


Ethics and Social Responsibility in Justice Decision Making

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ABSTRACT

Today, the concern with ethical principles and moral values makes us reflect on this complex and turbulent society, but with social responsibilities. This concept has become relevant to globalization of societies, companies, institutions, and all those who relate to any of these organizations. This concept is the basis of the research that seeks to identify and analyze the ethical and social responsibilities of legal professionals. The aim of the work is to contribute to a reflection on the ethical and social responsibility of legal professionals, based on the aggregation of existing literature. The structure of the article summarizes the existing academic works, seeking to generate new knowledge. The article seeks in the first place to identify the issues of ethics and social responsibility of legal professionals by focusing more in detail on one (s) of them.

KEYWORDS

Ethics, Information, Judicial Skills, Knowledge, Social Responsibility

INTRODUCTION

The complexity of judicial processes requires responsible and conscientious decision-makers. The sensitive aspect of this concept is that justice leaders are guided by ethical standards in adverse circumstances that compel them to make difficult decisions, for example, in the areas of Criminal Law Sciences and Civil Law Sciences.

Velasquez (2006), states that the foundation of an institution is its values and practices. It goes without saying that when an institution faces situations that require difficult decisions, adherence to strict ethical codes can facilitate decision making. Cottone and Tarvydas (2007) recognize that demonstrating coherence, rigor and constancy in making ethical decisions encourages the confidence of people and the institution.

According to Gena (2000), ethical decision making in an institution is derived from the application of ethical theories to top-down practical dilemmas and that the prevailing paradigms of decision making require more than a single ethical theory. Keatings and Smith (2000) describe ethical theory as a systematic compilation of interrelated principles and rules that guide moral behavior. LaFollette

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(1991) and Rachels (2003) confirm that a single theory or set of rules based on a theory is adequate to guide ethical actions in general, especially the practice of decision.

This article is concerned with the integration of theoretical ethics with the practice of decision-making in justice. First, it discusses the historical thoughts that shape the concept of ethics. Then, the study addresses several contemporary theories of ethical decision-making, such as the Ethics of Virtue, the Cultural and Ethical Relativism, the Ethics of Justice and the Kantian Ethics. Finally, it compares the theories of Ethics of Virtue, Ethics of Care and Ethics of Justice, in terms of their applicability in relation to global conditions.

Social responsibility quite evident in the printed and electronic media, in academic discussions, in society in general, has not received the same attention among legal professionals. There is an ethical concern, but the issue of the responsibility of these professionals in how to become more participatory, in society, about their performance is not yet part of the discussions. However, it is not enough to just discuss ethics and / or social responsibility, concrete actions must be taken on legal professionals in line with the information and knowledge society, with these decision-makers being responsible for themselves, the institution and society in general.

This concern with ethical principles, moral and social values, makes us reflect on the construction of a society with social responsibilities. This concept occupies a place in societies, in companies and leading everyone who relates to any of these organizations to reflect, comment or discuss on the subject.

FOCUS AND APPROACH METHODOLOGY

As for its nature, the research is qualitative, since it does not claim to quantify events, nor does it privilege statistical study. Its focus is on obtaining descriptive data, that is, the incidence of topics of interest in two fields, Information Sciences and Legal Sciences. Consequently, with regard to the ends, the research is of a reflexive nature and of a descriptive character, insofar as the technique used, is categorized, consensually, as a study of direct documentation, which provides for consultation with sources related to the study in different media, print or electronic.

FUNDAMENTAL CONCEPTS

Data, Information and Knowledge

Information is not the same as data, although the two words are often confused, so it is understood that the subtle distinction between these concepts is essential. The data do not convey sense or meaning of the facts, images or sounds, since they lack relational elements essential to the establishment of a complete meaning, lacking an internal relational structure for a cognitive purpose.

This structure is one of the attributes of the information. Data is transformed into information when its creator adds meaning to it, Davenport and Prusak, (1998). William G. Zikmund (2000, p.19) defines knowledge as “the mixture of information, experience and understanding that provide a structure that can be applied in the evaluation of new information or new situations”. Information “feeds” knowledge. Knowledge can thus be defined as a person’s ability to relate complex information structures to a new context.

New contexts imply change, action and dynamism. Knowledge cannot be shared, although the technique and components of information can be shared. When a person internalizes information to the point that he can use it, we call it knowledge, Zikmund, (2000). This is a fluid mix of experiences, values, contextual information and expert judgment, structured that provide a framework for evaluating and incorporating new experiences and information. Organizations are found not only in documents and reports, but also in organization routines, processes, practices and standards.

Knowledge has its origin and is applied in the minds of connoisseurs Davenport and Prusak, (1998), William Zikmund, (2000). Knowledge is information as valid and accepted, integrating data,

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