

Contents lists available at [ScienceDirect](#)

Kasetsart Journal of Social Sciences

journal homepage: <http://www.elsevier.com/locate/kjss>

Implementation of the code of professional ethics for Thai civil servants

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ARTICLE INFO

Article history:

Received 13 August 2015

Received in revised form 25 February 2016

Accepted 18 March 2016

Available online xxx

Keywords:

civil servants

ethics

code of professional ethics

ABSTRACT

The purpose of this research was to examine the implementation of the 2009 Code of Professional Ethics for Civil Servants B.E. 2552 (the Code). Data were collected by conducting focus groups with executive and operational officials and a survey with a sample group of 5,795 civil servants in 117 agencies. The results showed that the majority of the civil servants recognized the provisions of the Code. Another finding was that the knowledge of the Code was disseminated among the civil servants, staff, and employees; the civil servants were encouraged to comply with the Code, namely, cultivating ethics in new civil servants and providing opportunities for civil servants to participate in activities. However, some problems in the implementation of the Code were found. Additionally, among the agencies there still remain breaches of the Code. In agencies not having assessment of the implementation of the Code, it was found that Code misconduct was higher. Whistle-blower measures should be enforced to enhance implementation of the Code.

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Introduction

Regulations on Ethics of the Civil Servants of 1994 was promulgated on March 9, 1994. Subsequently, the Code of Professional Ethics for Civil Servants (the Code) came into force on February 3, 2010 (Office of the Civil Service Commission [OCSC], 2010). Under Article 17 of the Code, an ethical control section shall be established in each governmental agency which has to report to the head of the agency and performs the duties of controlling ethics in accordance with the 2009 Code (Code of Professional Ethics for Civil Servants, 2009). Additionally, the Transitory Provisions Article 23 prescribes that an ethical control

section shall be established in each governmental agency within 90 days after the date on which the Code comes into force (May 2, 2010).

Although several studies have been undertaken on ethical issues concerning civil servants (OCSC, 2006; Prachayaparit, 1994, 2008; Wirachnipawan, 2006), only the study of the OCSC focused on civil servants' knowledge and perceptions of the current code of professional ethics for civil servants, as well as official conduct (Sarapimpa, 2011). There has not been a study on how the process should actually implemented, as well as on the problems and obstacles encountered by agencies in the actual implementation of the Code. Thus, the significance of the current study laid its foundations in the practical implementation of the 2009 Code of Professional Ethics for Civil Servants, and the problems and obstacles of the implementation of the policies. Moreover, the study investigated

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Peer review under responsibility of Kasetsart University.

<http://dx.doi.org/10.1016/j.kjss.2016.03.004>

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Please cite this article in press as: Chokprajakchat, S., & Sumretphol, N., Implementation of the code of professional ethics for Thai civil servants, Kasetsart Journal of Social Sciences (2017), <http://dx.doi.org/10.1016/j.kjss.2016.03.004>

the implementation process of the controlling mechanisms for the civil servants' ethics, with respect to the promotion measures for observance of the civil servants' ethics at both the level of operatives and the level of management, as well as the efficiency of the punitive measures against violators of the prescribed ethics.

The objective of this research was to examine the implementation of the 2009 Code of Professional Ethics for Civil Servants by different agencies and to explore the obstacles to implementation of the Code. The scope of this research was restricted to the 2009 Code, by studying civil servants of governmental agencies under the various Ministries and the Prime Minister's Office, governmental agencies which were not under Ministries and the Prime Minister's Office, and other organizations under the Constitution, which implemented the 2009 Code. This research was approved by the Ethics Committee of Mahidol University and was conducted between August 2011 and January 2013.

Literature Review

The applications of ethical principles in Thailand were studied, both in government agencies such as the Office of the Civil Servant Commission, and by reviewing the literature mentioning civil servants' ethical principles (Bhanthumnavin, 1993; Chinwanno, 2003; OC SC, 2006). The civil servants' ethical principles have been followed by civil servants using Buddhist principles, such as 'Raja-Dhamma (ten Royal virtues) and 'Charkrawatdhiwatra 12', which are Dhamma for a king, whereas 'Rajasangkawatthu 4' is Dhamma for formulating policies on state administration and country development or state governance, and 'Rajawasdee-Dhamma 49' is Dhamma for the execution of public affairs (OCSC, 2006).

Moreover, in *Public Affairs Principles from the Compositions of King Rama VI*, His Majesty mentioned desirable qualifications for civil servants as "Ten Principles of Public Affairs" in accordance with the ten moral and ethical principles for the profession of civil servants (Ethics Promotion and Information Center, 2005 as cited in OCSC, 2006).

Furthermore, the principles that the civil servants should follow based on morality were also in the first Civil Service Act and appeared in the preamble of the *Civil Service Regulations (1928)*, prescribing:

His Majesty The King of Thailand wishes to stipulate regulations of the civil servants, as an approach to select knowledgeable persons to be enrolled for the civil servant profession, *free of concern about seeking benefits in other manners*, whereas the public sector shall receive more benefits, resulting from abundance of civil servants who are capable and knowledgeable of art and science of public affairs, *as well as duties and disciplines for being constantly maintained (Civil Service Regulations, 1928)*.

Subsequently, the *Civil Service Act (1992)* prescribed the principles that civil servants must follow the rules of morality, in Section 91 A: "A regular civil servant must abide by and comply with disciplines and customs of the civil service and *ethics for civil servants* under regulations stipulated by the Civil Servant Commission." (*Civil Service Act, 1992*).

Additionally, the *Office of Civil Service Commission's Regulations Civil Services Commission's Ethics (1994)* prescribed ethics according to 15 issues, namely, three ethics for themselves; four ethics for their agencies; five ethics for their superiors; and three ethics for the people and society, as follows. The Civil Servant Commission (CSC) stipulates the Civil Service Commission Regulations on Ethics for Civil Servants of 1994, which entered into force on March 9, 1994, thereby integrating the matter of ethics in courses of development training for all levels of civil servants; it includes practical principles that all civil servants must abide by and comply with under the Regulations as a code of conduct, whereby the subject matter of ethical principles focuses on the superiors' behavior toward their subordinates, the subordinates' behavior toward their superiors and colleagues, and the people and society (*Office of Civil Service Commission's Regulations Civil Services Commission's Ethics, 1994*).

The CSC promulgated the Regulation on Ethics for Civil Service on March 9, 1994 (*Office of Civil Service Commission's Regulations Civil Services Commission's Ethics, 1994*). Subsequently, in 1999, the Office of Civil Service Commission established the Ethics Promotion and Information Center, to serve as a center for the coordination of activities relating to the promotion of ethical standards in public, as well as the coordination of networking with other organizations and entities with respect to ethics promotion and training. Nowadays, the Ethics Promotion and Information Center has the status of an agency under the Civil Service Training Institute of the Office of Civil Service Commission, with its missions related to shifting paradigms, cultures, and values in work, thereby studying, researching, developing, promoting, advising, and networking, as well as creating and disseminating media about the morals and ethics of civil servants, a transparent civil service, corruption and misconduct prevention, including lessons from following in the footsteps of His Majesty, and the fulfillment of the oaths (OCSC, 2010).

Later, the *Civil Service Act (2008)*, Chapter 5: Upholding the Ethics of Officials, Section 78, prescribes that a regular civil servant must uphold the ethics of officials as prescribed by the government agency with the objective of achieving good officials who exhibit honor and dignity as officials. The second paragraph prescribes that a government agency shall prescribe rules on the ethics of officials in accordance with the work descriptions in such government agency pursuant to technical principles and professional ethics. The third paragraph prescribes that when prescribing rules on the ethics of officials under paragraph two, a hearing shall be held for officials and the rules shall be published by public notice and in Section 79, it is prescribed that where a civil servant fails to comply with the ethics of officials which does not constitute a breach of discipline, the supervising official shall issue a warning, apply the matter to considerations for appointment, salary increase, or to order such official to undertake training (*Civil Service Act, 2008*).

It can be considered that presently, the Civil Service Act of 2008 mentions the principles that the civil servants must abide with regard to morality in Section 34, Section 52, Section 72, Section 74, Section 78 and Section 79 (*Civil Service Act, 2008*).

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