking of the private or the public sector. In fact, if we observe the public administration as a phenomenon, there is no doubt that its employees will have the essential role in our assessment of its capabilities - whether the public administration is persistent in its decisions or not; whether it is capable and equipt with expertise; whether it truly is service-oriented, etc. The every-day contact that we, as citizens, have with the public administration is essentially contact with numerous public servants, meaning that what concerns us it is their integrity, competences, political non-biousness, responsibility, transparency, efficiency and effectiveness that concerns us.¹ Moreover, whenever the administrative servant decides on individual administrative cases, it is expected that she/he will simultanosly protect the public interest on one hand, while taking care that the citizens will effectuate their rights (and legal interests) or receive proper public services on the other.

Having this said, it is vivid that the public (or administrative) servants have a crucial role in the public administration system as a whole or, in other terms, they are its personification. Hence, the essential question is how to make sure that these individuals work

¹ More details are available at: Taida Begić, Poziv na odgovornu i profesionalnu državnu službu u Bosni i Hercegovini Vrijednosti i etički standardi u sistemu državne službe Bosne i Hercegovine, April 2007, available at: parco.gov.ba/?id=906

effectively and efficiently, i.e. how to protect the interests of the citizens in this constellation? One of the possible answers is – through the ethical standards.

If the ethical standards are properly implemented, each administrative system can be transparent, effective and efficient. If we focus on the Republic of Macedonia, the ethical behavior of the public servants can bring about the long-awaited public sector reforms. This is especially important since numerous organizations have already noted the laggings behind in the respective sphere. The European Commission's Reports on the Progress of the Republic of Macedonia, for instance, are constantly stating that the administration's politization remains a crucial issue on both, central and local level; the OSCE / ODIHR speaks of the pressure on the public servants when it comes to the elections; the local NGOs persistently emphasize the misuse of the public resources; etc. In fact, even the national Reports on the Public Sector and the Human Resources Management² indicate that the public administration constantly remains over-populated. While the total number of public sector employees (covering not just the administrative servants) is 128,722, it is our assessment that around 80% of them are administrative staff.³ This state additionally justifies every suspicion whether all these employees are there due to their merits, or is the public administration (or the public sector) merely a mechanism which the parties in power utilize for their needs.

Therefore, as already said afore, we find that it is necessary that the Republic of Macedonia enforces ethical standards in a prompt manner, such which will cover the entire public administration system leading the servants to be responsible, effective and professional in their conduct. This seems like the best and perhaps the only way for the country to restore the citizens thrust in its institutions, as well as to make sure that the servants will be

² Which are prepared in accordance with the Law on Public Sector Employees

³ Report on the Employees in the Public Sector, published by the Ministry of Information Society and Administration, available at: http://www.mio.gov.mk/files/pdf/dokumenti/lzvestajReg2017_v1.02.pdf.

(to the extent possible) immune to political influences and pressure. Ultimately, one has to bear that while the political authorities in the executive branch of power – the Government and the President (Chief of state) – can hold their positions for a limited amount of time only, while the public servants are the ones who remain at their offices during their life time. It is better not just for citizens but for the effectiveness of the country in general that these persons are rather professionalized than politicized.

2. Ethics – meaning and role in the public administration system

In order to understand how does the principle of ethics influence the functioning of the public administration, one has to properly understand it in its core. In other words, it is not possible to deliberate how shall the ethical standards affect the professionalization of the public administration, if it is not clear what ethics actually means.

When it comes to defining ethics, the first observation is that this principle is tightly linked with concept of morality. So, if one behaves in a moral manner when she/he does not breach the generally accepted societal behavioural rules, how can we define the ethical behavior? Is it the same concept, or do we speak of two different phenomena?

Numerous philosophers have offered their own definition of ethics. What all of them have in common is that they define ethics as a “philosophical discipline that examines the moral codes, the criteria for moral assessment and the sources of morality”. Or, briefly, if morality means behaving in line with the generally accepted rules, ethics is the discipline that deals with this concept. However, as a discipline, ethics tends not just to examine whether the persons are behaving morally, but also to encourage them to do so (B. Shuklev, 2010).

To summarize, one can define ethics as a philosophical discipline which examines which the generally-accepted societal standards for the individuals’ behavior are and whether these persons respect them. If not, it is the role of ethics to face them with their consequences.

If we narrow down this general definition to a certain profession, then, we are speaking of professional ethics. As some authors say “there is a strong link between the professional needs and the ethical behavior, so no profession can withstand without ethical

rules just as there can be no ethical rules if there are no professions where they should be applied" (B. Shuklev, 2010). Although this link that we speak of might seem vague and confusing it becomes rather clear when the responsibility (or liability) is brought in the equation. Namely, the lack of ethical standards would mean lack of rules on how should individuals behave *in abstracto* or in a certain profession. This would bring about instincts (which are in their essence animalistic) to take what does not belong to them, i.e. to jeopardize the competition and the business as a whole. Nevertheless, when the ethical standards do exist, it is likely that the persons will not breach them, whereas if they do they will be sanctioned, which is how the professions

These considerations about the professional ethics are applicable in the administrative sphere too. Namely, the public servants also need to conduct in accordance with certain ethical standards and rules.

2.1. Ethics in the public administration

When it comes to the public administration, one can speak of four basic groups of principles necessary for the fulfillment of its *raison d'être* - managing of the public interest in a proper and timely manner. These groups are the legal, social, economical and political one, out of which we will focus only on the first. In this group we can enlist the principle of legality, legal certainty, protection of the citizens' rights and interests, liability, equality, effectiveness, efficiency, transparency, service-orientation, etc (I. Koprčić, 2003). Regardless of their different content, the important note is that all of them are in tight correlation and cannot be implemented without the principle of ethics. Namely, the ethical rules or standards, as it is the case with any legal principle of rule, serve as their basis. If these legal principles are not reflection of the ethical ones, they will not be acted in accordance with, meaning that they will serve no purpose. If we put this on an individual level, the point is that if the person who is an administrative servant is not one who has strong moral values and standards, it cannot be expected that she/he will not breach the legal principles at some point during his career. It is a fact that the rigorous penalties might make her/him hesitant, however, they cannot bring about

an entirely successful prevention. Thus, it can be said that when it comes to the legal rules they are designed primarily to repress of unacceptable behavior by the public servants, while the ethical standards are more inclined to prevention. This brings us to a conclusion that even if possible to achieve that by legal rules and principles, it is still better to model the servants' conduct primarily with ethical standards. Namely, it takes significant costs to monitor whether some of the administrative servants has breached a legal rule either in an administrative procedure or during any of her/his other tasks. Her/his penalty will be decided upon in either a disciplinary or another procedure (administrative offence or criminal one), where there have to be at least two instance of deciding and numerous procedural phases. On the other hand, if the state invests more in the rising of the moral or ethical standards of the respective employees, it will have more success in the prevention.

However, it is crucial to stress that it cannot be expected that the principle of ethics will be fully respected if the government or the state as an entity does not get involved in its promotion and development. As a research where state servants were involved indicates - the primary reasons which bring about public sector employees' immoral behavior are the moral degradation, the lack of leaders who can serve as an example, the unsatisfactory financial condition, the lack of education and cultural emancipation, the lack of monitoring or supervision, the lack of penalties and - most importantly - the lack of a Code of Ethics.⁴ From this aspect, the (i)moral behavior is a result of multiple factors, some of which social, economic or cultural, however, a consensus almost exists that it is crucial that the political factors need to take a stand. One of them is through their own conduct especially with the adoption of Code of Ethics that cover them too.

⁴ More information here: <http://unpan1.un.org/intradoc/groups/public/documents/NISPAcee/UNPAN004661.pdf>

3. Materializing the principle of ethics in public administration in the Republic of Macedonia

3.1 Development of the civil servants legislation in the Republic of Macedonia

As a country in a state of transition and one of the postsocialistic countries, the Republic of Macedonia begins to create legal and institutional reforms that correspond with the new constitutional principles of the political system from the very beginning in the nineties, and that is a system based on a division of power, market economy and political pluralism.

However, the focus of this paper, in accords with the subject of the paper, are reforms in public administration that are very important when speaking about the *aqui communautaire* as one of the conditions for entering the European Union. The reform of the civil servants' legal system that is put into force in 2000 is worth mentioning as a good example. Namely up until the year 2000, in the Republic of Macedonia there was no separate law that regulates the rights obligations and responsibilities of the officers employed in the public administration bodies, but the Labour Law was employed for all employees. From the year 2000 the Law on civil servants is put into force as a *lex specialis* with which these questions are regulated. But, the reforms don't stop here. After numerous amendments of the Law on civil servants, in 2010 a new separate Law on public servants was put into force, which is envisioned as a broad reform in the legislative sense of the word, i.e. a Law with which in an exclusive uniform way the rights, obligations and responsibilities of a broad number of persons that are considered under the plaque of public servant are regulated. This law was not applied in any way because of the fact that the Constitutional of the Republic of Macedonia in many occasions ruled decisions that are abrogative, and even overruling in regards to some persons that might be sued to the application of the Law. All this created a regulatory labyrinth, i.e. a chaos that existed because of the fact that the number of people employed in the public sector whose status was not regulated in a uniform was very high. Because of this, the law maker was motivated to again act by promulgating entire new laws. Thus, in 2004 the Law on public sector employees, as well as the Law on administrative

servants were promulgated. These are the newest laws that regulate the status questions in the public sector in general, as well as administrative workers as a narrower category.

The Law on civil servants and the Law on public sector employees, contained/contain articles that refer to the principle of ethics. Also, besides the laws regarding the civil servants sector, Codes of ethics were brought into force and they served as a collection of rules, norms, policies and directions for the behaviour of civil servants. These acts, i.e. their application will be the subject of this paper. In this way, the principle of ethics in the public administration will be examined, i.e. the question of whether it is possible to create a professional, depoliticized and high quality public administration in regards to this principle will be answered. Besides this, the text will unavoidably elaborate the recommendation of the international community.

3.2. Legal solutions for the principle of ethics in the Republic of Macedonia

As was mentioned, the principle of ethics is already mentioned throughout the legal acts that determine the civil servants system in the Republic of Macedonia. With that, the principle of ethics gained its status as a basic legal principle, with inevitably means its legal protection in accordance to the law. First and foremost, the articles of the Law on public servants will be analysed, and after that all other laws will be examined.

In the Law on public servants, as mentioned before, the principle of ethics is one of the basic principles. Namely, this law foresees the ethical behavior of servants in accordance to which the servants execute tasks that are in the field of public interest in line with professional ethics. Besides that, the Law contained an article that foresaw a Code of ethics needs to be promulgated.

The Law on civil servants contains articles that are in regards to the realization of the principle of ethics i.e. its operationalization. Thus, according to the Law on civil servants, a Code of ethics for the civil servants is foreseen.

These Codes of ethics were put into force, according to the aforementioned laws, in 2011. Respectively, in 2011 two Codes of ethics were promulgated out of which one was in regards to

public servants, and the other to civil servants. What is worth mentioning is that, although the original articles of the laws with which it is foreseen that other bodies will promulgate the Codes of ethics, the latter legal acts put the promulgation of these Codes under the Ministry of information society and administration. The text of these to Codes of ethics contained the principles by the method *numerus clausus*, by which the civil or public servant work. These principles are further regulated in detail in separate articles. More importantly, in both Codes of ethics a responsibility of the public or civil servant is foreseen if the Codes are not followed properly, and in both cases disciplinary liability is foreseen.

Of course, the most important law for analyzing in this paper are the Law on employees in the public sector and the Law on administrative servants. Namely, the Law on employees in the public sector contains an article that regulates the principle of ethics, and that can be found in article 9. Furthermore, the Law on administrative workers contains additional articles that further operationalise the articles in the *lex generalis*. Here article 73, subpar 22 is worth mentioning where it is regulated that the administrative clerk will be disciplinarz liable if his behaviour is not in correspondece with the Code, and the liability will be for a disciplinary offence, as a more severe mode of violation of official duty. What is important to note in regards to this article is that the entire name od the Code is missing, namely, only the violation of the Code is mentioned but not the entire name of the Code of ethics for administrative workers. Respectively, in article 7, subpar 8 it is regulated that one of the competences of the Ministry of information technology and administration is to promulgate the Code of administrative workers. The critique of the legal provisions does not stop here, sadly. The standpoint for these provisions is that an inadequate mechanism for assuring the appliance of the principle of ethics is in force. Namely, the clerk should behave according to the Cide of ethic because of the fact that the Code contains all values that need to become natural to him, and not because of the risk of a punishment. Otherwise explained, the Code of ethics needs to have a preventive role, in contrary to our case where the Code has a role to sanction and repress. Furthermore, the procedure should be defined in the future, i.e. to be decided who has

the right to file in an objection, to whom, who keeps records and who has the right to oversee these procedures. It is necessary, in order to be in compliance with the essence of the Code, for there to be a clear line between the unlawful and unethical behavior of the administrative worker. Respectively, the Law on administrative workers must precisely determine when the party can file a request for a disciplinary liability and when the party can file a request for the breach of the norms in the Code of ethics. This conclusion is in correlation with the feasibility of the Code, because in this way a doubling of the basis for request of disciplinary liability is created, in accordance to the Law and the Code. This doubling can create a state in which the Code is not applied at all, and all disciplinary procedures are started based solely on the basis of the Law.

Without regards to the Law, it is important to point out that if we truly strive for the application of the principle of ethics, it is imperative that serious attempts are made towards its materialization, which would also include accountability in regards to the realized disciplinary liability procedures based on the breach of the content of the Code. The reason why accountability is specifically mentioned is because neither the website of the Agency of Administration nor contain reports on realized disciplinary liability procedures. What can be found is only the Template for the preparation of the Yearly report in which in the bases that are enclosed the basis breach of the content of the Code is not foreseen, although the Law states it as one. Thus data is not presented as to how many procedures for unethical behavior have been realized.⁵

Ultimately, it is important to note that when we speak of the principle of ethics, maybe the most important question is the one regarding the educational methods for its implementation. From there, the standpoint represented here is that a special accent needs to be put on the question on organizing training, because that is the key of real achievement of the principle of ethics. Respectively,

⁵ The webpage of the Ministry of Information Society and Administration only has a template for an Annual report for decisions on disciplinary measures for disciplinary liability. This template does not provide that the breach of the Code of ethics is a disciplinary breach at all.

only the administrative worker that will succeed to understand deep within himself the meaning and the essence of this principle, during the course of his work and in the relationship with his colleagues and party will succeed to act rightfully and ethically. The administrative worker is the one from whom the application of this principle depends, and without him the principle is only letters on a paper. The workers are the ones who create the real picture of a body. Thus all measures in order to organize trainings by competent and experienced teachers need to be taken.

4. International standards for public administration and ethics in public administration

Public administration in the Republic of Macedonia is experiencing a line of changes in regards to its structure, its functioning and concept, as well as its perception (from a biocratic approach to a service of the citizens). During that entire process the Republic of Macedonia oriented itself towards accepting the experience of the countries that are more developed, i.e. the countries that have a more developed public administration. Precisely for that reason it is necessary that in all segments of public administration in which changes in essence are made, to have insight in experiences of the international community, and also of course, its recommendations.

The Organisation for Economic Cooperation and Development (OECD) has a strong role in the creation of concepts about how should the public administration be aligned, i.e. what are its pillars. Thus OECD points out that as traditional values that most commonly mentioned in the OECD countries (in regards to public administration) are: impartiality, legality, honesty, equality, equity, openness and responsibility. While as new professional values in the public sector are determined also the so called "managerial" values, which are: effectiveness, responsible budgeting, trust and courtesy. Thoroughness and honesty are moral values and legal standards which in the public opinion are defined as special standard for the holding of a public function (F. Otajagić, 2011). From the standpoint of OECD it can be seen that the values that are pinpointed as essential are in line with the values that are pinpointed in Macedonia as such, but, more importantly, their implementation is always connected with the moral principles.

The European Union, in the The European Commission's Reports on the Progress of the Republic of Macedonia, accents that there are a number of issues that refer to the public administration. Although, not all of these issues seem directly connected to ethics in public administration, the aforeelaborated narrow connection implies that, actually, ethics again takes a central role in the entire development of public administration, even according to the European Union. As previously said, the European Union accents politization of the administration as a severe issue. At the same time, the EU, taking into account the reports of OSCE/ODIHR speaks of the urgency of changes in this field, if Macedonia aims to become a part of the European family. Besides politization, for which a stream of theorists and practitioners speak as a serious problem, the EU speaks of lack of capacity inside the public administration. Having in mind the aforementioned increased employment based on political or social criteria, the reason why the public administration does not generate better results remains unclear. Besides that, the EU also speaks of the serious concern because of the non - implementation of the National strategy for public administration reform, for human resources, lack of accountability and financial capacities. These are the latest remarks for the year 2017.⁶

From the mentioned above, the conclusion that follows is that there is an enormous strain of remarks that are (in)directly connected to the principle of ethics, i.e. its rightful implementation. At the same time, it is not necessary to speak only of ethics in the sense of the legal provisions, (which already were a subject of criticism) in the Law on employees in the public sector and the Law on administrative workers, as well as the articles in the Code of ethics, but for ethics in general, as a science that deals with the moral principles, In other words, regardless of the question if the ethical principle will be sanctioned by law, i.e. which values will be incorporated in the Code, the administrative workers should

⁶More can be found at the Reports of the European Commission, available at: https://www.sobranie.mk/content/%D0%9D%D0%A1%D0%95%D0%98/izveshtaj_na_evrop-skata_komisija_za_republika_makedonija_2016_godina-mk2-raboten_prevod.pdf



behave in line with the moral rules in the Republic of Macedonia, and in general in the European family. Thus, the Republic of Macedonia, i.e. its government must stand in defence of the principle of ethics, with the aim of steering the state towards the European modern world, after which the road to progressive development and getting out of the crisis that has lasted for decades will be open.

5. Conclusion

This article dealt with several issues which are related to the definition of ethics in general, but also to the application of this principle in the public administration. In addition, the factors affecting this application were elaborated, along with the ethics' legal framework in the Republic of Macedonia vis-à-vis the international community's recommendations. What can be noted is that the principle of ethics is incorporated in several legal acts (laws) and, perhaps even more importantly, Codes of ethics are adopted. Those cover both, the employees of the public sector and the administrative servants. This also was the situation in the past, during the application of the two aforementioned acts, when Codes of ethics for the civil and public servants existed. In that sense, it is not so much the legal framework as it is its practical implementation that lacks, which is a prerequisite to reach the OECD standards. Thus, we find that these are the steps that should be taken *pro future*:

- the authorities need to undertake additional measures in order to insure a proper implementation of the principle of ethics;
- the authorities need to indicate that there is political will to fully enforce the merit system when speaking of public sector employment;

- the mechanisms with which the administrative servants are controlled in the sense of their ethical conduct need to be strengthened. Namely, we would like to stress the critical remark related to the Law on administrative servants. Regardless of the fact that this Law provides a ground for disciplinary liability in case the Code is breach, the templates of the Agency and the Ministry of Information Society and Administration do not prescribe the same respective ground (it is not noted that the administrative servant might be penalized due to her/his breach of the Code of ethics);

- a separate, specifically designed state body needs to carry out trainings on how the Codes of ethics should be implemented. In fact, these documents "are useless if the employees are not reminded about their existence on a daily basis and if they are not continuously trained on what ethics means. The Codes are effective merely if they are imbedded in the employees' heart and mind" (T. Begić, 2007). For that reason, it is necessary that a training body exists, one that will focus primarily on the administrative servants. This body should be designed using the example of the Academy of Judges and Public Prosecutors in the state. Even more so, if these two professions have their own academy, why should the administrative servants who are outnumbering them significantly, not (B. Davitkovski, A. Pavlovsk Daneva, E. Davitkovska, 2015)?

- there should be a specific Annual report where it is precisely stated how many disciplinary liability proceedings were carried out, where the ground for measure was breach of the Code of ethics;

- when carrying out disciplinary procedures against the servants who have breached the Code of ethic, it should be minded whether the respective conduct has been unlawful or merely unprofessional, i.e. it should be determined where is the border line between the non-ethical and the illegal;

- the Law Faculties which have studies of Administrative Law and Public Administration should have a specific course - Ethics in the Public Administration. This would bring about the prevention of non-ethical conduct, but also to the servants' and other citizens' education on how to recognize whether a certain behavior is or is not ethical.

In sense of all of the aforesaid, there are yet two crucial dilemmas in respect to the principle of ethics: should be breach of the Code of ethics be treated as a severe disciplinary one or an lighter? Should the authorities not undertake activities to inform the citizens that they can file a complaint against an administrative servant whose conduct has not been ethical and do the citizens recognize illegal from non-ethical behavior?

BIBLIOGRAPHY / LITERATURE

1. А. Павловска-Данева, Е.Давитковска, Теоретско определување на службеничкиот систем, Годишник во чест на 18 години од основањето на политичките студии на Правниот факултет, Скопје, 2013.
2. A. Fatic, Osnovni principi etike I javna sluzba, <http://www.cbs-css.org/files/knjige/osnovni%20principi%20etike%20i%20javna%20sluzba%20udzbenik%20korupcija.pdf>.
3. Benazic, Organizacijske promene i efikasnost drzavne uprave, <http://oliver.efri.hr/~javnisek/zbornik/benazic.pdf>.
4. Bulatović, S. Korać „Horizontalna kontrola integriteta i suzbijanje korupcije u javnoj službi“, Zbornik IKSI, 1/2013
5. Bric, Organizacija drzavne uprave u funkciji djelotvornosti Porezne uprave u Republici Hrvatskoj Zagreb, Sveuciliste u Zagreb, 2002.
6. Б. Давитковски, А. Павловска-Данева, Давитковска Е., Најновите законски решенија за статусот на вработените во јавниот сектор во Република Македонија и нивната практична имплементација: реалност или утопија. Трудот е презентиран на конференција Службеничкиот систем во Република Македонија, Правен факултет „Јустинијан Први“ - Скопје, 02.06.2015
7. Б. Шуклев, „Менаџмент“, Скопје, 2010.
8. V. Karajica, Uticaj reformskih mera i standard na profilirane etike i aksiologije ljudskih potencijala u drzavnoj upravi Republike Srpske, Moderna uprava.
9. Gilman, S. C., Ethics codes and codes of conduct as tools for promoting an ethical and professional public service: Comparative successes and lessons, Prepared for the PREM, the World Bank Washington, DC, 2005.
10. D. Radhika Ethics in Public Administration, <http://www.academicjournals.org/jpapr/PDF/PDF2012/March/Radhika.pdf>
11. J.Kreger, Etičke norme I vođenje uprave, 3 Forum za javnu upravu, Zagreb, 2013

12. Jacob Dahl Rendtorff, Ethics of Administration – Towards Sustainability and Cosmopolitanism, Vol. 8, no. 3 (2013) Category: Conference paper, <http://nome.unak.is/nm-marzo-2012/vol-8-no-3-2013/69-conference-paper/446-ethics-of-administration-towards-sustainability-and-cosmopolitanism>

13. Cassidy , E. and Ackah,C. 1997, A role for reward in organisational change, IBAR, br.18.

14. Koprivic, Modernizacija hrvatske uprave, Zagreb, 2003.

15. Mariusz Dmochowski , Anetta Jurczuk , Robert Szczepankowski, <http://www.wsap.edu.pl/pub/publikacje/Ethics%20in%20Public%20Administration%20-%20eng..pdf>.

16. PUBLIC MANAGEMENT OCCASIONAL PAPERS No. 14 ETHICS IN THE PUBLIC SERVICE Current Issues and Practice © OECD 1996

17. T. Begić, Poziv na odgovornu i profesionalnu državnu službu u Bosni i Hercegovini Vrijednosti i etički standardi u sistemu državne službe Bosne i Hercegovine April 2007., file:///C:/Users/User/Downloads/Studija%253A+Vrijednosti+i+eti%C4%8Dki+standardi+u+sistemu+dr%C5%BEavne+slu%C5%BEbe+Bosne+i+Hercegovine.pdf

18. http://www.academicjournals.org/article/article1380545459_Radhika.pdf, Journal of Public Administration and Policy Research Vol. 4(2) pp. 23-31 March, 2012 Available online at <http://www.academicjournals.org/JPAPR> DOI: 10.5897/JPAPR11.049 ISSN 2141-2480 ©2012 Academic Journals Review Ethics in Public Administration D. Radhika

19. Законот за јавни службеници, Сл.весник на Република Македонија, бр. бр. 52 од 16.04.2010 година

20. Етичкиот кодекс на државните службеници од „Службен весник на Република Македонија“ бр.68/02, 16/04 и 48/07.

21. Закон за вработените во јавниот сектор, Сл.весник на Република Македонија, бр.27/2014.

22. Законот за административни службеници, Сл.весник на Република Македонија, бр. 27 од 05.02.2014 година.

