

Evaluation of constructs to integrate a legislative Code of Ethics in México

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Received January 30, 2014; Accepted July 25, 2014

Legislators, as public officials, have generated mistrust among citizens because of their behavior, but fundamentally because of their legislative labor. The absence of norm to guide the legislators has caused México to become one of the countries that still has not developed a code of ethics. Given this situation, the objective of this research is to identify the relation and significance among variables individually and in relation to each other. These variables measure the significance and impact within a Code of Ethics. The variables were substantiated through a theoretical framework. For that reason, in the first part of this research each variable is based on a particular framework. The variables for this research are professionalization, accountability, omission, and decision making. Later come the methodological description, analysis and bibliography.

Code of Ethics, Professionalization, Omission, Deputy, Accountability, Decision making.

Citation: ARANGO- X., BALDEMAR- J. Evaluation of constructs to integrate a legislative Code of Ethics in México. ECORFAN Journal-Bolivia 2014, 1-1:30-48

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Introduction

The responsibility of legislators as political officials has led deputies to the lowest levels of credibility due to several factors such as parliamentary work which sometimes gives party interests priority over the interests of the citizenry.

Nowadays, countries around the world, not only seeking to reduce improper behavior for legislators, but also efficient and effective legislative work, have generated behavioral norms such as codes of ethics.

The National Congress doesn't have a code of ethics, nor do the State Congresses of Mexico. Therefore, a research project as a proposal of constructs to integrate a legislative code of ethics was carried out with expert specialist-researchers and former deputies of the local congress of Nuevo Leon. The analysis of the results was done using the SPSS system.

In the research, a methodological section for each of the constructs of this investigation will be addressed first, and then the methodology, conclusions and bibliography will be explained.

Ethics in the legislature

All the activities of the State are governed by law, avoiding the exertion of any form of power which seeks to be above the rule of law. In a modern democracy, the existence of a legislative system is an important factor, in which its members must fulfill their representative, legislative and control function based on an autonomous independence.

The excellence of the affairs in the legislative environment will just be reached and maintained if legislators have strong criteria of ethical behavior. We must start by defining what parliamentary ethics is. According to Ramírez¹, it is "a set of rules governing the activity of deputies, representatives, or members of the assembly, congress or parliament;" these norms are considered very important since they monitor the activity of each parliament as well as its members.

Another definition of each legislative body ethics, stated by Cruz² is "the enrichment of life, transcending it towards the potential for virtue of those working in the legislative sphere of a country, identifying themselves with ideas of special institutional interest which contribute towards strengthening the structures of the state." This last definition is considered as the most appropriate to describe what legislative ethics is. Then, parliamentary ethics is linked to public ethics, according to Diego³, in such manner that when we talk about public ethics, three important aspects are evident:

1) when ethic values are fostered and encouraged among legislators, these values help to build, rebuild, improve, motivate, give integrity and create an identity or a sense of unity, leading to more responsible performance since it generates an individual with free conduct oriented to doing good by fulfillment of the duty.

¹(Ramírez Marín, Juan. 2007. *Ética parlamentaria*. Centro de estudios de derecho e investigación parlamentaria. Cámara de diputados LX legislatura. México. p. 146)

²(Cruz Infante, José. A. *Hacia una Ética Parlamentaria*. p. 263)

³(Diego Bautista, Oscar. 1997. *Ética para legislar*. 7 Serie. Cuadernos de ética para los servidores públicos. UAEM. Centro de Investigación en Ciencias Sociales y Humanidades Poder Legislativo del Estado de México.)

2) in contrast to, greater omission, carelessness, ignorance, or rejection of ethics by those who participate in the deliberation of public affairs, greater division in the legislative body, which causes the emergence of certain behaviors based on anti-values during the performance of duties; 3) in spite of the plurality of value-orientation in the contemporary world, it is possible to reach normative agreements in concrete situations associated with the duties of deputies and senators.

As Diego aptly states, public ethics plays a relevant role in the performance of any public service in any area of the public function. For that reason, organisms such as OCDE establish studies associated with ethics since this science is important in individuals' behavior.

It should be remembered that in Mexico there is not a Code of Ethics that rules legislators in Chamber of Deputies or House of Representatives. During President Vicente Fox's tenure, a proposal to this effect was established, but it was just a proposal; a Code of Ethics wasn't found in the Nuevo Leon State Legislative either.

Parliamentary Professionalization

Within the renewal of confidence that public functionaries need to foster due to low level of credibility produced among citizens, some processes have to be fostered, too, such as the process of developing competences according to the position each official holds; in the case of legislators, the process of professionalization is extremely important since they are the ones who must uphold the rule of law, which guarantees and revitalizes the rights of citizens in the legislative power which charged with creating the laws that establish order in and protect society.

The professionalization of legislators concretely requires certain indicators to measure the degree of professionalization. In relation to that, Cabezas⁴ identified the following levels of professionalization: 1. the income from political activities and the time the politician is in his/ her position. 2. Professionalization of the responsibility and the position itself more than the individual holding the position; the indicators are: the income from the position held and the time the politician spends in his/ her political activities. 3. Professionalization of the institutions, referring to the degree of professionalization of its members and the existence of a differentiated internal structure. 4. Professionalization of the system as a whole implies that a great number of positions or responsibilities are professionalized in relation to the population size.

On the other hand, authors such as Burns, et al, quoted by Cabezas, establish the dimensions of professionalization: legislative practice, political and work experience of legislators, as well as organization of legislative work. As can be seen, the indicators mentioned by Cabezas and Burns's dimensions are very similar in that both go in the same direction.

The following diagram shows the Professionalization Index of deputies, in which you can note that information about representatives' dedication to their political work is not shown, and neither is the remuneration received by each representative.

⁴(Cabezas Rincón, Lina. M. Medición de la profesionalización de las élites parlamentarias en Bolivia, Colombia, Ecuador y Perú. Universidad de Salamanca.)

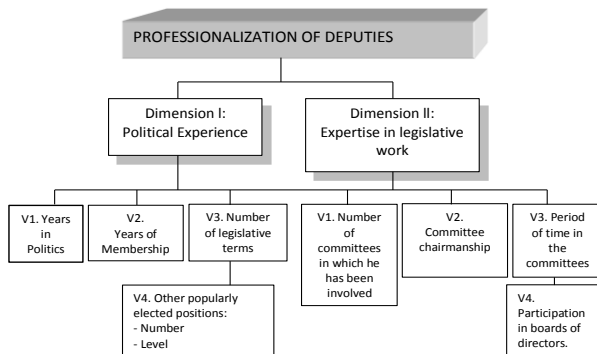


Figure 1 Professionalization Index of Deputies

In the following paragraph every dimension mentioned in the graph above will be explained. Political experience refers to political practice over time; it means the longer the period politicians have been working in politics, the more political experience they will have, which will empower them with more networking, privileged information as well as specialized knowledge. Cabezas⁵ states that political experience is measured using various indicators such as years in politics, years of membership in a party, number of legislative terms he/ she has held, and popularly elected positions he/ she has held previously.

The first dimension is the political experience; this variable measures the period of time deputies or their equivalents have been in the legislative body and the fourth dimension refers to the different levels of representation, such as national, regional or local, which will provide political experience to the legislator. On the other hand, the second dimension constitutes a level of specialization for deputies; professionalization in this dimension implies organization, creation and use of specific knowledge.

⁵(Cabezas Rincón, Lina. M. Medición de la profesionalización de las élites parlamentarias en Bolivia, Colombia, Ecuador y Perú. Universidad de Salamanca. p.7)

Authors such as Berlín⁶ provide some suggestions to help in professionalization, seeking one of the dimensions of professionalization which is generation of knowledge. Among them, he mentions:

- 1) Establishment of parliamentary law course in Law and Political Science schools throughout the country.
- 2) Regular update seminars about this subject in Federal and State Chambers.
- 3) The creation of parliamentary law courses in political parties as part of political orientation and education that the Congress of the Union must undertake as a responsibility, regardless of each party organizing its own course with its members.
- 4) The teaching of these courses to unions and farm and grassroots organizations, with the aim of teaching them the importance that legislative power has and the advisability to elect representatives with political capacity.
- 5) Up-date the Organic Law of the General Congress of Mexico immediately in order to facilitate the issue of regulation for each chamber.
- 6) Not taking into account the taboo against not re-electing deputies, assembly members and senators in order to avoid media coverage of the legislative branches and to train real professionals in the area of parliamentary work.

⁶(Berlín Valenzuela, Francisco. Estructura y servicios de apoyo para el trabajo legislativo. p. 70)

If Mexico achieves an increase in the number of deputies in process of professionalization, the result will be that legislators will, in fact, work on the supervision of executive power, will perform effective budgetary revision, and the creation of laws that genuinely impact on citizens' needs.

The professionalization of legislators does not guarantee effective legislative work. However, having a Congress where professionalization is dominant, helps decisively, though gradually, in the realization of more thorough work.

Parliamentary decision-making.

One of the biggest weaknesses of the Mexican parliamentary reality is the lack of preparation and improvisation, which have been constantly present in the local and federal legislatures. To be elected for a legislative position implies making decisions that affect the lives of an entire community. Therefore, it is absolutely necessary to be prepared to take such important responsibilities as are the ones taken by representatives.

Professional performance management is a form of stimulation to achieve performance improvements, which wouldn't be possible if a representation of the different sectors of society didn't take place. Santori, cited by Del Campo⁷, states that in the conception of representation, the thesis that "we feel represented by the person who comes from the same extraction matrix as us, because we assume that person reflects who we are" is implied.

⁷(Del Campo, Esther. 1995. Estudio de la Elite Parlamentaria en Chile: Composición y Profesionalización. Universidad Complutense de Madrid, España.)

We can say that we are represented by legislators, who are public officials. It should be noted in this context that public executives are classified in three circles according to Martínez⁸:

- 1) Political management circle, in which the essential work is of such nature that management leaders do not have any technical or administrative knowledge to occupy or serve in their position, even though recommended for it.
- 2) Political-administrative management circle. In this circle, political-administrative and at the same time, technical-administrative components can be found in legislative duties. It is necessary to have a combination of abilities and attitudes, as well as political intuition, sensitivity to understand power and strength play in every organizational and social action.
- 3) Bureaucratic management circle. It is of a subsidiary nature relative to the senior positions and a competence addressed to implementing policies, designing projects or evaluating programs.

These circles of functions have four roles for public executives. Henry Mitzberg classifies them in the following way:

- Roles associated with decision-making
- Roles related to information management
- Roles linked to interpersonal relations management.
- Roles related to conceptualization requirements.

⁸(Martínez Puón, Rafael. 2011. Directivos versus Políticos. La importancia de la función directiva en las administraciones públicas. Fundación Mexicana de Estudios Políticos y Administrativos A. C. Editorial Miguel Ángel Porrúa. México. p. 37)

Of the roles mentioned above, this paper will focus on the first ones, roles associated with decision, since they are highly relevant for legislators. Some of the roles included in this group are the ones related to conflict resolution, which is defined as a set of behaviors or patterns oriented toward the resolution of crisis or conflicts, generally manifested to obtain a solution. However, these are not the only roles legislators have; they are also negotiators and distributors of resources.

Not only is decision-making based on legislators' technical knowledge, but it also involves a more complete and integrated aspect which includes certain individual characteristics such as: inter-personal abilities, behavioral and cognitive capacities, one's self-image or perception represented in attitudes and values, the motives and impulses leading to an individual's conduct and personality, as stated by Martínez⁹.

Aside from the foregoing, three defined roles, which work together in practice, are observed in the parliamentary groups. The first role is the role of the leader of the party or parliamentary group, who sets the goals in common agreement with other members or in an authoritarian way, as well as the objectives to achieve during the legislative term. The second one is the role of the technical expert who is a specialist and responsible for internal and external evaluation, as well as formulating hypotheses and possible scenarios for future events.

Finally, the role of the strategist who is responsible for designing the actions necessary in order to accomplish what the leader or the group wants, taking into account what the specialist Mimiaga¹⁰ suggested.

It must be made clear for decision-making, a practical and useful knowledge is required to make a public policy efficient. Decision-making involves several individuals, not only legislators, but also research centers, intellectuals, citizens, among others. In a democratic society, it is necessary to think about broad participation in decision-making, since the greater the number of individuals involved, the greater the participative democracy.

Accountability

The enforcement of laws refers to what should be. Different trends of thought are expounded, according to Espíndola¹¹, ethics is submitted to the realm of justice. Others state that laws are the result of the mere will of citizens, regardless of any other moral consideration. However, in real life, citizens expect laws to be ethical and beneficial for everybody.

It should be noted that public officials have some responsibilities and if they do not carry out any of these duties, it is considered failure to comply with the obligations of public function, from which three responsibilities are derived: penal, civil and political, and administrative.

⁹(Martínez Puón, Rafael. 2011. Directivos versus Políticos. La importancia de la función directiva en las administraciones públicas. Fundación Mexicana de Estudios Políticos y Administrativos A. C. Editorial Miguel Ángel Porrúa. México. p. 60)

¹⁰(Mimiaga, Ricardo. Introducción al pensamiento estratégico parlamentario. p. 95)

¹¹(Espíndola Gutiérrez, José L. 2009. Ética ciudadana. Fundamentos. México: Editorial Porrúa. p.6)

With regard to penal responsibility, as seen in Title X of the Federal Criminal Code, there are eleven crimes or public offences that public officials can commit, which are described as follows: “improper performance of the public service, abuse of authority, coalition of public officials, misuse of powers and capacities, extortion, intimidation, abuse in performance of functions, influence peddling, bribery, graft, and illicit enrichment.”

Administrative responsibility is addressed in Article 109, chapter III and 113 of the constitution and in Title III of the Federal Law of Responsibilities of public officials. Any act or omission committed by public officials, which affects the principles of legality, honesty, loyalty, impartiality and efficiency will be attenuated by those articles.

On the other hand, Article 47 of the Federal Law of Responsibilities of public officials shows a catalogue of obligations that every public official has to honor with the aim of safeguarding the principles previously mentioned and if those obligations are not fulfilled, some administrative penalties will be imposed. Those penalties can be private or public warning, private or public admonition, suspension, removal from office, fines, temporary ineligibility to hold posts, positions or offices on commissions in public service (Ibíd.).

Another article that states legislators' responsibilities is Article 73 of the Constitution, in which legislators are given the authority to issue legislation in a variety of areas, and the exclusive powers of deputies are stated in Article 74.

In these rules, the penalties in the event of non-compliance with responsibilities are not mentioned, but they are stated in Article 193 of the Rules of Procedure of the Chamber of Deputies, which states “the deputy who accumulates two unexcused absences to call during a semester, will be deducted a day of his/ her salary; in the event of four unexcused absences in a semester, he/ she will be removed automatically” (Rules of Procedure of the Chamber of Deputies, modified December 24th, 2010).

A key law that rules legislators is Mexico's General Organic Congressional Law. In Article 11, it is mentioned that Deputies and Senators are responsible for offences or crimes committed during the time they held office, as well as offences, faults and omissions they may incur in while exercising their duties, but they may not be arrested nor may any criminal action be brought against them until separation from duties and action by common tribunal is decided upon according to constitutional procedure”.

If laws are not observed or applied, it will be useless to pass complete laws; they would only act as deterrents as they are effectively applied and respected; proven effectiveness is an essential aspect not only in the sphere of public service, but also among the citizens in general to achieve credibility.

It should be noted that when authorities, such as legislators, come under public scrutiny in the ballot box, they are obligated to inform their constituency about their performance; Fierro¹² says that in Mexico it has been used from a political perspective to emerge victorious.

¹²(Fierro Ferrández, Ana E. 2011. Visión general de la rendición de cuentas. De autoridades electas en el ordenamiento jurídico mexicano. Tribunal Electoral del Poder Judicial de la Federación. p. 11)

Let's define the concept of accountability, John Eckermann, as cited by Fierro¹³ defines it as "a proactive process by which public officials inform, explain and justify their action plans, their performance and accomplishments, as well as being subject to the appropriate penalties or rewards." Accountability must consider society as a whole and only in that way it can be considered a system of accountability.

According to Fierro, accountability has two main objectives: a) the use of public sources, and b) the exercise of its powers. In the second objective, legislative evaluation is found, which consists of the verification of the degree of compliance of the intended purposes in a law, as well as a post-analysis of the consequences produced; seen from an integral approach, Abando¹⁴ divides it in three evaluation systems, including:

- Systematicity. This refers to a comprehensive study of a law, or more accurately, a set of norms that develops public politics through an empirical survey which has to undoubtedly be characterized by the manifestation of certain consequences.
- Continuity. With this aspect, we wish to emphasize the permanence of evaluative work, since the legislative function of the chambers is, by definition, never-ending.

- Posteriority. Evaluation of similar instruments differs, which can result in confusion over the terms, in that its logical sequence appears once law is made and implemented.

Once a law is evaluated and applied, as a consequence the legal effectiveness appears, which refers to the measurement of the degree in which the law has been applied and under which circumstances it was applied, which means, the objective of measuring the legal effectiveness, monitoring to ensure that the norm has been applied as planned.

Legislators have an important function in the democratic process of the country, as well as in the elaboration, implementation, and evaluation of public policies since if deliberation is not done in the appropriate manner, seeking to bring the greatest benefits possible to citizens, a public policy far removed from the real needs of citizens may be created.

Omission

In order to understand legislative omission, it is important to consider some aspects as power and corruption since for some authors omission is synonymous of corruption as will be seen in the following paragraphs.

According to Báez¹⁵ omission refers to "abstention from doing or saying something, laxity or neglect from the person in charge of an affair." Strictly speaking, omission can be seen as an offence, ceasing doing something necessary or appropriate for the implementation of something.

¹³ (Fierro Ferráez, Ana E. 2011. Visión general de la rendición de cuentas. De autoridades electas en el ordenamiento jurídico mexicano. Tribunal Electoral del Poder Judicial de la Federación. p.13)

¹⁴(Abando Josu, Osés. 2008. Evaluación legislativa y parlamento. Año VI, número 15. p. 61)

¹⁵(Báez Silva, Carlos. 2009. La inconstitucionalidad por omisión legislativa en México. Instituto Mexicano de Derecho Procesal Constitucional. México: Editorial Porrúa.)

Therefore, not only is omission not to do something, but also not doing it as expected.

Based on the definition above, omission can be defined as a violation of a norm that obligates the one responsible for doing something under certain circumstances or conditions; it thus follows that omission is a normative concept and a point of reference for a determined action.

This type of corruption is manifested as inactivity or silence by the public official, or as a negative and negligent behavior in an obligation assigned by law, Cuarezma¹⁶.

Although omission is seen as a negative action by deputies, it can be said that this system of power possesses certain sovereignty; deputies have the freedom to act or not to act according to restrictions imposed by the rule of law. The exercise of legislation is a political issue that can be entirely submitted to control by orthodox constitutionality; it also must be analyzed from a legal perspective due to the normative conflict that such behavior generates.

According to the Mexican Federal Constitutional Court, legislative omission can be rendered unconstitutional based on two different hypotheses: A) when a legislator does not respect a specific mandate to legislate either implicitly or explicitly imposed by the Constitution within a reasonable or constitutionally defined period of time. B) When issuing a law, a legislator issues a regulation which is not in accordance with the Constitution because he/ she has omitted provisions required by the supreme law.

That is to say, not only is the legislative omission unconstitutional when a legislator is unaware of concrete mandates to legislate, but also when he regulates a subject in an incomplete or deficient manner from the constitutional point of view according to Báez¹⁷.

As seen in the previous paragraph, a legislator will commit legislative omission considering the time he takes to decide upon a norm as well as when discrepancies with Constitution occur.

The study of this variable is important not only because it demonstrate the importance of legislating and the consequences it brings in case of not doing so, but also because it shows gaps existing in the legislative system which can stem from not having a code of conduct to the lack of an effective accountability system, but mainly the importance of studying omission is to state a proposal that can lead to reduction of the inefficiencies mentioned previously.

According to Baez, in Mexico legislative inactivity is not a minor point to consider; the deputy has the responsibility of making laws. However, he does it in an irresponsible or deficient manner; conceptualizing these behaviors, Beaz mentions that there could be several types of legislative omissions:

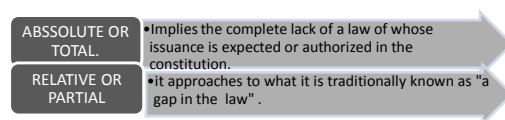


Figure 2 Types de omission

¹⁶(Cuarezma Terán, Sergio J. 2002. Manual básico del servidor público. Managua, Nicaragua: Oficina de ética pública.)

¹⁷(Báez Silva, Carlos. 2009. La inconstitucionalidad por omisión legislativa en México. Instituto Mexicano de Derecho Procesal Constitucional. México: Editorial Porrúa. p. 85)

In relative omission, the legislator makes laws. However, he violates, in a certain way, some principles such as equality, not including subjects or sectors where the created law is not applied.

On the other hand, an important aspect in the development of public service is the punishment, failure to observe the obligations may lead public officials to commit omission and be subject to four types of responsibility: criminal, civil, political and administrative.

At the federal level in Mexico, there has not been legislation to ensure the existence of constitutional control mechanisms through which legislative omission can be sanctioned. An important factor in pressure against legislation by omission is citizen participation. Such participation will be achieved through political education of the citizenry since it is represented in the social development of the community; an example of this is an informed society which demands transparency of information offered by the government.

Research Methodology

The objective of this study is to identify the relationship as well as the significance each construct has in forming a code of ethics individually or in relation with others through quantitative research. Each construct was previously justified according to theoretical framework.

To that end, a study was carried out in advance in which the design of the research consisted of applying a questionnaire to Nuevo Leon state legislators. Validation of the relation among constructs was carried out through the data collected from the questionnaire.

- Accountability
- Omission
- Professionalization
- Decision-making

It is important to mention that the fifth construct, “code of ethics,” was generated with the proposal in a preliminary study through an investigation of structural analysis with the system, Cross-Impact Multiplication Matrix Applied to a Classification according to the MICMAC method.

Subjects Studied

The participants involved in this study were thirty elements, fifteen of which were former Nuevo Leon state legislators and fifteen experts in the legislative system, researchers of the UANL College of Law and Criminology and the College of Political Science and Public Administration. Those experts were knowledgeable of the Mexican Parliamentary System. In regard to the legislators, it was determined that participants had to be former deputies since having been part of legislature had enabled them to have experience to give their point of view about the research. The deputies, as well as academic experts, comprised the control group. The average age of participants was between 29 and 65. Among former legislators, four were female and eleven were male; with respect to the academic experts, the numbers were similar: four women and eleven men.

Instrument

For this study, an instrument was specially designed, which is made up of five constructs (Professionalization, Code of Ethics, Accountability, Omission, and Decision-making; the construct Code of Ethics was derived from a preliminary study), two complementary sections, four open-ended questions and five questions regarding socio-demographic aspects. The instrument has twenty-seven questions derived according to the Likert measurement scale, which were applied to Nuevo Leon’s former parliamentarians, as well as the experts.

Procedure of validation of the instrument

The instrument was validated in an empirically manner through an analysis of content validity in two phases, the first one being *consistency* and the second one *relevance*.

The type of sampling used was non-probabilistic since the legislators and the experts were selected in directly. The Nuevo Leon State Congress has a total of 42 legislators, and in order for the sample to be valid, a 95% confidence interval was established; for this reason, fifteen questionnaires were given to legislators and another fifteen questionnaires, to experts. The sample application form was considered according to total number of legislators (see the grid).

Application of the formula to calculate sample size for attribute

P =	50%	Criteria	Percentage of the event of interest
Q =	50%		Complement to 100%
N =	42		Size of the population studied
e =	20%		Estimated percentage of Tolerable error (TRE)
Confidence=	95%		Expectation of falling within the established range (95 out of 100).
Area=	0.975	Accumulated Area.	Intervals of correct estimation
Z =	1.9599639 85		Gauss Parameter of equivalence to the Area
No. =	NPQ =	10.5	Intermediate Calculation
Denom1 =	N(e/z) ² =	0.43733	
Denom2 =	PQ =	0.25	
n= NPQ / (N(e/z) ² + PQ)			
Estimated sample	n=	15	

Table 1 Statistical Criteria for Sample Application

Below is a chart about each construct and the results obtained in the study, which was applied to six experts to measure the instrument’s reliability using Cronbach’s Alpha:

Professionalization Construct	.858
Code of Ethics Construct	.816
Accountability Construct	.778
Omission Construct	.716
Decision – making Construct	.777

Table 2 Cronbach Analysis of the instrument

Analysis of the quality of the data

In this study, a data group quality and refinement process was carried out, an index for confirmation of linearity, univariate and multivariate normality. Homoscedasticity and multi-collinearity were elaborated, as well.

In the case of univariate normality, the normality test is determined in each construct, and a visual P-P graph can be used for this purpose.

In the case of multivariate normality, not only does statistical significance of sample estimates depend on the size of the sample and the sample selection process, but it also affects multivariate normality. Its existence is essential to guarantee that the critical values, which determine the significance of each coefficient and of the whole model, are correct.

The data univariate normality tests for verification of linearity are presented below.

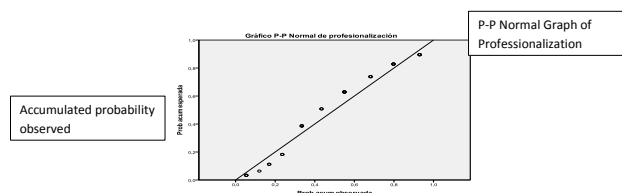


Figure 3 Normality Test for the variable of professionalization

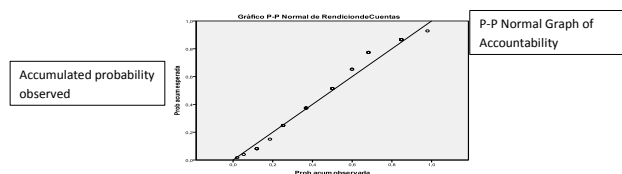


Figure 4 Normality Test for the variable of accountability

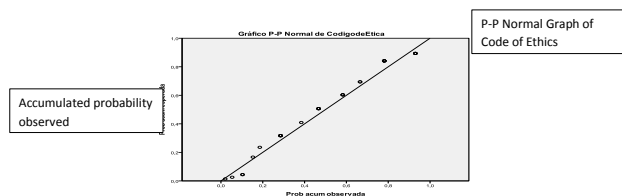


Figure 5 Normality Test for the variable of code of ethics

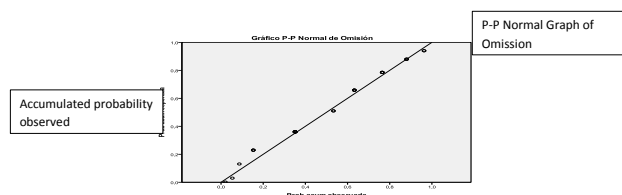


Figure 6 Normality Test for the variable of omission

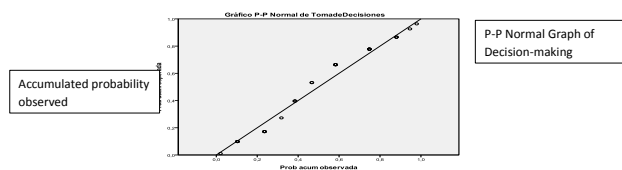


Figure 7 Normality Test for the variable of Decision-making

The normality test shows that the values in each group have a normal distribution, it is confirmed that there is linearity and normality in the VISUAL and TEST data, since the test resulted positive.

With regard to the multivariate normality test, the requirement is that all the variables – dependent constructs – be normal, which is verified by the Kolmogorov Smirnov test.

The second normality test was carried out applying the Kolmogorov Smirnov test and using the SPSS software. This test is necessary since the internal variances of each group are going to be combined, as shown in the table below.

Kolmogorov-Smirnov Test for a sample						
		Proffe.	Code of Ethics	Accountability	Omission	Decision-making
Normal	N	30	30	30	30	30
	Mean	4,19	3,99	3,98	3,64	3,26
Parameters ^{ab}	Standard Deviation	,647	,814	,699	,871	,974
The most extreme differences	Absolute	,162	,141	,140	,160	,164
	Positive	,105	,106	,100	,140	,128
	Negative	-,162	-,141	-,140	-,160	-,164
	Kolmogorov-Smirnov Z	,890	,774	,769	,879	,896
	Bilateral Asymptotic Significance	,407	,587	,596	,423	,398

Table 3 Homoscedasticity Analysis Test for a Kolmogorov Smirnov sample

- Distribution of contrast is normal.
- It has been calculated on the basis of data available

In conclusion, according to the data obtained, we can state that an apparently normal distribution can be obtained from all error values.

For the homoscedasticity analysis test, the assumption is likewise satisfied using the Statistical F- Test for Equality of Variances. The results obtained are presented in the table below.

$$H_0: \alpha^2 A = \alpha^2 \beta$$

$$H_a: \alpha^2 A \neq \alpha^2 \beta$$

If P value $\geq .05$ we cannot reject H_0

If this criteria is not satisfied, the condition of homoscedasticity does not exist since $P < .001$

The tests for equality of Variance are shown in the following charts.

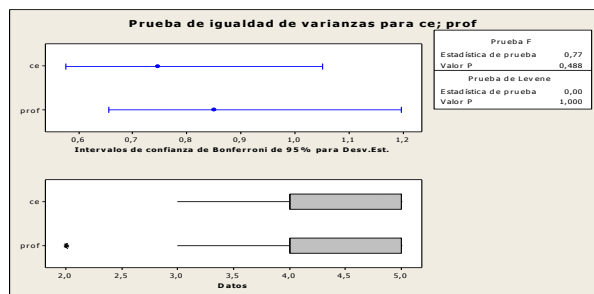


Chart 1 Test for equality of variance for Code of Ethics and Professionalization

Test for equal variances: Professionalization (Prof.) and Code of Ethics (C of E).

Bonferroni confidence intervals of 95% for standard deviation

N	Lower Limit	Standard Deviation	Upper Limit
Prof. 30	0,576319	0,746640	1,05019
C of E 30	0,656322	0,850287	1,19597

F-Test (normal distribution)

Test Statistic = 0,77; P-value = 0,488

Levene test (any continuous distribution)

Test Statistic = 0,00; P-value = 1,000

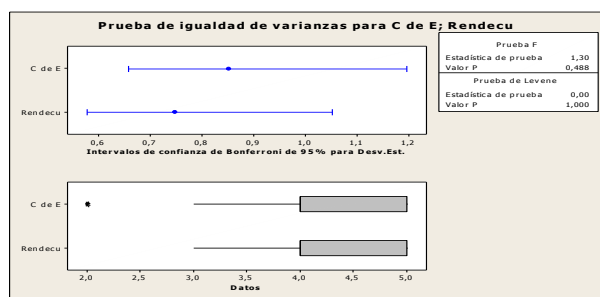


Chart 2: Test for equality of variance for variables of Code of Ethics and Accountability

Test for variances equality: Code of Ethics (C of E); Accountability (Account)

Bonferroni confidence intervals of 95% for standard deviation

N	Lower Limit	Standard Deviation	Upper Limit
C of E 30	0,656322	0,850287	1,19597
Account 30	0,576319	0,746640	1,05019

F-Test (normal distribution)

Test Statistic = 1,30; P-value = 0,488

Levene test (any continuous distribution)

Test Statistic = 0,00; P-value = 1,000

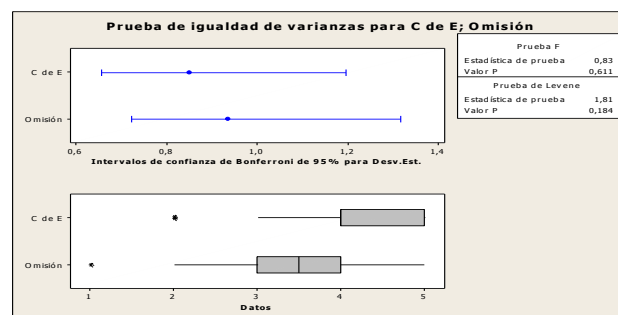


Chart 3 Test for variance equality for Code of Ethics and Omission

Test for variance equality: Code of Ethics (C of E); Omission

Bonferroni confidence intervals of 95% for standard deviation

N	Lower Limit	Standard Deviation	Upper Limit
C of E 30	0,656322	0,850287	1,19597
Omission 30	0,721912	0,935261	1,31549

F-Test (normal distribution)

Test Statistic = 0,83; P-value = 0,611

Levene test (any continuous distribution)

Test Statistic = 1,81; P-value = 0,184

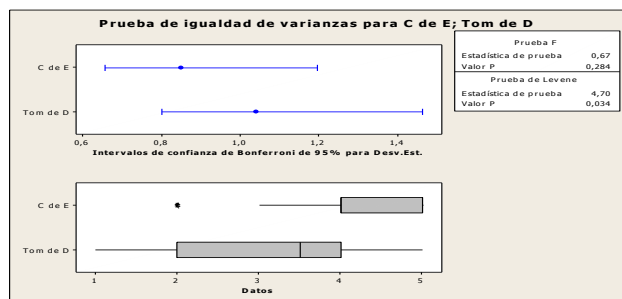


Chart 4 Test for variance equality for Code of Ethics and Decision-making

Test for equal variances: Code of Ethics (C of E); Decision-making (D-making)

Bonferroni confidence intervals of 95% for standard deviation

N Inferior Standard Deviation Superior
C of E 30 0,656322 0,85029 1,19597
D-making 300,802762 1,04000 1,46282

F-Test (normal distribution)

Test Statistic = 0,67; P-value = 0,284

Levene test (any continuous distribution)

Test Statistic = 4,70; P-value = 0,034

In summary, it is said in statistics that a model shows homoscedasticity if the assumption of homoscedasticity is satisfied when the variance of error term of an endogenous variable is maintained throughout the observations. In other words, the variance of the error is constant. The residual must be the same for all Y values. When this is the case, it is said that the difference shows homoscedasticity. Residuals must tend toward a normal distribution with mean 0. A residual is the difference between the real Y value and the predicted value of Y. Residuals should be form an approximate normal distribution. Histograms, stem and leaf plots are useful options in the control of this requirement.

Multi-collinearity appears when the independent variables (x) are correlated. The correlated independent variables make it difficult to make inferences on individual regression coefficients (slopes) and their individual effects on the dependent variable (Y). However, the co-related independent variables do not affect the capacity of a structural equation to predict the dependent variable (Y).

Multi-collinearity Test This test was carried out using the SPSS software and verifying the VIFs (Variance Inflation factor), as shown in the table below.

Model	Non standardized coefficients		Standardized coefficients Beta	t	Sig.	Statistical data of collinearity	
	B	Standard Error				Tolerance	VIF
(Constant)	-.408	,587		-.696	,493		
Professionalization	,663	,177	,528	3,751	,001	,529	1,889
Accountability	-.087	,165	-.074	-.526	,604	,522	1,916
Omission	,428	,117	,458	3,659	,001	,667	1,499
Decision-making	,124	,089	,148	1,393	,176	,926	1,080

Table 4 Multi-collinearity Test verified by VIFs

a. Dependent variable: Code of Ethics

In the previous test, the existence of multi-collinearity among variables is confirmed. The VIF values should not be more than 4 (Garza, 2010). Some authors mention that a VIF value greater than 10 is considered unsatisfactory, which indicates that the independent variable should be discarded from the analysis.

The variables for professionalization and omission are meaningful and relate to the model. Therefore, we can state that the more professionalization, the less omission. On the other hand, with regard to accountability, no relation with the model was identified.

VARIANCE INFLATION FACTOR

$$VIF = \frac{1}{1 - R_j^2}$$

Another assumption about multivariate structural analysis is the independence of the residuals, which means that when residuals correlate, this type of correlation is known as autocorrelation, which takes place when the data is collected over a period of time.

The verification of the existence of independence of residuals was carried out by the application of the Durbin-Watson Statistic, which is a test used to detect the presence of first-order autocorrelation. These values should not be lower than 1.59 and 1.76 for a significance of 0.05.

The assumption about structural equation analysis and multivariate regression is that successive residuals should be independent.

When successive residuals are correlated, we refer to this condition as autocorrelation, which often appears when the data is collected over a period of time.

Summary of the model^b

Model	R	R- Squared	R-squared Adjusted	Standard Error of the Estimate	Durbin-Watson
1	.859*	.738	.696	.448	1.924

Table 5 Summary of the model

- Predictable variables: (Constant). Decision-making, accountability, omission, professionalization.
- Dependent variable: Code of Ethics

As can be seen from the data, the study has the required independence for the analysis for part of the data group. That is to say, there is no multi-collinearity; the statistic has desirable properties for the model.

ANOVA^b

Model	Sum of the squares	Gl	Squared Media	F	Sig.
1 Regression	14,171	4	3,543	17,628	.000 ^a
Residual	5,024	25	.201		
Total	19,195	29			

Table 6 Summary of ANOVA^b Model

- Predictable variables: (Constant). Decision-making,
 - accountability, omission, professionalization.
- Dependent variable: Code of Ethics

Analysis of variance ANOVA is significant since it meets the parameters

Correlations

	Professionalization	Code of Ethics	Accountability	Omission	Decision-making
Professionalization	Pearson correlation	1	.746	.655	.509
	Sig. (bilateral)		.000	.000	.004
	N	30	30	30	30
Code of Ethics	Pearson correlation	.746	.542	.723	.361
	Sig. (bilateral)	.000	.002	.000	.050
	N	30	30	30	30
Accountability	Pearson correlation	.655	.542	1	.523
	Sig. (bilateral)	.000	.002	.003	.260
	N	30	30	30	30
Omission	Pearson correlation	.509	.723	.523	1
	Sig. (bilateral)	.004	.000	.003	.237
	N	30	30	30	30
Decisions-making	Pearson correlation	.228	.361	.212	.237
	Sig. (bilateral)	.225	.050	.260	.206
	N	30	30	30	30

Table 7 About correlations

** . Correlation coefficient is meaningful at level of bilateral 0,01.

* . Correlation coefficient is meaningful at level of bilateral 0,05.

In general terms, when a correlation coefficient reaches values close to 1, the positive correlation is strong and direct. The closer R-value is to 1, the stronger the positive correlation will be, and therefore, validity and reliability are higher.

As seen in the chart above, the variables that do not have any correlation with each other are with respect to decision-making, which is followed by omission in terms of degree of correlation. This last variable only shows meaningful correlation with Code of Ethics.

In particular, the variable that correlates most with the rest of the variables is Code of Ethics, which supports the creation of variables for a Code of Ethics proposed in a first study.

Reliability

Symmetric measurements

		Value	Asymptotic standard error ^a	T approximate ^b	Sig. approximate
Nominal per nominal	Phi	1,770			,622
	Cramer's V	,590			,622
Interval per interval	Pearson's R	,746	,086	5,928	,000 ^c
Ordinal per ordinal	Spearman Correlation	,701	,107	5,206	,000 ^c
Measure according to N of valid cases	Kappa	,158	,078	2,860	,004
		30			

Table 8 Symmetric measurements for code of ethics and professionalization

- Assuming the alternative hypothesis.
- Applying the asymptotic standard error based on the null hypothesis.
- Based on the normal approximation.

Symmetric measurements

		Value	Asymptotic standard error ^a	T approximate ^b	Sig. approximate
Nominal per nominal	Phi	2,201			,014
	Cramer's V	,696			,014
Interval per interval	Pearson's R	,542	,124	3,414	,002 ^c
Ordinal per ordinal	Spearman Correlation	,501	,138	3,064	,005 ^c
Measure according to N of valid cases	Kappa	,011	,028	,464	,643
		30			

Table 9 Symmetric measurements for code of ethics and accountability

- Assuming the alternative hypothesis.
- Applying the asymptotic standard error based on the null hypothesis.
- Based on the normal approximation.

Symmetric measurements

		Value	Asymptotic standard error ^a	T approximate ^b	Sig. approximate
Nominal per nominal	Phi	2,028			,049
	Cramer's V	,676			,049
Interval per interval	Pearson's R	,723	,068	5,542	,000 ^c
Ordinal per ordinal	Spearman Correlation	,779	,076	6,582	,000 ^c
Measure according to N of valid cases	Kappa	,007	,031	,253	,800
		30			

Table 10 Symmetric measurements for code of ethics and omission

- Assuming the alternative hypothesis.
- Applying the asymptotic standard error based on the null hypothesis.
- Based on the normal approximation.

Symmetric measurements

		Value	Asymptotic standard error ^a	T approximate ^b	Sig. approximate
Nominal per nominal	Phi	2,124			,051
	Cramer's V	,672			,051
Interval per interval	Pearson's R	,361	,176	2,051	,050 ^c
Ordinal per ordinal	Spearman correlation	,362	,193	2,055	,049 ^c
Measure according to N of valid cases	Kappa	,075	,046	2,842	,004
		30			

Table 11 Symmetric measurements for code of ethics and decision-making

- Assuming the alternative hypothesis.
- Applying the asymptotic standard error based on the null hypothesis.
- Based on the normal approximation.

It is concluded that through the information provided in previous tests, a data quality and refinement process was applied; these were tests of linearity, normality, homoscedasticity, multi-collinearity. The results obtained were satisfactory.

General Conclusions

This research, as previously shown through its development, allowed for the fulfillment of the specific objectives stated in this research. The variables of Omission, Professionalization, and Code of Ethics were identified with a close link and it was shown that they impact each other, as well as Accountability and Decision-making at a lesser extent.

The research results suggest that the variables of omission, decision-making, accountability and professionalization are key variables which contribute to the implementation of a parliamentary Code of Ethics, which will bring satisfactory results in legislative work in an efficient and effective manner.

In regard to political contributions, the results of the research can impact on deputies' behavior, which brings about new forms to the legislative scenario to generate politics with a more ethical character.

Some of the proposals based on this study are: generate the obligation of *professionalization* as a factor encouraging the development of not only knowledge, but also abilities for parliamentary work. The second proposal is *rationality in decision-making*; it states that deputies make decision giving priority to ethical schemas and in favor of the citizenry. The third one refers to *accountability* along with the proposal of a code of ethics, which means the establishment of committees and independent bodies to monitor and punish non-compliance of performance, as well as inform the citizenry about all the activities of public officials, which is known as transparency. The fourth one is omission; this component refers to the correlation that it has with the other variables since efficient and effective legislative work will prevent from not doing what is established by law as an obligation, which means public officials have to legislate for their constituents.

Finally, once the current research has been completed, all respondents to the questionnaire stated the importance of developing a Code of Ethics. Therefore, why has nothing been done in this respect? Is it just a cultural issue since not only does culture involve representation, but also action which, in a certain way, orients and regulates the organization of social life and forms of thoughts of a group? That is to say, in social groups, culture explains, to a great extent, citizens' behavior from the more abstract mental categories, judgment and socially oriented actions, which will provide an explanation of why ethical values and schemas in Mexico, especially from legislators, are contradicted by opposite behavior to the one shown in countries with different structures. Mexico's culture and legislative system is an area of research for future studies.

References

Abando Josu, Osés. (2008). Evaluación legislativa y parlamento. Year VI, number 15. December 2008. Retrieved in June 2011 from: www.google.com/url?sa=+&rct=j&q=evaluacionlegislat...T-atEsTMs

Báez Silva, Carlos.(2002).*La omisión legislativa y su inconstitucionalidad en México*. Biblioteca Jurídica. UNAM. Number 105 Retrieved in February 11, 2011 from: www.juridicas.unam.mx/publica/rev/boletin/cont/105/art/art1.htm

Báez Silva, Carlos.(2009). La inconstitucionalidad por omisión legislativa en México. Instituto Mexicano de Derecho Procesal Constitucional. México: Editorial Porrúa.

Diego Bautista, Oscar. (1997). *Ética para legislar. 7 Serie. Cuadernos de ética para los servidores públicos*. UAEM. Centro de Investigación en Ciencias Sociales y Humanidades Poder Legislativo del Estado de México. Retrieved in May 31, 2010 from: http://eprints.ucm.es/11016/1/7ETICA_PARA_LEGISLAR.pdf

Diego Bautista, Oscar. (2008). *Los valores en los códigos de gobiernos de Estados Unidos, Reino Unido, España y México*. 5 Serie. Cuaderno de ética para los servidores públicos. UAEM. Centro de Investigación en Ciencias Sociales y Humanidades. Revista Sistema. No 205, Madrid. Retrieved in January 26, 2011 from: <http://eprints.ucm.es/8250/>

Diego Bautista, Oscar.(2009). Cuaderno de ética para servidores públicos. Tomo I, II, III, IV, V, VI, VII. Senado de la Republica LXI Legislatura. México.

RESOURCES

December 2014 Vol.1 No.1 30-48

Berlín Valenzuela, Francisco. Estructura y servicios de apoyo para el trabajo legislativo. Retrieved in September 2012 from: www.biblio.juridicas.unam.mx/libros/libro.htm?l=967

Cabezas Rincón, Lina. M. Medición de la profesionalización de las élites parlamentarias en Bolivia, Colombia, Ecuador y Perú. Universidad de Salamanca. Retrieved in October 2012 from: www.google.com/url?sa=+&rct=j&q=profesionalizacion...T.

Cruz Infante, José. A. Hacia una Ética Parlamentaria. Retrieved in April 8, 2010 from: http://www.iidh.ed.cr/BibliotecaWeb/Varios/Documentos/BD_1823872799/Etica%20parlamentaria.pdf?url=%2FBibliotecaWeb%2FVarios%2FDocumentos%2FBD_1823872799%2FEtica+parlamentaria.pdf

Cuarezma Terán, Sergio J.(2002). Manual básico del servidor público. Managua, Nicaragua: Oficina de ética pública.

Del Campo, Esther. (1995). Estudio de la Elite Parlamentaria en Chile: Composición y Profesionalización. Universidad Complutense de Madrid, España. Retrieved in June 2010 from: <http://lasa.internacional.pitt.edu/members/congresspapers/lasa1995/files/DelcampoEsther.pdf>

EspindolaGutiérrez, José L. (2009). Ética ciudadana. Fundamentos. México: Editorial Porrúa.

FierroFerrález, Ana E. (2011). Visión general de la rendición de cuentas. De autoridades electas en el ordenamiento jurídico mexicano. Tribunal Electoral del Poder Judicial de la Federación. Retrieved in June 2011 from: www.te.gob.mx/documentacion/publicaciones/

Ley del Servicio Profesional de Carrera en la Administración Pública Federal. [on line]. Retrieved in May 4, 2010 from: www.diputados.gob.mx/LeyesBiblio/pdf/260.pdf

Ley Federal para Regular la Actividad profesional de Cabildeo y la Promoción de Causas. Retrieved in May 3, 2010 from: <http://www.diputados.gob.mx/servicios/datorele/cmprtvs/iniciativas/Inic/572/2.htm>

Ley Orgánica del Congreso General de los Estados Unidos Mexicanos. Cámara de Diputados del H. Congreso de la Unión. Última reforma publicada DOF 05-03-2009. Retrieved in June 14, 2010 from: www.diputados.gob.mx

Ley Orgánica del Poder Legislativo del Estado de Nuevo León. Última reforma P.O. 28 de Febrero de 2011. Retrieved in April 19, 2010 from: www.hcnl.gob.mx

Martínez, P. R. (2003-2004). *Las políticas de la OCDE y su impacto en la reforma de la administración pública y la lucha contra la corrupción en México.* Revista Chilena de Administración pública. Retrieved in February 26, 2010 from: <http://dialnet.unirioja.es/servlet/articulo?codigo=2255081>

Martínez Puón, Rafael. (2003). La profesionalización de la Administración Pública en México. Dilemas y perspectivas. INAP. Madrid.

Martínez Puón, Rafael. (2011). Directivos versus Políticos. La importancia de la función directiva en las administraciones públicas. Fundación Mexicana de Estudios Políticos y Administrativos A. C. Editorial Miguel Ángel Porrúa. México.

RESOURCES

December 2014 Vol.1 No.1 30-48

Mimiaga, Ricardo. Introducción al pensamiento estratégico parlamentario. Retrieved in June 2011 from: www.es.scribd.com/doc/1481532/congreso-plural

OCDE. (1997). *La ética en el servicio público*. Ministerio de Administración Pública. Madrid: Secretaría General Técnica, Instituto Nacional de Administración Pública y Ministerio de la Presidencia. Boletín Oficial del Estado.

Ramírez Marín, Juan. (2007). *Ética parlamentaria*. Centro de estudios de derecho e investigación parlamentaria. Cámara de diputados LX legislatura. México. Retrieved in October 29, 2010 from: <http://www.bibliojuridica.com>

Valencia Escamilla, Laura. (2009). Elites parlamentarias y profesionalización legislativa en México. Vol. 24, Núm. 155. Pp. 69-76. Redalyc. México. Retrieved in August 13, 2010 from: <http://redalyc.uaemex.mx/src/inicio/ArtPdfRed.jsp?iCve=32512745008>