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The Adaptation to Crisis Situations of the Civil Service and Civil Servants in Terms of Ethical and Legal Values Specific to Public Administration

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Abstract: The pandemic caused by the SARS-CoV-2 virus has been a challenging period for human history. Isolation from peers, adaptation to the online environment, the economic and medical crisis that has occurred are undoubtedly points of reflection for each of us. Understanding such a phenomenon means being aware of a paradigm shift, in Kuhnian terms. Education, administration, medicine, etc. have suffered, and more. Everyone has experienced this crisis on a personal, family or professional level. Active labor market staff had to adapt quickly to the new conditions. The situation is all the more problematic as, at the moment, we cannot know for sure if the peril has really passed, especially in the context of the large influx of Ukrainian refugees who have crossed the border into Romania in large numbers, without any medical restrictions.

Keywords: Ukrainian refugees; COVID-19; pandemic

1. Introduction

This article analyzes the ethical dimension of the civil servant and emphasizes the importance of ethical values in the activity of civil servants, especially in times of crisis such as the SarsCoV-2 pandemic. We have emphasized the most important values, including in the writings of ancient philosophers, in order to highlight their current importance.

The passage through different political regimes of our country has left its mark on the behavior of civil servants, but also on the needs of the citizen who uses the services provided by the public administration. The behavior of the civil servant must be, nowadays, one based on good and morality, as axiological and ethical values. This is one of the reasons why, more and more often, we hear about transparency in public administration, the public good, equity, equality or social justice.

The public administration is perceived in the specialized literature as "an accumulation of public services destined to satisfy certain general, regional or communal interests, the state not being the only one that establishes public services. Obviously, the counties and communes, through their quality of local communities, can organize their own services in order to satisfy their interests" (Negrulescu, 1934); however, it is necessary to emphasize that there is no complete separation between local and national interests, but, on the contrary, both have always a certain influence on the good running of the state (Teodorescu, 1929). Therefore, "we can speak of a local public administration, which includes bodies that are able to satisfy interests that concern, first of all, the local citizens and which are characterized by the fact that the holders entrusted with the administration of these interests do not have the power from the central authority, but from the local electoral body, through the voting process" (Manda,

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Manda, 1999). The construction of public administration in Romania was a long process that lasted for several centuries, being marked by the influence of the great powers that have dominated our country over time. Therefore, we may speak of several stages: the end of the 19th century, the beginning of the 20th century - the appearance of modern forms of public administration, the interwar period - the modernization of public administration, public administration during the totalitarian communist regime (Dincă, 2012).

Another aspect that we hear about is being talked about is related to the quality of public services. Nowadays, public services are subject to the assessment of direct beneficiaries. This is why the filter of ethics is important to each of us.

Finally, this article highlights the way in which civil servants have managed the situation caused by the SARSCoV-2 crisis both in providing quality services and in the measures taken to protect them, their family members and their families and taxpayers.

2. Ethical and Legal Values in Public Administration

Beyond the concept of responsibility, which also belongs to the sphere of ethics of civil servants, in the analysis of ethical and legal values specific to public administration, we should emphasize the "deontology of the civil servant" (Matei, 2009). The term deontology comes from the Greek "deon" which means "duty" or "obligation"; currently, deontology "the norms of conduct and ethical obligations of the members of a professional body, or of a particular social group. Deontology presupposes a normative theory within the framework delimited by the particular professional field, the deontological norms being put at the base of the moral, necessary, forbidden or allowed choices. Deontic theories refer to obligatory, necessary behaviors, while heretical theories recommend virtuous behaviors, the consequence of which is considered meritorious" (Sandu, 2015). Within deontic ethics, "justice" takes precedence over the "good".

The concept of deontology was first used by Jeremy Bentham in "*Deontology or the Science of Morality: In Which the Harmony and Co-incidence of Duty and Self-Interest, Virtue and Felicity, Prudence and Benevolence Are Explained, Exemplified, and Applied to the Business of Life*", published in 1834. The codes of ethics identify the "constitutive values" that underlie the "emergence of the respective profession", but also the "operational values" (Sandu, 2015).

We will highlight both sets of values, so that we can analyze later their role in the exercise of public office. So, we speak of: procedural justice, fairness, equality.

On the other hand, the ethics of the civil servant must be in accordance with the legislation in force. Thus, in accordance with the provisions of the Emergency Ordinance no. 57/2019 regarding the Administrative Code, in art. 368 regarding the "Principles applicable to the professional conduct of civil servants in the public administration", we mean the following:

- the supremacy of the Constitution and the law, a principle according to which persons who occupy different categories of positions and duties to comply with the Constitution and the laws of the country;

- the priority of the public interest, in the exercise of the held position;

- ensuring equal treatment of citizens before public authorities and institutions, a principle according to which persons holding different categories of positions have the duty to apply the same legal regime in identical or similar situations;

- professionalism, principle according to which the persons occupying different categories of functions have the obligation to fulfill the service attributions with responsibility, competence, efficiency, correctness and conscientiousness;

- impartiality and independence, a principle according to which persons holding different categories of positions are obliged to have an objective, neutral attitude towards any interest other than the public interest, in the exercise of the position held;

- moral integrity, a principle according to which persons holding different categories of functions are prohibited from requesting or accepting, directly or indirectly, for themselves or for others any advantage or benefit in consideration of the position they hold or to abuse in any way this function;

- freedom of thought and expression, a principle according to which persons holding different categories of positions may express and substantiate their opinions, respecting the rule of law and good morals;

- honesty and fairness, a principle according to which the exercise of different categories of functions by their occupants must be in good faith;

- openness and transparency, a principle according to which the activities carried out in the exercise of different categories of functions are public and can be subject to citizen monitoring;

- responsibility and liability, a principle according to which the persons holding different categories of positions are responsible in accordance with the legal provisions when the duties have not been properly fulfilled.

As it can be observed, through the law highlighted above, the civil servant has the duty to respect first of all the constitution of the country, and then to respect a series of laws, etc. What is particularly important to note is that the civil servant has to respect not only a number of codes such as the code of ethics, but also the law in general.

The deontological code of the civil servant is regulated by Law no. 7/2004 regarding the code of conduct of civil servants, being published in the Official Monitor of Romania no. 525/2007.

The quality of public services is one of the major objectives of civil servants, and from this point of view, Antonio Sandu considers: the "quality is often considered an ethical issue especially in the field of services, precisely because the existence of high quality standards implies a balance between the need to earn in general, the need for revenue, the need to keep operating costs as low as possible on the one hand, and the need to satisfy customers" (Sandu, 2017).

3. Constitutive Values and Operational Values

When we speak of "constitutive values" in public administration, we refer to the "public good", a concept considered, since the time of the internship, "the central goal of politics and the functioning of the state." Aristotle considered sociability as fundamental to the human species. Man, as a political *zoon* - is a being with moral sensitivity and the ability to distinguish good from evil. The purpose of social life is the good and its achievement, and the foundation of sociability is friendship. If good is achieved for himself, friendship and love they are oriented towards someone" (Sandu, 2017).

Returning to our days, when we talk about constitutive values, we also think of a series of ethical paradigms; in this context, we can speak of a utilitarian approach (Bentham, 1996) to the public good. The *constitutive values* of the public administration are:

- *justice* (which can be distributive or procedural; "they are called to transpose the ideal of justice existing at the community level. The functioning of the modern state cannot be conceived without a series of institutions to guarantee the administration of justice" (Sandu, 2017). Contemporary administrative systems consider justice to be an ethical value, and for this reason, it is considered that "the functioning of the modern state cannot be conceived without a series of institutions that guarantee the administration of justice. The legal system was set up specifically to administer justice. The modern democratic systems needed the extrajudicial courts and procedures for the administration of justice [...] the ideal of welfare requires the state and implicitly the administration to ensure the individual the minimum conditions necessary for the existence in that community" (Sandu, 2017).

- *equality/equity* - is considered to derive from the idea of social justice; social justice is, in Hayek's view, specific to primitive communities in which there is a common goal; "the modern society is, however, differently organized. People cooperate here too, but there is no common goal, no single hierarchy of goals and needs (Iliescu, 2007). In any case, when it comes to public administration we are talking about two perspectives of justice: "each person has the inalienable right to a set of basic freedoms, equal and compatible with the freedoms of others" and "social and economic inequalities created in society must to compensate in conditions of equal opportunities" (Sandu, 2017).

Justice, equality and equity are values that cannot exist independently, one without the other. In terms of values, Adrian-Paul Iliescu emphasizes: "the postulate of an absolute, supreme good, its uniqueness and sacredness, the refusal to recognize the existence of strict rules of conduct that forbid certain acts, no matter what noble" goals "they have or claim, the inability to see that there are always more perspectives of moral approach to things and values (possibly even incompatible values) that must be taken seriously are both the symptoms of political extremism and bigotry, and the causes of political terror and genocide [...] If the rules imposed in society are purely procedural ("formal"), as Hayek says, each person is free to define and seek something other than to prevent it from being harmed by others. Therefore, Hayek believes, the task of the state is not to anticipate and build certain final social states (in which good is achieved, people get what they want, etc.), but only to establish and defend the rules that protect each person from the abuse of others" (Iliescu, 2007). Hayek points out: "Wherever the state can predict the effect of the direct alternatives of its action on certain people, the whole state is the one that opts for one goal or another. If we want to create new possibilities, for everyone, to offer chances that people can use as they see fit, the exact configuration of the results obtained cannot be predicted. The general, authentic rules, which differ from special orders, must therefore be designed with a view to operating in environments which cannot be foreseen in detail and whose effect is therefore on particular or certain particular purposes, cannot be known in advance. Only in this sense is it entirely possible for the legislator to be impartial. Being impartial means not having any answers to certain questions "(Hayek, 1993). At the same time, "as soon as certain effects are foreseen at the time of drafting the law, it ceases to be a simple tool to be used by citizens and becomes, instead, an instrument used by the legislator to determine the people to go towards the objectives set by the state" (Hayek, 1993).

If we refer to the *operational values* of the public administration, they are as follows:

- *responsibility/liability* - "responsibility designates the characteristic of the agent to act knowingly, having competence, maturity and training, conditions of freedom, so as to be recognized in the acts committed and to assume their consequences", and liability "as a form of responsibility it presupposes the capacity of the person to exercise and implicitly the possibility to be sanctioned for the deviations from the norm" (Sandu, 2017). In a philosophical context, "responsibility represents the ability of the individual to be accountable to third parties for his actions and their consequences. Liability can be

moral and legal. Liability means the assumption of social norms and adherence to those rules of operation of the community, in order to maintain those relationships that have been established. Taking responsibility implies liability. Responsibility is considered to be "for oneself", instead "accountability" is always directed to the Other; we can consider that the liability has a legal feature, while the responsibility belongs to the field of ethics" (Vlad, 2019).

- *transparency* - this value (Şerban, 2009) becomes "the principle of good administrative practice that promotes a series of constitutive values such as equal opportunities and chances, respect for the dignity and autonomy of the individual in the administrative decision process" (Sandu, 2017). "The transparency of public administration also involves access to public information, which may consist of policy documents and notes, but also cartographic information, meteorological data, registry data, etc. Through digitization, the public information has become a pressing topic of interest, including as a raw material for a knowledge-based economy. The transparency and confidentiality are not antonyms, but there are clear compromises between them. This concerns public administration, which manages massive amounts of personal data of citizens. In order to hold the public administration accountable for the use of this information is often necessary transparency. Finally, public administration transparency resonates with global indicators of good governance and economic performance, increasingly measured by such benchmarks (Erkkila, 2020).

- *integrity/impartiality* - is one of the mandatory conditions, being justified by the "need to build trust in the public service [...] an operational value of the functioning of public systems, which controls the limits of legitimacy of administrative systems in the context of the modern paradigm of democracy and law" (Sandu, 2017). "The integrity of the public sector refers to the quality of actions taken by civil servants, measured on the basis of fundamental rules and public values. It can be considered the opposite of maladministration or the complex phenomenon of dysfunctions, including resistance to change, formalism, indifference to efficiency, hostility to technology, excessive staff, nepotism, corruption. Integrity is such a broad idea that it is difficult to develop a precise legal definition. However, it is associated with a wide range of administrative measures. Some of these measures are designed to increase the quality of the public sector" (D'Alterio, 2018).

- *autonomy* - the expression of the manifestation of the freedom of the human being and which is based on simultaneously universal and necessary a priori judgments, but having "immanent nature, being constitutive in the context of practical reason" (Sandu, 2017). "In Romania, the principle of local autonomy also has both a constitutional and a legislative regulation. The Romanian Constitution, at art.120, paragraph 1 proclaims only this principle, leaving to the organic law (as required by art. 73 paragraph 3, letter o of the Romanian Constitution) the practical regulation of this principle. The expression "within the law" shows that local autonomy must establish legal limits, i.e. the powers of local authorities are subject to the law, without any discrimination (local autonomy is recognized by all inhabitants of an administrative-territorial unit, without social, ethnic, professional differences, etc.). In this sense, the doctrine states that "the degree of autonomy is related to all administrative units, regardless of the ethnic structure of the population. The autonomy is not the right of an ethnic community, but a political objective of decentralized government" (Deaconu, 2003). Against the background mentioned above, let us note that local autonomy faces a broad approach in the European context, "defending and consolidating it in various European countries as a significant contribution to building a Europe based on the principles of democracy and decentralization of power" as mentioned in the Preamble of the European Charter of Local Autonomy" (Bilouseac & Zaharia, 2014).

These values must direct the activity of the civil servant in his daily activity. We considered it appropriate to bring them to the forefront, because they are values that not only define the activity of

public administration staff, but also define us as people. Next, we will discuss the challenges of civil servants during the pandemic, being a time when we can conclude on this issue, given the exit from the state of emergency/alert during 2022.

4. Challenges of Civil Servants during the Pandemic

The challenges of civil servants during the pandemic were generally related to how they should relate to citizens requesting government services. Of course, the absence of the computerized system has led to a greater difficulty in terms of access to information, filling in documents, making payments, etc. During the "lockdown" period and throughout the alert period, the access inside the town halls/public institutions was restricted, in accordance with the legal provisions that were in force at that time. In times of crisis, such as the one between 2020 and 2022, it was noticed how important it is that the activity of administrative institutions does not stop, because this would lead to a collapse. There are institutions that depend on the functioning of the mayor's office and the prefecture, so they must adapt to the new socio-political-medical contexts, etc.

Regarding good practices in times of crisis, we emphasize the following: "digitalization of the administration involves easily accessible and interoperable databases, computerized internal and external document flows, electronic signatures and, last but not least, training for this purpose the public administration staff" (https://www.administratie.ro/studiu-ina-flexibilizzazione-modului-si-timpului-de-lucru-in-administratia-publica/).

The outbreak of the SARS-CoV-2 virus has affected more than 180 countries, infected more than 6.5 million people and killed many people. In addition to the consequences for health and the loss of human lives, the pandemic has had effects on health care systems, projected the education system into another sphere - that of online, closed businesses, affected economies, led to the loss of jobs; at the same time, it disrupted social life through blockades and other strict measures aimed at stopping the crown virus epidemic. All these events took place in the context of the implementation of the 2030 Agenda for Sustainable Development.

The sudden and brutal interruption of activity and especially of normal life due to the pandemic caused by the SARS-CoV-2 virus threw the civil service and civil servants into a fierce struggle, forcing them to deal not only with combating its spread, but also to seek solutions for citizens or to manage its social and economic consequences. The pandemic practically threw civil servants into the front line in response to the crisis without a clear "roadmap", forcing them to deal with difficult, uncertain situations, etc. and in constant change, it was needed to improvise along the way, in order to respond promptly and effectively to the demands of the citizens.

From health care workers and public health officials to teachers, health workers, social work officers, etc. the civil servant was put in the spotlight; the promptness with which he reacted to the challenges during this period determines us to be aware and to understand the role that civil servants have in everyday life.

However, during the pandemic caused by the SARS-CoV2 virus, civil servants worked in life-threatening conditions, which is undeniable. All those who have not stopped working have run the risk of becoming ill with a disease caused by an extremely dangerous infectious virus. In these circumstances, we can draw some conclusions about the roles that civil servants have played throughout this pandemic period and which address the following issues:

- "*Ensuring the continuity of public services*": the pandemic caused by the SARS-CoV-2 virus has reached an essential, fundamental principle of public service, that of continuity. However, in many countries, civil servants have been quick to adapt and adjust the way services are provided, so as to minimize the negative impact of the pandemic on individuals and communities. For example, all pre-university schools and university education institutions have been closed as a result of the nationwide lockdown, with teachers and education professionals rushing to offer home learning solutions through online platforms and e-materials. Similarly, in many places where hospitals have been overwhelmed by a large number of patients infected with the SARS-CoV-2 virus, online tools such as "telemedicine" and "telehealth" have been considered, or specific technologies have been improved to provide non-emergency medical services so as not to disrupt the provision of health services to people with other conditions, and civil servants have also demonstrated versatility in providing services.

- "*Courage and humanity in practice*": many civil servants risked their lives to continue to serve the public throughout the pandemic. Unfortunately, many were later infected and confirmed with this virus, and some even lost their lives. One reason why the infection rate was high among civil servants was, unfortunately, the lack of personal protective equipment. It is tragic and unfortunate that many civil servants have worked in conditions that are not only dangerous to them, but have put their families and their health or even their lives in danger. In recognition, the government and the general public should, in our view, work to develop and/or strengthen the preparation of contingency plans for such future crises, so that civil servants always have access to protective equipment, but not only, but also new technologies that require both their profession and safety.

- "*Fast thinking, creativity and innovation*": involves the rapid response of civil servants in the context of the pandemic caused by the SARS-CoV-2 virus; many were accustomed to operating in routine, predictable and regulated systems, but they had to adapt quickly, with instant creativity and innovation being very important in counteracting the destruction caused by the pandemic in the provision of public services.

- "*Reliable information and awareness*": one of the most necessary and life-saving services during the pandemic was accurate and reliable information about the virus, including its spread, prevention, recognition of symptoms and, more importantly, about dispelling myths and misinformation; the information provided by the public administration was crucial in order to stop the spread of the virus and to provide safe services; from the beginning, the media and medical and micro-research institutions provided information to both the public and the citizens who proved to be vital in the fight against the spread of the virus.

- "*Strategic thinking and planning in the midst of chaos*": many civil servants and senior civil servants have developed strategies to combat the pandemic, save lives, ensure social protection and sustain savings. National working groups have been set up incorporating representatives of a public service cross-section to plan and coordinate efforts to combat the spread and impact of the pandemic. These working groups have developed and improved institutional mechanisms to deal more effectively with possible crises in the future; they could be a key element in improving government preparedness and crisis response.

- "*Supporting resilience and building a more efficient and responsive public service*": the world has experienced more pandemics, and the pandemic caused by the virus "SARS-CoV-2" will not be the last, most likely. Therefore, one of the critical roles that the public service must play is to prepare to be more resilient to any future crisis. Public officials need to turn the challenges of the SARS-CoV-2 virus pandemic into an opportunity to design strategies to strengthen the resilience, effectiveness and

responsiveness of the public service and the services it provides, so that they are better prepared in the future. The government's strategy should have institutional arrangements, policies, systems, infrastructure, plans, including contingency plans and resources to anticipate, identify and respond quickly to pandemics and other crises.

- "*Building and strengthening the legitimacy of the state, the credibility of the government and the trust of the people*": civil servants who provide services responsibly and equitably contribute to increasing the credibility of the government and, consequently, encourage trust among citizens. The determination of civil servants to continue to provide services in the face of the dangers posed by the SARS-CoV-2 virus pandemic for their own lives has greatly contributed to the government being seen as critical and caring for people's life. As a result, the work of civil servants has raised a sense of confidence in the government in many places. However, the sustainability of this trust will largely depend on the "success of the fight" against the pandemic.

- "*Resource allocation and distributional responsibility*": sudden crises, such as the pandemic caused by the SARS-CoV-2 virus, surprise government budgets, the civil servants being responsible for preparing and implementing plans in exceptional situations. The way in which resources are allocated and used leads us to assess whether systems, practices of institutional arrangements designed to protect societies against such pandemics are implemented and become operational or not. Resource allocation and distributive responsibility play an important role that civil servants played during the pandemic and one that had a major influence on trust in government, service delivery, minimizing inequality and saving lives.

- "*Network leadership*": In many countries, the pandemic caused by the SARS-CoV-2 virus has revealed the following: Collaborative and network leadership is essential when it comes to tackling complex challenges and problems. The need for calm, credible, trustworthy, trustworthy leadership is essential in times of crisis. Civil servants have played their roles very well in terms of collaboration to ensure a coordinated and successful response to limiting the spread of the virus and mitigating the impact of the pandemic.

- *The profile of a civil servant who can work efficiently in crisis situations*: given all the roles set out above and played by civil servants, we can deduce that an effective civil servant has the following profile: self-sacrifice, risk-taking, transparent, responsible, versatile, adaptable, creative, innovative, informed and qualified, persistent, empathetic, collaborative and competent in the use of technology. Above all, he has a high dose of humanity in his personality, which makes him work for others even at the risk of losing his own life. This profile should be part of the training guide for civil servants to enable them to serve in the crisis.

Referring further to the efficient resolution of problems in crisis situations, it was easy to see that the Government and public administration are at the forefront of crisis management and recovery, facing the asymmetric impact of the SARS-CoV-2 virus on health, economic, social and fiscal. For example, the health of people in some regions is more affected than in others. Large urban areas were severely affected. In the last months of the pandemic, the impact on health has spread to sparsely populated regions in some countries. The different risks vary a lot depending on the urban or rural environment, population density, etc. This differentiated impact at regional level requires a very strong territorial approach and intergovernmental coordination (OECD, 2020).

The complex situations that arose with the pandemic caused by the SARS-CoV-2 virus are characterized by unclear definitions of problems and lack of standard solutions. These problems are best solved through collaborations with several network actors and partnerships that mobilize valuable resources,

stimulate innovation and seek common solutions (Ansell, Sorensen & Torfing, 2021). In addition to the fact that they are complex, some problems are also characterized by the fact that they are turbulent, i.e. surprising, inconsistent, unpredictable and uncertain. Turbulent problems constantly disrupt our society and challenge the public sector (Ansell, Sorensen, Torfing, 2021). The pandemic caused by the SARS-CoV-2 virus is a more recent case. In the face of social and economic disruption caused by turbulent problems, it is not enough for the public sector to activate a predefined emergency management plan. Turbulent issues require cross-border collaboration, public innovation, the development of sound governance strategies to support adaptive adjustment (Ansell, Sorensen & Torfing, 2021).

The strategies allow decision makers to support a public agenda in the face of the challenges arising from turbulent events. Solid governance strategies are based on the notion of dynamic resilience in which social and political actors abandon the idea of restoring a past balance and engage in a continuous search for a new emerging order. Sound governance is based on adaptation and can introduce changes in administrative institutions, in regulatory processes and at the same time in terms of policy instruments to meet certain new and emerging conditions (Ansell, Sorensen & Torfing, 2021).

Problem solving in crisis situations is a challenge for each of us, not to mention the fact that the pandemic involved bringing together people in charge of institutions to make important decisions that would save our lives. Under these conditions, the mayors of the mayoralties have taken important decisions regarding the behavior of civil servants regarding the provision of quality services during the state of emergency/alert state. The transparency they have shown in making optimal decisions leads us to consider that all these have contributed to increasing the confidence of citizens in public administration, but also in civil servants.

5. Conclusions

In this article, we aimed at highlighting the importance that public institutions and civil servants had in stopping the spread of the SARS-CoV-2 virus. We also highlighted the importance of operational and constitutive values, but also the transparency with which the main institutions of public administration acted. This is because one of the biggest problems that arises even today is related to the behavior of civil servants. This topic has been debated over time by both philosophers such as Aristotle who viewed man as a political animal ("zoon politikon") and sociologists such as Max Weber who analyzed the bureaucratic dimension of public institutions.

During the pandemic, when all institutions interrupted direct contact with the public, the question remains whether the services provided were quality or not. In the first part of the paper we focused on the constitutive values and the operational values, but also on understanding the concept of quality of public services. Starting from the theoretical dimension, the article further focused on the way in which the public services offered to citizens and persons interested in the activity of this institution were perceived.

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