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ETHICS

LAW AND PROFESSIONAL DEONTOLOGY





**Ethics, Law and
Professional Deontology**

Madrid 2021

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Ethics, Law, and Professional Deontology: delimitation of concepts

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OBJECTIVES

In this chapter, a series of important concepts will be delimited. The delimitation of these concepts constitutes the environment of Professional Ethics and differentiates it from other study areas, such as Law. Thus, after a brief study of the history of ethical thinking, and an analysis of moral values, the field of professional deontology will be covered, as an area composed of the sum of ethical principles and rules that govern a professional activity, setting the duties required of professionals, for which purpose special reference will be made to professional associations, self-regulation, and deontological codes.

1.1. LEGAL DUTY AND MORAL DUTY

Ethics is one of the most important branches of philosophy; its objective is the study of morals, virtue and good behaviour. And it is one of the most important branches because, without a doubt, it requires reflection, argumentation and, above all, evaluation. Ethics is not limited

to a simple contemplation of human acts but transcends a judgment on them that allows us to discover their goodness or badness and, consequently, to delimit the set of different moral duties. Of course, only conscious and free acts will be the object of moral evaluation, since suffered, compulsive or forced actions cannot be branded as moral or immoral. What is moral or immoral is an action that depends on the will.

Unlike legal norms, moral norms lack enforceability, so their compliance cannot be forcibly required by public organisations. Thus, the relationship between law and morality has been one of the most important study topics in the “Philosophy of Law”. And more specifically, what is the relationship between legal duty and moral duty? Is there a moral obligation to obey the law? And what happens in cases of disagreement? In short, which of the two normative systems is the priority in case of contradiction? The historical answer to this last question has gone through different stages: the first one, which prevailing morality over law – given the homogeneity of reigning ethical-religious thought in medieval Europe – strongly united around the Christian religion; a second, which imposed the preference of positive law, on the basis not of the ‘goodness’ of its precepts but of the notion of sovereignty as the power to impose mandatory mandates, and as a consequence of the wars of religion that bled Europe to death; and a last one, of general precedence of law over individual morality, with the particular consideration that in certain specific cases the latter should be given preference. And so it is that, the tangled relations between the ethical and the legal are highlighted in the so-called ‘difficult cases’, in which there is no obvious consensus when defining what the legally enforceable conduct should be, or in which the judges must decide without a rule, either because there is no specific one for the case, or because there are several contradictory signs (Casado, 1998).

1.2. HISTORY OF ETHICAL THINKING

1.2.1. Ancient Greece

Ethical reflection has been present since the beginning of philosophical reflection. Thus, Plato elaborates a complete treatise on political ethics, entitled *Republic*.

Nicomachean Ethics is Aristotle's first treatise on ethics, and rests on the premise that every human being seeks happiness. According to Aristotle, all natural beings tend to fulfill their proper function and are oriented towards a complete realisation of their potentialities. The good, which is the same as the perfection of a being, is to fulfill its own function, that which only it can do. In this way arises the problem of finding out what is man's own task and, if there is more than one, what is the highest and most perfect good that human beings can achieve. Thus, in the said treatise, Aristotle reveals the views of his contemporaries in this regard, and verifies that all of them agree that the highest objective of man is to live well and be happy, although not all agree on what it is to live well and what is happiness.

As a sign of this variety of estimates, the Stoic and Epicurean philosophers formulated moral theories founded on opposite principles: virtue and life with sanity, good sense and temperance (Stoicism), and the pursuit of pleasure (Epicureanism).

1.2.2. Middle Ages

Medieval ethics takes as its own elements of the classical doctrines of happiness (the purpose of human action is to obtain the good that makes us happy) and links them to Christian doctrine (seen as divine Revelation), especially according to the regulations collected by the Commandments. The highest purpose of human action is charity, which is achieved by living from the Gospel, and which gives man access to the vision of God (in heaven), where the human being reaches its maximum fullness and the highest good.

Various authors speak of ethics from different perspectives. It is appropriate to remember two great names: Saint Augustine of Hippo and Saint Thomas Aquinas.

1.2.3. Modern Age

Modern ethics focuses, above all, on Ancient Greece, although it incorporates certain notes inherited from medieval Scholasticism. Among the great names are: Descartes, with his famous *Discourse on method*; within rationalism, Baruch Spinoza; within empiricism, David Hume, obsessed with understanding the underlying motives of human action; and, as a revolutionary of modern ethics, Immanuel Kant, who bases it on the “moral imperative”, something totally different from the pursuit of happiness, which will never lead to the formulation of categorical or universal norms.

1.2.4. Contemporary Age

The ethics of the twentieth century has seen very important contributions from numerous authors: vitalists – for whom the phenomena that take place in the body are due to the action of vital forces, and not exclusively to that of the general forces of matter – and existentialists – who base the knowledge of all reality on the immediate experience of one’s existence – develop a sense of choice and responsibility. For his part, Max Scheler, with great influence in the fields of Ethics of values and Anthropology, elaborates a phenomenology of values according to which the person tries to form himself according to a “valuable” personal model, since the objects that give meaning in human living are “values”.

1.3. THE ANALYSIS OF MORAL VALUES

The different theories within ethical philosophy can be classified on the basis of what they configure as good or moral value. Thus, it is possible to speak, among others:

- From the point of view of consequentialism, which defends that the morality of an act is closely linked to its consequences; although not all consequentialists give the same interest to consequences; for some, those that generate greater happiness will be important, for others those that increase freedom, for others those that promote the survival of our species ... thus, a way of classifying consequentialism is that which attends to the 'agents' who have to take into account assessing the consequences of the acts, and gives rise to three types:
 - a) *utilitarianism*, according to which an action is better the more it benefits more people;
 - b) *moral altruism*, according to which the best action is the one that benefits everyone except the one who performs it; and
 - c) *moral egoism*, according to which what matters is the benefit for the actor.
- Deontology (within the superior branch of normative ethics), according to which there are certain acts that must be performed and others that must not; regardless of the positive or negative consequences they may entail. That is, there are a series of mandatory duties beyond their consequences.
- On the ethics of virtues, according to which an act is moral when it belongs to a virtuous person. Thus, if for utilitarianism helping the needy is moral because it benefits the general interest, and for deontology, it is simply our duty, for this latter trend it is because it is proper to a charitable person.
- Of applied ethics, the object of which is the moral assessment of specific and controversial issues such as, for example, induced

abortion, euthanasia, animal rights ... Thus, some of these issues are grouped by similarity and give rise to sub-disciplines: bioethics, which assesses possible advances in biology and medicine; professional deontology, which attempts to set the values that should guide the professional in the exercise of their profession, giving rise to different sub-disciplines (medical ethics, journalistic ethics, legal ethics, business ethics, advertising ethics...); environmental ethics, which deals with the ethical relationship between human beings and the environment; military ethics, etc.

1.4. PROFESSIONAL DEONTOLOGY

For deontology (from the Greek *to deon* – convenient, due – and *logia* – science), the concept of which was coined by Jeremy Bentham in his work *Deontology Or, The science of morality* (Paris, 1832), the object of study is the foundations of duty and moral norms, hence some call it ‘duty theory’. Deontologicalism constitutes an ethical theory that deals with regulating duties, translating them into precepts, moral norms and rules of conduct, leaving other aspects of morality outside its specific scope of the study.

Thus, the deontology applied to the study of the specific duties within the exercise of a certain profession gives rise to the so-called professional deontology, for the development of which the so-called ‘deontological codes’ are drawn up, through which the obligations of the different professionals (lawyers, doctors, journalists ...). In short, deontology emerges as a subject whose purpose is to define professional standards in order to achieve certain goals.

Therefore, professional deontology can be defined as the sum of ethical principles and rules – normally formulated by a professional group – that govern and conduct a professional activity, setting the minimally required duties of professionals in their profession; it is halfway between the moral and legal spheres. Such principles and

rules are normally formulated by a professional group, however, exceptionally, the initiative of a deontological code may come from the State or a supra-state entity, although it is a necessary condition that the professional group incorporate it into its activity and exercise self-regulation because, otherwise, the code would cease to be deontological and would become a legal norm.

Deontological norms are incomprehensible without reference to the context or social group in which they are obligatory; thus, the obligation is limited to that group, outside of which it would be meaningless.

Nowadays, in all fields hangs the conviction of the interest of following some ethical samplers of conduct before the whole of the citizenry. Thus, providing oneself with one's own ethical model is not only an individual desire, but also specific to the different activities: the legal profession, medicine, but also politics, journalism ..., and even in scientific activity, which has made an effort in recent times to agree on non-transferable limits. And all this has favoured the proliferation, in diverse fields, of Ethics Committees (Casado, 1998).

1.5. DIFFERENCE BETWEEN ETHICS, DEONTOLOGY AND PROFESSIONAL CONSCIENCE

Although the terms ethics and deontology are often used synonymously, the truth is that they are not an expression of the same thing. One of the main differences is that while the term ethics refers to the individual and personal assessment of a behaviour – since ethics is based on the moral conscience of every human being and serves as a motor, brake or direction, depending on the case, at the time of acting – the term deontology refers to a model of action typical of a community, and not of an individual. Hence, what makes up ethics (what one thinks is right) is not included in norms or codes, and what makes up deontology (what must be done) is, on the contrary, occupying an intermediate space between the ethical and the legal.

Thus, in a more generic sense, professional ethics should be focused on the search for the social good within a given profession, and deontology on setting the specific obligations of each professional activity. For this reason, professional ethics is not incorporated into any type of rule or code, as it is something relative to what a certain person considers and is therefore not mandatory for any professional. However, it should not be considered a given that a person does not consider his professional tasks, in the same way as he fulfills his duties and acts correctly in other spheres of his life.

On the other hand, within the human conscience of an individual nature appears the facet of professional conscience, that is, acting socially consistent with the obligations of a profession, once a code of relative values has been marked and accepted, to such a profession, in order to manage the very different questions that may arise with the greatest responsibility and honesty.

1.6. PROFESSIONAL ASSOCIATIONS

Although it is located in Title I, Chapter 2, Section 2 of the Spanish Constitution, entitled On the rights and duties of the citizen, article 36 of the Magna Carta does not enunciate a right or a duty of association as such, but rather entrusts the legislator with the task of regulating the peculiarities of the legal regime of professional associations, always under the fundamental premise that their internal structure and operation are democratic. Likewise, it delegates to the legislator the regulation of qualified professions.

However, despite having been formulated in future tense – “the law will regulate” – the truth is that the current regulatory law is prior to the Constitution: Ley 2/1974, of February 13th, on *Professional Associations*, and defines them in its first article as public law corporations, protected by the Law and recognised by the State, with their own legal personality and full capacity to fulfill their purposes, being synthetically the essential ones, according to the wording

introduced by the Ley 25/2009, of December 22th, *of modification of various laws to adapt them to the Law on free access to service activities and their exercise* (known as the Ley Omnibus, which arises as a legal mechanism for the deep transformation of the service sector and the elimination of structural gaps in the Spanish economy in this area):

- the defense of the professional interests of the members;
- and the protection of the interests of consumers and users of the services of its members (purpose introduced by Ley 25/2009 in order to satisfy the regulatory requirements at the level of Community Law, and more specifically, by Directive 2006/123/EC of the European Parliament and of the Council, of December 12th, *on services in the internal market*).

In this sense, the Constitutional Court itself has emphasised its character as a public law corporation by stating: “Article 36 of the Spanish Constitution does not refer to the legal nature of Professional Associations, thereby keeping alive – and explainable – the concern of the doctrine around it. It can be affirmed, however, that the immense majority is in favor of a mixed or dual-perspectives conception that, based on an associative base, born from the same professional activity (to this almost all the Professional Associations refer), considers the Associations as corporations that fulfill both public and private purposes, but always integrated into the category or concept of Corporation, to which, when speaking of legal persons, art. 35 of the Civil Code, which separates “Corporations, Associations and Foundations of public interest recognized by the Law” from “Associations of particular interest, be they civil, commercial or industrial...”, thus distinguishing Associations of public interest, Associations of particular interest and Corporations, these always being of a public nature or public legal persons, because, despite the common associative base of all legal persons, they pursue broader purposes than those of simple private or private interest, thereby granting them legally certain attributions or powers – a kind of delegation of public power – so that they can carry out those purposes and functions which are not only of interest to the

associated or integrated persons, but to those who are not, but which may be affected by the actions of the entity ”(Sentence 89/1989, of May 11, 4th Legal Basis). Ultimately, these are entities with associative roots and a complex legal regime, members of the so-called Corporate Administration.

The Professional Associations have been victims of serious reproaches for several reasons: Firstly, for being excessively expensive institutions and, on many occasions, of compulsory membership (this is considered by article 3 of the *Ley on Professional Associations* when established by state law). Secondly, in the technical professions (LPA), the visa is considered by many, more than as an act of delegated control of the Administration that prevents intrusion and reinforces the quality of the work of architects and engineers, as an unnecessary procedure that operates as a means of collegiate financing and by the fixing of fees. However, the Constitutional Court has affirmed – following the line marked by the European Court of Human Rights on this point – that compulsory membership is justified, not in view of the interests of professionals – for which a simple “association” would suffice – but rather as a guarantee of the interests of the recipients of its services since, in short, the profession itself is nothing more than a “public service” and, therefore, it must ensure that its performance is adjusted to norms or rules that guarantee both the effectiveness and the eventual responsibility in such exercise. And it is that, all professionals must be subject to more or less rigorous social controls that allow them to be held accountable in relation to their actions (Sentences 89/1989, of May 11th; 131/89, of July 17th; 74/1994, of March 14th). In this regard, the subsequent Sentence 194/1998, of October 1st, adds that compulsory membership requires, from the constitutional level, the existence of general interests that may be affected or, in other words, the necessary achievement of constitutionally relevant public purposes.

In any case, as Marín Moral (2002: 187) states very well, the obligation to belong to a Professional Association is fully compatible with membership in a union, as the Constitutional Court has expressly stated in different pronouncements (Sentences 123/2987 and 89/1989),

by holding that compulsory membership does not in any way hinder professional association or union membership for the protection of their interests, given the lack of constitutional disagreement between articles 22, 28 and 36 of the Constitution. For its part, also on the specific point of membership, the Ley Omnibus introduces important clarifications regarding the original regulation:

- the registration or membership fee may never exceed the costs related to the registration process;
- the Professional Associations will have the necessary resources for the registration to be managed electronically (in this sense, article 10 is added to the LPA which provides that the collegiate organizations will have a web page so that, through the single window, the collegiate can carry out all the pertinent procedures for membership, exercise and withdrawal from the Professional Associations, through a single point, electronically and remotely);
- the power to require a communication, authorisation or financial consideration from the collegiate to exercise their profession in a place other than the one in which the Association in which the professional has enrolled is located is abolished, the admission to a single Association being sufficient;
- and finally, in the event of temporary displacement of a professional from another Member State of the European Union, the provisions of current regulations in the application of Community Law regarding the recognition of qualifications will be followed.

Finally, within the powers assumed in their respective Statutes of Autonomy, and with the exception of the Principado de Asturias, since 1990, the different Autonomous Communities have been approving their respective regulations on professional associations: Canarias (Ley 10/1990, of May 23rd); Castilla-León (Ley 8/1997, of July 8th); Madrid (Ley 19/1997, of July 1st); País Vasco (Ley 18/1997, of November 21st); Valencia (Ley 6/1997, of December 4th); Aragon (Ley 2/1998, of March 12th); Navarra (Ley Foral 3/1998, of April 6th);

Baleares (Ley 10/1998, of December 14th); La Rioja (Ley 4/1999, of March 31th); Castilla-La Mancha (Ley 10/1999, of May 26th); Murcia (Ley 6/1999, of November 4th); Cantabria (Ley 1/2001, of March 16th); Galicia (Ley 11/2001, of September 18th); Extremadura (Ley 11/2002, of December 12th); Andalucía (Ley 10/2003, of November 6th); and, finally, Cataluña (Ley 7/2006, of May 31st).

1.7. SELF-REGULATION

The general rule tells us that the deontological norms of a profession are not imposed by an external entity – as happens with the legal ones – nor by the conscience of each individual – as happens in morality – but by the professional collective, hence the term “self-regulation” is coined.

However, such self-regulation, as we have also seen, is not incompatible with a certain institutionalisation of the deontological field, through the Deontological Codes, or the already studied association ... but always to a much lesser degree than in the field of Law.

Thus, we speak of self-regulation because the professionals themselves are creators, subjects and objects of the deontological norms related to their profession, either through Professional Associations or through simple associations. Self-regulation is necessary because it defines fields of action, alerts about actions that are far from the common good and can invite the professional to direct their actions by promoting values that promote a more humane life.

1.8. DEONTOLOGICAL CODE

The Deontological Code is a document that incorporates the principles and rules of conduct that are proposed, enunciated and contracted as their own by those people who carry out a specific professional activity (normally through the already studied Professional

Associations, but increasingly through other types of associations and organizations), dealing with the most substantial and fundamental aspects of the exercise of said profession, so that they become the specific regulations of each activity.

Like any normative code, the deontological code needs to expressly allude to specific purposes, in order to be able to resolve the issue of duty fulfilled, which every person must consider as part of their ethics. Thus, specifying such purposes will make it possible to distinguish the good of each profession, and prevent the code from becoming a mere formal list of guidelines or practices, representing, on the contrary, the best guide for solving possible problems that may arise in the exercise of a certain professional activity. Ultimately, its value and effectiveness will be linked to the mandatory and binding nature of its regulations for its recipients. The deontological code is the best-known professional self-regulation mechanism, and it helps a professional group to set its own limits.

Under the rubric of “Deceptive practices on codes of conduct or other quality marks”, article 21 of Ley 3/1991, of January 10th, on *Unfair Competition* – written by section eleven of the first article of Ley 29 / 2009, of December 30th, by which the legal regime of unfair competition and advertising is modified to improve the protection of consumers and users – establishes that commercial practices affirm without being true:

- a) That the employer or professional adheres to a code of conduct.
- b) That a code of conduct has received the endorsement of a public body or any other type of accreditation.
- c) That an entrepreneur or professional, their business practices, or a good or service has been approved, accepted or authorized by a public or private body, or make such a statement without meeting the conditions of approval, acceptance or authorization.

For its part, under the heading of “Promotion of codes of conduct”, article 37 of the same legal text – introduced by section twelve of the first article of the aforementioned Ley 29/2009 – provides:

1. Corporations, associations or commercial, professional and consumer organizations may elaborate, so that they are voluntarily assumed by employers or professionals, codes of conduct related to commercial practices with consumers and guaranteeing the participation of consumer organisations in their preparation.
2. The codes of conduct will respect the antitrust regulations and will be given sufficient publicity for their due knowledge by the recipients.
3. Public Administrations will promote the participation of business and professional organizations in the development of codes of conduct at the community level for this same purpose.
4. The self-regulation systems will be equipped with independent control organs to ensure effective compliance with the commitments assumed by the member companies (...)
5. The recourse to the control bodies of the codes of conduct in no case will suppose the waiver of the legal actions provided for in article 32.

1.9. CONCLUSIONS

Halfway between Ethics and Law is Professional Deontology, focused on the duties of the exercise of a certain profession, which are embodied in the so-called “deontological codes” that, like any other normative document, allude in a way expressed for specific purposes and objectives. For their part, in those professions that perform a service of public interest, the role of Professional Associations – which in other sectors develop private associations, always in a self-regulatory manner – is fundamental when it comes to ensuring not

only the defense of the interests of its members but, mainly, the protection of consumers and target users of its services.

1.10. KEYWORDS

1. Professional deontology.
2. Ethics.
3. Law.
4. Self-regulation.
5. Professional association.
6. Deontological code.

1.11. BIBLIOGRAPHY

- CASADO, M. (1998): «Ética, derecho y deontología profesional». *DS: Derecho y salud*, vol. 6, n. 1, pp. 30-35. [Dialnet-EticaDerechoY DeontologiaProfesional-2891725%20\(2\).pdf](#)
- MARÍN MORAL, I (2002): «El colegio profesional: una asociación constitucional». *Revista de Derecho Político*, n. 53, pp. 161-197.