

## **Principles of public administration: A brief comment in the light of administrative reform**

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### **INTRODUCTION**

In order to meet the interests, well-being and needs of society, as well as to guarantee basic access and opportunities for development, listed by Article 37, *caput*, of the Federal Constitution of 1988, such as health, education, security, environment, tourism, sports, social assistance, transportation, housing, culture, among others, the direct or indirect Public Administration (PA) of the three powers (Union, States, Municipalities) and the Federal District, has its elementary and peremptory principles: Legality, Impersonality, Morality, Publicity and Efficiency. Thus, it is important to understand the principles that govern Brazilian Administrative Law (BRASIL 1988; MAZZA, 2019). Thus, this work has the scope of synthetically presenting the basic principles of PA, including the proposal for its reform, through PEC 32/02020 (BRASIL, 2020).

### **MATERIALS AND METHODS**

Searches were made in the literature on the subject followed by a debate among the researchers

### **RESULTS**

A classic way in the literature that makes memorizing these principles is the use of the mnemonic "LIMPE", which will be addressed below. Legality: it is based on the assumption that the public agent must act only in what the law authorizes him. And that the laws in force are above private interests, this demonstrates that the favoritism and personalistic behavior of the public agent cannot be carried out, thus valuing the collective interest and valuing citizenship. Impersonality: in line with Article 5 of CF 88, which provides that "everyone is equal before the law", the public agent cannot use his position/function to the detriment of the public interest, and must act fairly, neutrally and impartially, not practicing acts of privilege to certain people, treating everyone equally, without discrimination. Morality: it is the principle that establishes the obligation of public agents to act in accordance with the ethical and moral principles established in legal norms. Publicity: refers to the publication (transparency) of matters, and there must be no type of concealment of information by the government, except for confidential information established by law, as is the case of Law No. 12,527 of 2011 – the Access to Information Law – which regulates the



right of access to information by all people. Efficiency: the public agent, under the legalities of legal norms (principle of legality) must carry out good management and adopt the best and most effective actions, preserving public resources, in order to avoid waste. However, the administrative reform will propose the following principles: Innovation: it has the scope of modifying old customs by creating novelties in the legal, procedural, etc. spheres, always seeking economy of resources and efficiency in results. Responsibility: represents that the public agent can answer for his own acts. Unity: its attribute is to present indivisibility, identity, uniformity, singularity, that is, that which is unique. It is important to mention that the three levels of government (federal, state and municipal) are independent, and there is no hierarchy between them, however, they must work together, and in a homogeneous way within the same body. Coordination: aims to integrate in a coordinated and hierarchical way the bodies with their common activities. Public governance: is the principle that aims at the development of public management through planning, directions, monitoring, and public policy programs for the benefit of society. Subsidiarity: aims to bring PA as close as possible to the citizen, and that local conditions are observed in a humanized way (MAZZA, 2019; DE MOURA, 2020; DE PAULA, 2020).

## **FINAL CONSIDERATIONS**

The principles alluded to aim to ensure that the employees of any public agency act in accordance with Brazilian legislation, in order to respect public interests with the sole and exclusive scope of ensuring good public management in obedience to the law and in favor of the interest of the community. On the other hand, when there is a non-observance of the principles of public administration, depending on the case, it can be inferred in civil and criminal actions, imputing responsibilities to managers. And as for administrative reform, it is always important that the PA is adapted as a requirement of society as a whole, however, PEC 32/2020, although essential, still does not contemplate some important principles, such as reasonableness and legality.

**Keywords:** Public administration, Principles, Administrative reform.



## REFERENCES

- Brasil. (1988). Constituição da República Federativa do Brasil de 1988. Retrieved from [https://www.planalto.gov.br/ccivil\\_03/constituicao/constituicao.htm](https://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm). Accessed March 6, 2024.
- Brasil. (2020). Proposta de Emenda à Constituição. Retrieved from <https://www.camara.leg.br/propostas-legislativas/2262083>. Accessed March 8, 2024.
- de Moura, C. C. (2020, September 12). Reforma administrativa apresenta os novos princípios da Administração. Consultor Jurídico. Retrieved from <https://www.conjur.com.br/2020-set-12/cid-moura-novos-principios-constitucionais-administracao/>. Accessed March 8, 2024.
- de Paula, L. N. (2020). Reforma administrativa: Novos princípios da Administração Pública. Revista TCU, Julho/Dezembro.
- Mazza, A. (2019). Manual de Direito Administrativo (9th ed., rev. atual.). São Paulo: Saraiva.