

PRINCIPLES GOVERNING INTERVENTION IN SOCIAL WORK REFLECTED IN THE LEGISLATIVE NORM

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Abstract

The study analyses the principles of social work contained in normative acts that govern the social assistance system concerning social categories: children, people with disabilities and elderly people in Romania. Although they are general in nature, the principles are important because they guide the entire approach established by the legislator. The analysis of the legislative documents shows that the principles of social assistance concern four areas: the national social assistance system, the way of granting benefits and services (considered as rights of people to social assistance), the social intervention and the way in which it occurs (the social assistance process) and the activity of social assistance institutions. The approach reveals a potential criterion for classifying the principles in social assistance, aspects regarding the transversal nature of the principles and offers reflections on the presence/absence of principles in normative acts. The paper is useful to those who legislatively design social intervention, social workers and legal specialists and professionals.

Keywords

Social assistance, principles, code of ethics, legislation, social intervention.

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1. Introduction

Why a study on principles? For at least two reasons. First, because in everyday life, we often use the notion of *principle* in various contexts, thus showing the guiding effects of human action. We affirm that we have principles, life or professional, meaning that some aspects are accepted and others are not, there is a willingness for some deeds to be undertaken and others not. As a result, what we call principles, guides individual action (or personal life) or social action (in relation to other people). Dalio (2024) defines principles as ways in which reality is viewed, being applied in similar situations and oriented towards achieving objectives; they are applied in decision-making. A good set of principles ensures success. The second reason, because in all professions, due to standardization but also to ensuring functioning and efficiency, sets of statements are used that outline principles of professional action. In the field of social assistance, the principles are extremely important because they guide the behaviour in such a way as to ensure the respect of the rights of the assisted persons and at the same time, not to damage the image of the profession (Țigmeanu & Keller, 2008).

Exploring the issue of social intervention, several questions arise when we reflect on principles. What are the principles? Why do we need them in social assistance? What are these principles? What normative acts do they establish? How do the deontological principles (mentioned in the Code of Social Workers) correlate with the principles of the

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Social Assistance Law and other normative acts that regulate the intervention towards different social categories? Why is it important to have principles in social assistance? The present approach starts from these questions and analyses the way in which these principles are presented in acts that regulate the activity of social workers and the social intervention managed by the public system.

The importance of the approach of analysing the principles is given, first of all, by the fact that the principles are mentioned and explained in various documents that regulate an institution-citizen relationship or the action of a professional. They exist and must be applied in the practical professional relationship. But are they internalized, are they really taken into account when the provision of a service, support, etc. is actually achieved? It is desirable that this happens. The application of these principles ensures the unitary approach and allows, firstly, respect for human rights and secondly, the provision of services at high standards. Acting in the sphere of social assistance and even social protection without having the application of principles as the supreme norm can leave room for suspicion about the objectivity of the intervention.

In observing the way in which the principles set out in normative acts on child protection are applied, situations of non-compliance with them are noted. A report by Save the Children (2019) presents examples of non-compliance with the principle of the best interests of the child (a principle with legal force) or those in which, in the absence of operationalization of these principles, they do not acquire practical value. It is difficult to identify the extent to which social protection workers internalize the principles specified in professional codes and legislation, so that they become vectors of action, at first glance it is evident that the focus is rather on compliance with the stages of assistance (very important, by the way), the administrative requirements (the content of the files, for example) and the obtaining of a positive (favourable) response from the beneficiaries. But, beyond these three elements, the application and especially the awareness of the working principles, is an essential element of ensuring a social service at a high standard.

The role of this study is to see the extent to which the principles declared at a general level (such as, for example, the code of ethics of social assistance or the law on social assistance) are found in the normative acts aimed at segments of social protection (for example: the law on the protection of persons with disabilities, the law on the protection of children or the law on the protection of the elderly) - the transferability of the principles. We consider the premise that the awareness of the connections between the principles by the workers in the field of social assistance ensures an intervention at a high standard level of quality, thus reflecting the importance of assimilation and application of them (integration of the principles in practice) generated by the axiological and regulatory force of the work of the social worker and other professionals working in social work (psychologists, therapists, nurses, doctors, managers, etc.).

2. Literature review

Skaar et al. (2020) show that principles function as valuable guides, are prescriptive (providing a position on what should or should not be done), and are closely related to theories (thus acquiring descriptive character), making the connection between theory and practice. At the same time, they are contextual because they reflect a field in which they are valid. Being action-oriented, the principles describe in general and guiding terms, what a person needs to do (2020). The principles are based on values - in social work, according to the UK Social Workers Code, the values are: human rights, social justice and professional integrity, to which principles are subsumed (BASW, 2021).

In the professional context, of course, we apply some principles or rules. Some are educationally constructed and imposed at the level of the profession through codes (professional deontology, ethics in the respective field), others are normatively imposed to determine all employees to act in the same direction, using similar tools, adopting identical attitudes in similar situations/contexts, etc., also giving them legal force (Save the Children, 2019), The Code of Ethics therefore includes a statement of the fundamental values applicable in the performance of professional roles (Whitton, 2001). Whitton (2001) is of the opinion that codes of ethics sometimes have little value in disciplinary matters, with managers avoiding disciplinary measures on the basis of general ethical principles considered vague in the absence of specific standards of conduct, but acknowledges that the principles set out in the content of the codes provide a solid basis for workplace culture, leading to the observance of rules to avoid punishment. Ethical codes do not guarantee ethical behaviour (Țigmeanu & Keller, 2008), however, the principles stated, although sometimes seen as inconclusive, encourage reason when acting, guiding and giving meaning to action; these aspects empower them (Skaar *et al.*, 2020).

From the perspective of legal sociology, as Voinea (2003) points out, the regularization of social relations was achieved through law and its functions, ensuring the legal functioning of the social system. Norms are established by law, becoming official once they are recorded in the normative act and are connected with the activities of the state. Legal norms are globally valid and binding on citizens and the law is the main means by which social order, protection of the main individual rights and freedoms is achieved. A number of the laws concerning social assistance include principles in their text.

We encounter numerous disputes with legal connotations regarding the distinction between principles and norms, Alexy (2000) showing that the principles are not sufficiently explained in their quality as constructs and accepts their character as obligations to be optimized, the expression that best expresses their meaning being that of ideal “must”. The mentioned author shows that in relation to the issue of principles, in the sphere of law, two positions have emerged: one in which principles are optimization commands - a characteristic that makes the difference between principles and rule (a position that outlines the “theory of principles”) and the other position opposes the optimization thesis, appreciating the exaggerated explanatory power of principles. The theory of principles is based on three theses: (1) the optimization thesis (principles are norms that require that what is done be done to the highest degree and according to the law - consequently they are optimization commands): rules are regarded as norms that can be respected or not; the difference between principles and norms being one of quality and not only of their degree of achievement; (2) the law of collisions (the collision of principles, at the time of their application - e.g. the issue of conducting a trial in the case of an accused who may suffer a stroke or a heart attack due to the stress caused by the trial - the collision occurs between the principle of the right to life and the inviolability of one's own body and the principle of the rule of law to ensure the functioning of criminal justice); (3) the law of equilibrium - its equivalence with the theory of proportionality (the theory of principles implies the principle of proportionality, with three component subprinciples: the principle of adequacy, necessity and proportionality, which are deducible from the theory of principles; the relationship is also valid the other way around: the theory of proportionality implies the theory of principles (Alexy, 2000).

The connection of the principles provided in codes of ethics with their absence or presence in some normative acts shows their importance. The knowledge and application of the principles by professionals makes it possible to signal situations in which a normative act adopted at a given time provides for measures that do not correspond to professional principles or fundamental rights. Barsky and Simson (2025) shows how a law passed in the state of Florida (USA) generated substantial ethical-legal conflicts, generating barriers to access to gender-affirming health care services; professionals have reacted by calling for the harmonization of medical measures with ethical guidelines, sanctioning political interference (Gender-affirming medical care). We can consider that the application of the principles internalized in professional practice determined the correction of a normative act.

Administratively, in the European space, principles are seen as standards that express the values and behaviours that citizens and businesses expect from modern public administration. The concern for high-quality public governance (including social assistance governance) has led to the development of a set of principles, which together comprise 32 principles, intended to guide countries in establishing more effective systems of administration (SIGMA & OECD, 2023). At the international level, the establishment of principles between states ensures a common approach for effective, coherent and sustainable social protection (Loewe & Schüring, 2021).

As an act of governance in the sphere of social protection (as part of social policies aimed at the population), the public structure builds its approach on a set of principles, so that their analysis allows us to understand the vision that was the basis for the design of social assistance (the general and guiding character mentioned by Skaar et al. (2020)). It is expected that what is included in the principle concept will be found in the normative acts regulating the provision of social assistance, from the social assistance law (which has the role of establishing the broad intervention frameworks, namely institutions, structures, types of intervention, benefits and services, service providers and their beneficiaries) to the sectoral laws intended for different vulnerable social categories.

Ethical principles existing in codes or normative acts have the role of combating a possible defective administrative act, including abuse of office or corruption (Whitton, 2001); they are functional through the human factor (which has developed them to reduce inequalities in the professional approach, but which must have them as supreme vectors (guides) when providing assistance, especially in contexts that generate ethical dilemmas. Examples of ethical dilemmas are given and analysed by Goian (2023) and they can aim at choosing between two or more relevant but contradictory ethical directives, in the sphere of assisting the elderly, generating decision-making difficulty.

In this study, the concern is for those principles based on which people are ensured rights or access to some rights, in particular the right to social assistance. As a result, we are not particularly concerned with deontological principles, but with the principles on the basis of which the social assistance service is provided to citizens, principles that specialized institutions and their employees must apply/respect. Indirectly, they become values for the profession and the correlation with those stated in the professional codes is very strong. Their recording in normative acts generates the obligation to be respected, an obligation that derives from the nature of the general-binding legal norm whose application must be enforced, in the event of a contract applying state coercion (Popescu & Gheorghe, 2012).

3. The methodological approach taken in the analysis of the contents of the normative acts

The purpose of the study is to analyse the scope of the principles in the field of social assistance through legislative acts. *The objectives pursued are:* (1) to carry out an analysis on the principles set out in the documents that the social worker profession; (2) creating a synthesizing table of the principles of social assistance (Social Assistance Law and special laws: persons with disabilities, children, elderly persons) – as levels of exercise and/or application; (3) identifying the extent to which the principles declared at a general level (such as the Code of Ethics of Social Assistance or the Law on Social Assistance) are found/reflected in the normative acts concerning segments of social protection (for example: the law on the protection of persons with disabilities, the law on the protection of children or the law on the protection of the elderly. The premise that it started is that the existence of axiological connections at the level of the four normative acts produces a praxiological impact.

As a working procedure, the identification of principles in normative acts was used. The documents analysed are: Law no.466/2004 on the status of the social worker, the Code of Ethics of the profession of social worker elaborated by the National College of Social Workers of Romania, Law no.292/2011 of December 20, 2011 - Social Assistance Law, LAW no.448 of December 6, 2006 (republished) on the protection and promotion of the rights of persons with disabilities), Law no.272/2004 on the protection and promotion of children's rights and Law no. 17/2000 (republished).

The identified principles were summarized in a table and organized according to their presence in the law regulating the national social assistance system, in the law regulating social assistance for people with disabilities, children and the elderly. Depending on the coverage area, they were classified according to criteria.

4. Results of the analysis

The analysis of the documents regulating the field of social assistance (legislation and code of ethics) leads to a first observation regarding the possibility of being classified into two categories: the principles concern on the one hand the professional and the way in which he must relate in his activity and on the other hand, we have principles that regulate the system through which social assistance is provided to the population (Figure 1).

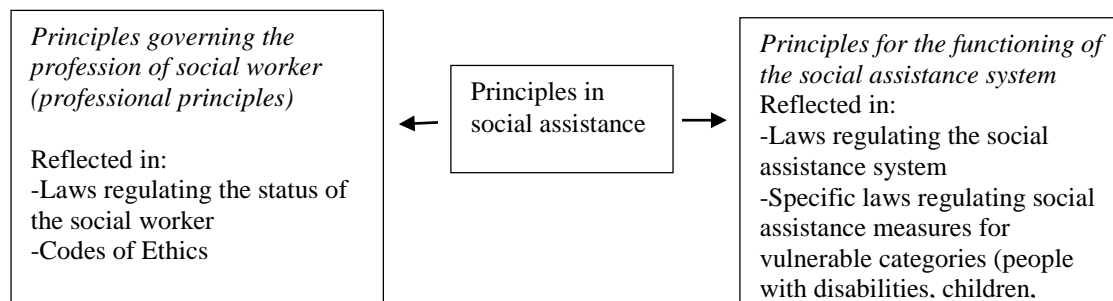


Figure 1. A classification of principles in social assistance

Exemplifying with the Romanian legislation, *the professional principles regarding the activity of social workers* are specified in Law no.466/2004 on the status of

the social worker. It points out the following principles that guide its activity: (1) the social worker must respect values and ethical principles that refer to the provision of quality services but also permanent professional development so as to increase the quality of social intervention; (2) The ethical principles mentioned are: social justice; equal opportunities for assisted persons to access information, services, resources and their participation in the decision-making process; the dignity of the individual, the uniqueness and value of each person; non-discrimination (not to practice, tolerate, facilitate or cooperate in any form of discrimination); support assisted persons; contributes to the strengthening of relationships between people in order to promote, restore, maintain and/or improve the quality of life of individuals, families, groups, organizations and communities; to act honestly and responsibly; carries out his/her activity only in the area of professional competence; to continuously improve their professional knowledge and skills and to apply them in practice. The Code of Ethics of the Social Work profession developed by the professional body, namely the National College of Social Workers in Romania, includes a distinct chapter that includes general professional principles. They are presented in Table 1.

Table 1. General professional principles of social workers

<i>General professional principles</i>	
1	The social worker has the obligation to exercise his profession according to the legal provisions in force regarding the exercise of the profession of social worker, as well as the specific professional norms in the field of social assistance.
2	The social worker is obliged to promote and respect the values of the profession, the methodology of exercising the profession, as well as the guides of good practice in the field, approved by the College, thus ensuring the achievement of the quality of the professional act.
3	The social worker must constantly enrich his professional knowledge and consistently seek to raise the quality standards of the exercise of his profession, as well as in the field of research, by reporting to the professional authority illegal practices in the field, as well as those that violate the provisions of this Code.

Source: CNASR (2008)

Synthesizing these principles, the social worker, through university professional training but also by joining the College professional training, assimilates and becomes aware of the importance of applying these principles. In general concepts, they aim to: observance and application of the normative provisions in the field of social assistance, promotion of the values of the profession, good practices, ensuring a quality professional act and enrichment of professional knowledge, as well as concern for research. It is also encouraged to report illegal practices or violations of the code.

The principles that “govern” the social assistance system (of the public administration and not only) are reflected in normative acts; they are valid for all employees in the social assistance system (not only for social workers), throughout the process of providing assistance to the people who address them. For the current analysis on the presence and correlation of principles, we have resorted to the law that regulates social assistance in Romania, the law that regulates the social protection of children, the law that provides for the social protection of people with disabilities and the law that regulates the social protection of the elderly in Romania. A summary of the principles included in these normative acts is presented in Table 2.

A first observation drawn from the analysis of the contents of these four normative acts is that these principles are named and explained. By correlation with their coverage

area, it is found that they target four areas of social assistance, namely: (1) society and the entire social assistance system, as well as the manner of covering social issues; (2) the application of universal human rights; (3) regulation of intervention/care (focusing on the process of providing social assistance); (4) the activity of the structures that provide social assistance directly to vulnerable persons. Of course, it is not a question of an extreme separation of them, but of their stronger influence in one area or the other.

Table 2. Summary of the principles included in the normative acts of the Romanian legislation on social assistance

The law regulating the social assistance system in Romania	Law regulating measures for		
	Persons with disabilities	Children	Elderly people
Introductory text for setting out the principles:			
The national social assistance system is based on the following general values and principles:	The protection and promotion of the rights of persons with disabilities is based on the following principles:	The respect and guarantee of the rights of the child is carried out according to the following principles:	It has no text on the principles
Principles that concern society and the entire social assistance system, as well as the manner of covering social issues			
Social solidarity	Social solidarity	-	Principles are not mentioned
Universality	-	-	
Subsidiarity	Subsidiarity	-	
	Adapting society to the disabled person	-	
Principles that ensure the application of universal human rights			
Respect for human dignity	-	Respect for the dignity of the child	Principles are not mentioned
-	Respect for fundamental human rights and freedoms	-	
Non-discrimination	Preventing and combating discrimination;	Non-discrimination	
Equal opportunities	Equalization of opportunities	Equal opportunities	
-	Equal treatment in employment and occupation	-	
-	Community empowerment	Parents' responsibility for the exercise of rights and fulfilment of parental obligations The primacy of parental responsibility with regard to the respect and guarantee of the rights of the child	
Principles Governing Intervention/Care (focusing on the process of providing social assistance)			
-	Integrated approach	-	Principles are not mentioned
Participation of beneficiaries (in the formulation and implementation of policies with a direct impact on them, etc.)	Freedom of choice, control and/or decision over one's own life, services and forms of support	Listening to the child's opinion and taking it into account, taking into account his age and degree of maturity	

The right to free choice of the service provider (among accredited providers)	-	-	
Individual approach (adaptation of social assistance measures to the particular life situation of each individual)	Person-centred approach to service delivery	Ensuring individualized and personalized care for each child	
-	Protection against neglect and abuse	Protection against abuse, neglect, exploitation and any form of violence against the child	
Respect for the right to self-determination (the right to make one's own choices, regardless of one's social values)	Choosing the least restrictive alternative in determining the support and assistance needed	-	
Confidentiality	-	-	
-	Social integration and inclusion of persons with disabilities, with equal rights and obligations as all other members of society, with respect for specific needs	-	
-	-	Ensuring stability and continuity in the care, upbringing and education of the child, taking into account his/her ethnic, religious, cultural and linguistic origin	
Focus (on the most vulnerable categories of persons and is granted according to their income and assets)	The interest of the person with disabilities	Respecting and promoting the best interests of the child as a matter of priority	
<i>Principles governing the work of structures providing social assistance directly to vulnerable persons</i>			
The partnership	The partnership	The partnership	Principles are not mentioned
-	-	Decentralization of services	
-	-	Speed in making any decision regarding the child;	
-	-	The interpretation of each legal norm relating to the rights of the child in correlation with all the regulations in this area	
Transparency	-	-	
Effectiveness	-	-	
Efficiency	-	-	
Activism (encouraging employment, for the purpose of social integration/reintegration and	-	-	

increasing the quality of life of the person and strengthening the family nucleus)			
The uniqueness of the right to social assistance benefits	-	-	
Proximity	-	-	
Complementarity and integrated approach	-	-	
Competition and competitiveness	-	-	
Equity	-	-	

A first finding concerns the fact that the law on the protection of the elderly does not have stated principles nor does it refer to universal principles. On the other hand, the law on the protection of the rights of the child, although it has a series of principles in content, indirectly ensures the application of the other principles valid in the social assistance system by mentioning the principle “interpretation of each legal norm relating to the rights of the child in correlation with all the regulations in this area”, which requires the application of the other principles mentioned in the law on social assistance not specified in the law specific to the child protection system.

A second observation is that some principles are found in all normative acts (except for the law on the protection of the elderly), which confers a transversal character, other principles are present only in the law on social assistance (e.g. transparency, effectiveness, efficiency, proximity, etc.) or only in the law for persons with disabilities (e.g. equal treatment in terms of employment and employment - as a need to warn about a problem or in the law on child protection (e.g. celerity in making any decision regarding the child; ensuring stability and continuity in the care, upbringing and education of the child).

The all-encompassing and normative nature of the Social Assistance Law requires those who act (from direct assistance to the organizers/managers of the system) to take over or integrate the principles set out in its content. This fact does not eliminate the inclusion in sectoral laws (intended for certain social categories) of some principles specific to the respective sub-domain or the addition of others, as we see happened in the case of the principles of non-discrimination, the individualization approach, the focus on the individual or the listening to the opinion of the beneficiary (which is present in the law on social assistance, as well as in the one regulating protection measures for people with disabilities and the one for child protection). These principles thus cross the entire legislative body, which shows both the concern for the observance of these principles and the assurance that they are permanently present in the employees' action, generating at the same time obligation. Similarly, the presence of the partnership principle underlines the importance given to the central structures that have a role in the organization of social assistance.

5. Conclusion and recommendation

Through the analysis of the principles included by the legislator, it results in a typology of them according to their area of applicability with the highest degree, namely principles that primarily concern the national system or society, principles that primarily concern the beneficiary (respect for fundamental human rights), principles that have a

particular impact on the process of providing social assistance to the beneficiaries (which the social worker has as a value reference but also an obligation) and principles governing the work of specialised social assistance institutions (Figure 2). Of course, between these four categories there are interferences generated by the particularities of the social intervention, by the specificity of the problem and by the beneficiary.

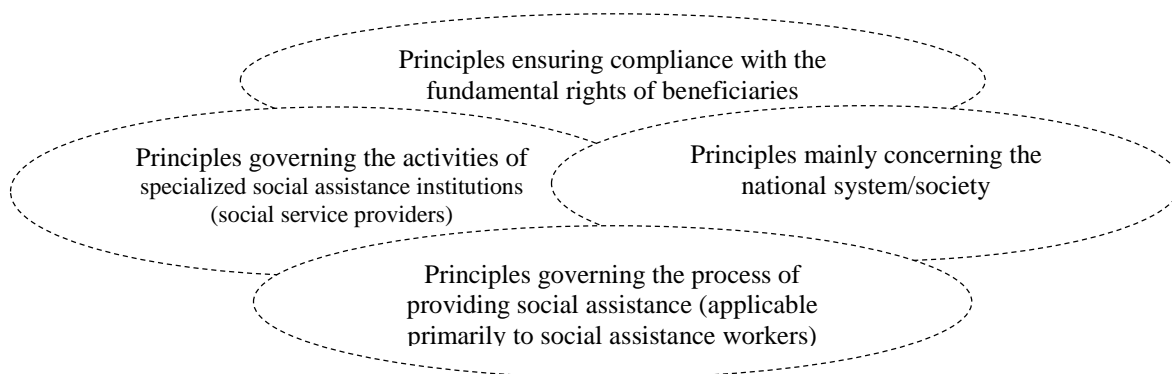


Figure 2. Principles in social assistance

The internalization of professional principles (called by Whitton “compliance mentality” (2001)), similar to the principles of life, ensures not only a quality service and respected professional and ethical ethics, but even the realization of interventions in a spirit of respect for humanity, deontology and legal regulations.

The principles declared in the social assistance law and those mentioned in the sectoral laws (protection of persons with disabilities, child protection, including in the elderly sector) fulfill functionalities such as: unitary approach; adopting similar values, attitudes and behaviour; guides the intervention; ensure respect for fundamental rights.

Since the drafting of laws involves public consultation, the presence of associative structures in the process of drafting legislation has the role of covering much better the needs of those they represent. In Romania, during the communist period, there were structures that represented people with disabilities, such as the Association of the Blind and the Association of the Deaf-and Dumb, in the case of children, public structures that knew their problems. They have been involved over time in the elaboration of the contents of the laws. The lack of principles in the case of the norm on the protection of the elderly is made up for by the law on social assistance, however, the presence of principles would ensure an approach in the spirit of the values of respect for human rights and above all, would emphasize the obligation (and even coercion). Read separately, the law on the elderly seems to be only a regulator of the protection system without specifying the vision, the supreme principles, which ensure the respect of the rights of the elderly. Would this aspect explain the frequency of non-compliance with some practices of assistance to the elderly (which concerned fundamental rights), reported at the level of Romanian society? From the point of view of private initiative in social services, an uninformed investor (without having qualifications in social assistance), reading the law for the elderly as it is drafted, might believe that he has no obligations to apply some principles.

The recommendations drawn from this analysis are: (1) specifying the principles applicable and in the content of the law on the protection of the elderly, so that they are legislatively strengthened and assumed in any type of assistance intervention; at the same time, they thus acquire legal force; (2) the development of professional development programs through which these principles are presented, analysed and evaluated the

importance and impact produced if they are not applied. Such a training program could be imposed (mandatory) on all those who want to work (either as employees or as entrepreneurs) in the field of social service provision (certification). If a social worker proves training through a bachelor's degree, other employees or entrepreneurs should prove that they know these principles and thus increases the chance that they will be respected.

As a result, although general in nature, the principles are essential for ensuring the social action is centred on fundamental human and social values that contribute to social well-being. Their recording in legal acts gives them legal force.

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