

ETHICS AND LEGALITY IN THE ROMANIAN POLITICAL MARKETING

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Abstract: *In a democratic system, the legal framework is a guarantee of the favourable development of several activities, including those regarding the implementation of the promotional techniques used in the political marketing.*

Key words: *political marketing, legal norm, moral norm.*

1. The Relation between the Moral Norm and The Legal Norm in the Romanian Political Marketing

The compliance with the existing legal norms, their implementation but also the completion of these norms can lead to the correct use of the methods and techniques specific to the political marketing. The creation of a broad and powerful legal environment can be a “brake” in the way of the unethical manifestations which can be adopted in the coordination of an electoral campaign.

The legal norms belong to a broad category of norms, i.e. the social norms.

The evolution of the legal norms underlines their ethical origin. For instance, the legal norms regulating the right to a healthy environment – imposing the respect for the national environment by the private or public institutions in their promotion activity – have an obvious ethical nature, and constitute a moral common sense rule which has received legal protection. [1]

The morale includes all the behavior rules of the people. The law is the ensemble of social conduct norms which

are carried out, if need be, by means of the state’s compulsion force. The morale, as compared to the law, is the law’s *genus proximus*. [2]

The obligation concept lays at the basis of all moral and legal norms. An instance in this respect is the moral obligation of the companies to perform an informative advertising for the consumers, and the legal obligation of these commercial companies performing advertising activities to respect the consumers’ right to be correctly and completely informed regarding the product or service offered by these companies. Further to this legal stipulation, the political actors might be legally bound to perform the correct and complete information of the electoral consumers in the future.

The norms which have not been legislated are called moral norms. The ethical norms do not become legal unless they are legislated, i.e. they have been included in a wording of law, it is stated in the Romanian specialized legal literature. [3] In other words, a moral social norm becomes a law norm as soon as its neglect or infringement is followed by the implementation of a sanction, exerted

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by the state by means of its legal authorities. Taking the previous example, the moral norm regarding the moral obligation of the companies to perform an informative advertising for consumers, legally regulated, becomes the obligation of the commercial companies to respect the consumers' right to be correctly and completely informed on the product or service offered by these companies, and it is sanctioned, in case of infringement, with a fine. In case this legal norm is transposed also in the political marketing, there shall obviously be a sanction.

The law has gradually detached itself from the morale norms and customs. In time, morale/ethics has preceded law. Historically, *the evolution of the law has been made in close connection to the morale*. [4] At present also, it can be noticed that the *legal norms contradicting the ethical principles are unjust*. The influence of ethics on the law regards both the law creation process, but also the law implementation process. *The legal act is an important means of ethical education*. For instance, the legislation regulating the protection of the natural environment in the advertising activities performed by the political actors, educates the electoral consumers by highlighting the danger of degrading the natural environment.

Etymologically, the word *law* (in Romanian, *drept*) is a metaphor, coming from the Latin word *directum*, meaning *what is according to the rule of law*. The legal rules forming the law are called legal norms. Legal norm means a restriction of the possibilities to manifest will, behavior compulsoriness. [5] For instance, an obligation – established by the law – to restrict the degradation of the natural environment by politically promoting the political actors, directs the action of the respective persons in the sense of respecting the natural environment, in the marketing activities performed.

The law norms – called *justum* – the morale norms – called *honestum* – and the politeness norms – called *decorum* – have been differentiated as far back as in XVIII century. The difference between the *law norms* and the other categories of social norms was the fact that their implementation is ensured by means of the *state's compulsion force*. Nevertheless, it cannot be stated that the other types of social norms are not sanctioned, for instance the politeness norms are sanctioned by the public scorn, because all the norms regulating the social living, irrespective of their nature, imply a certain type of constraint. Therefore, as compared to other categories of specifically sanctioned social norms, the legal norms have a certain type of sanction established and applied by authorities created by the society for this purpose, following a pre-established procedure.

Most of the legal norms are the result of a social normation process, which has spontaneously been followed, leading to establishing certain customs, certain habits regulated by behaviors, which have later been legislated.

The main difference between the moral norms and the legal norms – although the latter have their roots in the former in most of the cases – consists in the fact that the legal norms are acknowledged by a law, which protects them. Therefore, the legal norms are elaborated, preserved, and guaranteed in their implementation by the state; the fear of the legal sanctions constitutes, in many cases, the foundation of implementing this type of norms. [6]

The same as other social norms, the legal norms are the fruit of the aspiration for setting up the spirit of justice, the ethical spirit, in the society. [7]

Thus, ethics has been incorporated into the law, evolving at the same time with the evolution of the laws. In this respect, certain authors [8] have generally

considered the law as being that *ethics which has been codified*, i.e. the law incorporates the basic notions regarding a correct activity performed by the natural and legal persons, an activity which has been established by the law creators, the competent public authorities.

Taking into account the close connection between the legal norms and the moral norms, *certain breaches of the legislation shall next be analyzed*, regulating the political marketing field, more precisely the field of *promotion techniques used by the political actors*.

Thus, the breach of certain important ethical norms shall be highlighted, which have received legal regulation, turning into legal norms, as well as the breach of other important ethical norms which have not yet received legal regulation but which can and must become legal norms. *It can be*

considered that certain important moral norms must be turned into legal norms, especially thanks to their importance in establishing a correct and complete legal framework for regulating the activities pertaining to the political marketing. The justification of this fact consists in the *benefic effects on the political life, on the citizens' life, on the electoral consumers but also in the fight against voting absenteeism*.

The evaluation – from the electors – of the way the electoral legislation has been observed, during the electoral campaigns in Romania, has been analyzed within the quantitative research on “*Opinions, attitudes and behaviors of the Brasov citizens regarding the promotion techniques used in the Romanian political marketing*”.

The way the electoral legislation has been respected during the electoral campaigns in Romania

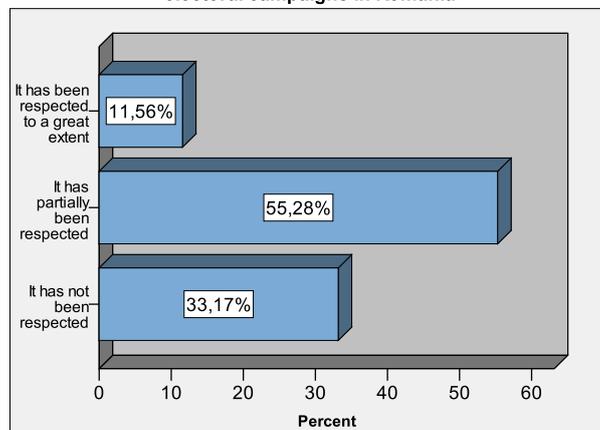


Fig. 1. The evaluation of the way the electoral legislation has been observed during the electoral campaigns in Romania

The module for this nominal scale, represented by the answer having the largest repetition, has value 2, corresponding to the answer variant “it has partially been observed” during the electoral campaigns in Romania.

2. Conclusions

As for the evaluation of the way the electoral legislation has been observed during the electoral campaigns in Romania, 55.28% of the Brasov respondents consider that the electoral

legislation has only partially been observed during the electoral campaigns in Romania.

This underlines the fact that more than 5 out of 10 Brasov citizens who have been asked consider that the observance of the electoral legislation shows a deficit.

More than 3 out of 10 Brasov citizens (33.17%) who have been asked consider that the observance of the electoral legislation is extremely critical in Romania; the legislation is not observed at all in the Romanian electoral campaigns.

The result according to which almost 9 out of 10 citizens consider that there are serious problems in observing the electoral legislation, or that only 1 out of 10 electors consider that there are no problems in observing and implementing the legislation in Romania, is an extremely serious result.

This result highlights the lack of inefficiency of the control over the observance of the electoral legislation by the competent public authorities, entitled to perform this control.

The gravity of this result should seriously be taken into consideration in a democratic system, where the legal framework is a guarantee of the favorable development of several activities, including the implementation of the promotion techniques used in the political marketing.

The actual critical implementation of the legislation is caused by the involvement of politics in the everyday life, including the activity of the public institutions which must control the application of the law in the political "game". It thus occurs a "fear" of applying the law because it is unknown which party would dominate the political scene, sometimes it is unknown for how long which party would be next in leading the country. Therefore, it becomes "diplomatic" not to control the application of the law regulating the political "fight".

In this context, an ethical code may be

useful in the field of the political marketing.

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