

DEONTOLOGICAL PRINCIPLES IN ACCOUNTING EXPERT ENGAGEMENTS: CHALLENGES, RISKS AND RESPONSIBILITIES

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Abstract: *In the performance of a professional and legal accounting audit, adherence to ethical principles is an essential element. The importance of this topic stems from the complexity of the challenges specific to accounting audits and the auditor's responsibility in the practice of the profession. In the face of these challenges, the ethics of accounting auditing become the key link that distinguishes professionalism from superficiality. This study emphasizes the importance of strengthening professional responsibility and adhering to ethical standards in practice. The article aims to highlight the fundamental principles governing the work of the accounting expert, while also identifying directions for improving the national regulatory framework in this field. During the research, a qualitative analysis of doctrinal, regulatory, and professional sources related to the topic was conducted, including the comparative method. This scientific research involved a critical examination of the discrepancies between current regulations and the practical needs of the profession, outlining the main ethical challenges faced by certified public accountants in the practice of their profession. The research aims to synthesize the main ethical principles applicable to the practice of public accounting in a structured and accessible format that facilitates the understanding and application of ethical standards by public accountants. At the same time, the article highlights the need to adopt best practices applicable to the accounting profession, inspired in part by the provisions of Professional Standard No. 35 in Romania, with a view to improving the domestic professional framework.*

Key words: *accounting expertise, deontological principles, professional ethics, accounting expert*

JEL: M41, M42, O33

Introduction

The current socio-economic context of the Republic of Moldova is characterized by significant transformations generated by the need to harmonize national legislation with the standards of the European Union. These developments lead to multiple legislative changes and require entities to continuously adapt their systems for organizing economic and financial activities. Another characteristic of the current context is the accelerated use of digital resources and the expansion of artificial intelligence applications in economic and financial activities. Thus, the processes of digitalization and legislative harmonization significantly modify the traditional forms of carrying out economic and financial activities, generating implications also for the manner in which accounting expertise is conducted and for the professional responsibilities of the accounting expert.

The present research aims to identify the key deontological principles applicable to the activity of the accounting expert, based on the legislation in force and international best practices. This study seeks to provide a better understanding of the mission of the accounting expert by highlighting the challenges faced in professional activity. At the same time, the main purpose of the research is to provide theoretical and practical support to accounting experts in the exercise of their profession and to strengthen confidence in accounting expertise activities.

It should be noted that, in the Republic of Moldova, there is literally no distinct specialization of accounting expert regulated at the legislative level, the activity of the accounting expert being largely integrated into the field of judicial expertise. Thus, aspects related to the deontological conduct and professional responsibility of the accounting expert are not reflected in specific normative acts, but

require the cumulative application of several normative sources, such as the Handbook of the Code of Ethics for Professional Accountants and the Code of Deontology of the Judicial Expert.

Basic content.

According to the Explanatory Dictionary, deontology represents the totality of norms and principles regulating the conduct of a professional in the exercise of their activity. It should be emphasized that, although the notions of ethics and deontology are similar in meaning, they refer to different aspects: ethics refers to the moral norms and principles that characterize human behavior, whereas deontology refers to the conduct and obligations specific to a profession. In the field of accounting expertise, compliance with deontological principles is of major importance, since the activity of the accounting expert involves formulating objective and professional conclusions that may influence decision-making processes and the resolution of disputes. For this reason, the accounting expert must carry out their activity with impartiality, independence, and professionalism.

The analysis of specialized literature and relevant normative acts highlights the fact that, in the Republic of Moldova, there is no distinct national code of ethics for professional accountants, the applicable framework being the International Code of Ethics for Professional Accountants, approved at the national level by the Ministry of Finance.

The International Code of Ethics for Professional Accountants issued by the International Ethics Standards Board for Accountants (IESBA) [3] establishes the fundamental principles governing the activity of accountants, including that of the accounting expert.

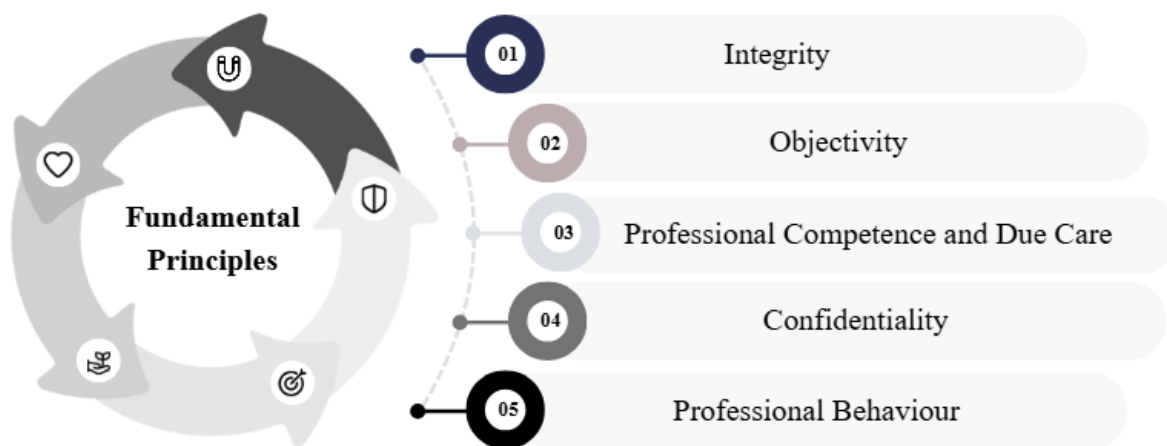


Figure 1. Fundamental principles underlying the activity of the accounting expert according to the International Code of Ethics for Professional Accountants

Source: Prepared by the author based on [3]

The characteristics of each principle highlight the ethical framework that governs and requires accounting experts to apply these principles throughout the exercise of their profession.

- Integrity – according to the author Coșeț A., integrity implies fairness, honesty, and the professional's ability to act in accordance with ethical principles, even in situations where external pressures could lead to conduct contrary to those principles [2].
- Objectivity – represents the obligation of the accounting expert to avoid prejudice, conflicts of interest, or undue external influences that could affect professional judgment or the decisions adopted in the exercise of professional activity.
- Professional competence and due care – the accounting expert must continuously update their professional knowledge and skills in order to ensure competent services compliant with the latest legislative, digital, and deontological developments.

- Confidentiality – within professional relationships, the accounting expert must preserve the commercial confidentiality of financial statements and ensure the non-disclosure of such information, except where a legal obligation arises.
- Comportamental Professional behavior – in addition to the above-mentioned principles, the accounting professional has the obligation to strictly comply with the legislation and to refrain from actions or omissions that could prejudice the expert report, as well as the reputation of the profession as a whole.

In addition to the principles provided by the International Code of Ethics for Professional Accountants, it is important to mention that the activity of the accounting expert is also inherently characterized by the application of the principles established by the Code of Deontology of the Judicial Expert. Given that, in the Republic of Moldova, there is no distinct normative act comprehensively regulating the field of accounting expertise, professionals in this field are required to apply cumulatively the principles and rules provided both by the Code of Ethics for Professional Accountants and by the Code of Deontology of the Judicial Expert, in order to ensure compliance with professional conduct and the deontology of the profession.

The Code of Deontology of the Judicial Expert, which, as previously mentioned, may be considered, in the author's opinion, one of the main benchmarks of the professional conduct of the accounting expert, both in judicial and extrajudicial expertise, establishes a series of fundamental principles that must be observed in the exercise of the profession: legality, moral integrity, objectivity and impartiality, confidentiality, and professionalism [6].

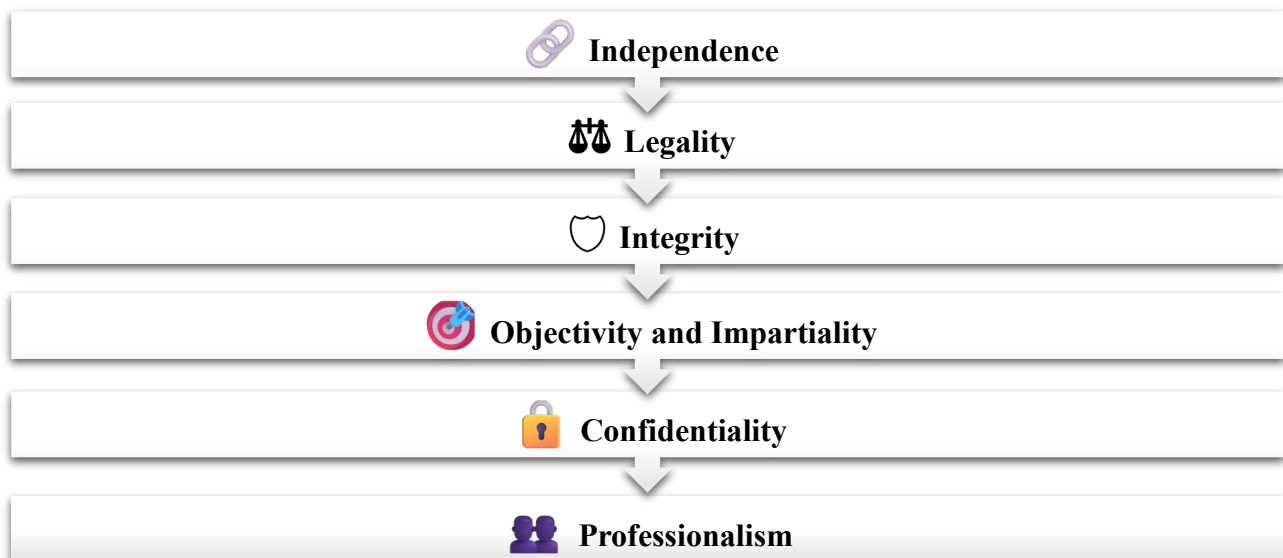


Figure 2. Fundamental principles of the accounting expert's activity, synthesized based on the Code of Deontology of the Judicial Expert

Source: Prepared by the author based on [6]

By comparatively analyzing the principles provided by the International Code of Ethics for Professional Accountants and those established by the Code of Deontology of the Judicial Expert, the existence of common elements may be observed, such as integrity, objectivity, confidentiality, and professionalism. At the same time, the Code of Deontology of the Judicial Expert places greater emphasis on the principles of legality and impartiality, which are specific to judicial activity.

The principle of independence. In order to carry out accounting expertise, the expert must first and foremost comply with the principle of independence. Article 7 of the Law on Judicial Expertise and the Status of the Judicial Expert establishes that, in any situation, the expert, including the accounting

expert, must remain independent from the beneficiaries of the expertise and from the parties interested in the expertise [5]. At the same time, the principle of independence is extensively regulated by the International Code of Ethics for Professional Accountants issued by the IESBA, which highlights the existence of threats likely to affect the independence of the professional accountant. These include self-interest, self-review, familiarity, excessive advocacy of the client's interests, and intimidation. The Code of Ethics emphasizes that the independence of the accounting expert is closely related to the principles of objectivity and integrity. According to the Code, the independence of the professional accountant is characterized by independence of mind and perceived independence. Independence of mind refers to the specialist's ability to formulate professional conclusions and judgments without external influences. At the same time, perceived independence implies the prudence of the professional accountant and the avoidance of situations that could lead third parties to consider that the impartiality, integrity, or objectivity of the information provided has been compromised [3].

The author emphasizes that, in the context of the accelerated use of technologies based on artificial intelligence, there is a risk of affecting the principle of independence of the accounting expert, particularly independence of mind, through the reduction of the exercise of personal professional judgment.

Even though the provisions of the Code of Ethics are not expressly dedicated to the accounting expert, they are directly relevant to accounting expertise activities, especially in the context of the absence of a distinct regulatory framework in the Republic of Moldova intended exclusively for this profession.

The principle of objectivity and impartiality

The authors Sevciuc T. and Bulgaru V. emphasize that the professional accountant must perform their duties impartially, avoiding the influence of prejudice, conflicts of interest, or other external influences likely to affect the objectivity of the professional judgment exercised [7].

By analyzing the provisions of Subsection 112 "Objectivity" of the International Code of Ethics for Professional Accountants, it may be observed that objectivity implies the obligation of the professional accountant not to compromise professional or business judgment as a result of subjectivity, conflicts of interest, or undue influences exercised by individuals, organizations, technology, or other factors [3]. From the perspective of the Code of Deontology of the Judicial Expert, the principle of objectivity and impartiality literally implies conducting examinations based on an objective and comprehensive assessment of the circumstances under examination, through the application of research methods and techniques appropriate to the investigation. At the same time, the judicial expert must avoid preconceived ideas and maintain an impartial attitude toward any personal, economic, political, religious, or other interests likely to affect the impartiality of the expert report [6].

The principle of impartiality and objectivity of the accounting expert is also relevant for analysis through the provisions of Article 10 of the Law on Judicial Expertise and the Status of the Judicial Expert, which obliges the expert to act in an impartial, fair, and non-discriminatory manner, without allowing their objectivity to be affected by conflicts of interest or influences of a political, racial, ethnic, social, or other nature that could influence the results of the judicial expertise performed [5]. In the author's opinion, compliance with the principle of objectivity is of major importance in accounting expertise activities, since the conclusions formulated may be used as evidence in the resolution of disputes and in the assessment of certain economic and financial circumstances.

The principle of confidentiality

The principle of confidentiality implies the obligation of the accounting expert to protect the information obtained in the exercise of professional activity and to avoid its disclosure without the existence of a justified legal or professional basis. Researcher Munteanu I. emphasizes that the principle of confidentiality "constitutes an essential characteristic of an independently exercised,

organized, and responsible profession, granting the accounting expert a status comparable to that of lawyers, doctors, or notaries" [4, p. 35]. This principle concerns not only the preservation of the confidentiality of information, but also establishes certain limits of professional conduct, relating both to the non-disclosure of information and to the formulation of responses within expert assignments strictly within the limits of the subject matter of the expertise, the accounting expert being obliged to exercise prudence in presenting information unrelated to the subject under examination.

In carrying out accounting expertise ordered in civil or criminal cases, the accounting expert has the obligation to respect the confidential nature of the information obtained in the exercise of professional duties. In this regard, both Article 88 of the Criminal Procedure Code and Article 154 of the Civil Procedure Code establish the obligation of the expert not to disclose circumstances and data that became known as a result of carrying out the expertise or participating in closed court hearings [5,6]. These provisions highlight the obligation of the accounting expert to protect information relating to private and family life, state secrets, commercial secrets, professional secrets, and other categories of information protected by law, thereby reinforcing the importance of the principle of confidentiality in accounting expertise activities.

The Code of Deontology of the Judicial Expert extensively develops the principle of confidentiality, establishing the expert's obligation to protect information obtained in the exercise of professional duties and to avoid disclosing circumstances or data that became known during the performance of the expertise. At the same time, the deontological rules emphasize the obligation of the expert to respect the inviolability of private life, commercial secrecy, professional secrecy, and other categories of information protected by law.

It should also be noted that the obligation of confidentiality extends even to the use of materials related to the expertise for scientific purposes, the Code of Deontology permitting their use only after the final resolution of the case and with observance of anonymity, in accordance with the law [6].

It should be mentioned that the Handbook of the Code of Ethics for Professional Accountants stipulates that "a professional accountant shall continue to comply with the principle of confidentiality even after the relationship between the accountant and a client or employing organization has ended. When changing employment or acquiring a new client, the professional accountant is entitled to use prior experience, but shall not use or disclose any confidential information acquired or received as a result of a professional or business relationship" [3].

In the author's opinion, these provisions emphasize that the principle of confidentiality goes beyond the simple obligation not to disclose information, representing a complex mechanism aimed at protecting the rights of the parties involved in the process and maintaining trust in the activity of the accounting expert.

The principle of professionalism

It should be emphasized that, in order to carry out accounting expertise assignments, the accounting expert must possess the professional competencies necessary for the field of activity. The accounting expert must withdraw from performing any activities for which they do not possess the required competencies.

However, the manner in which these competencies are developed and strengthened raises certain difficulties in the context of the Republic of Moldova, where accounting expertise activity is regulated predominantly through the perspective of judicial expertise. Although the notion of extrajudicial accounting expertise is rarely expressly encountered in national practice and regulations, it cannot be considered nonexistent, since in practice multiple activities involving economic and financial analysis, verification, and interpretation specific to accounting expertise are carried out.

In the Republic of Moldova, accounting expertise activity is regulated predominantly through the perspective of judicial expertise, there being no distinct mechanism for granting the status of accounting expert similar to that existing in Romania through Professional Standard No. 35 [1].

At the same time, specific national regulations exist regarding the activity of judicial experts, including the Nomenclature of Judicial Expertises and the Regulation on the Conditions for Conducting and Passing the Qualification Examination for Granting the Status of Judicial Expert, which allow the obtaining of qualifications as judicial experts specialized in the field of accounting. Researcher Timofti G. emphasizes that "professional training in the field of forensic accounting is generally carried out in universities, as well as through courses offered by international professional certification associations such as ACCA (Association of Chartered Certified Accountants), CFA (Chartered Financial Analyst), ICFA (Institute of Certified Forensic Accountants), and AICPA (Association of International Certified Professional Accountants)" [10].

At the same time, Timofti G. highlights the necessity of developing professional training mechanisms in the field of accounting expertise, mentioning the opportunity to initiate continuing education programs for university graduates, as well as the need to develop interdisciplinary programs in the field of accounting expertise focused on the investigation of economic and financial fraud and adapted to the process of harmonizing legislation with EU requirements [10].

The principle of integrity

By analyzing the provisions of the International Code of Ethics for Professional Accountants, it may be observed that the principle of integrity goes beyond the simple obligation of formal honesty, requiring the manifestation of correct and responsible professional conduct even in situations where the professional accountant is subject to external pressures or influences, the same approach also being reflected in the Code of Deontology of the Judicial Expert.

In the author's opinion, compliance with the principle of integrity by the accounting expert may be unintentionally and disinterestedly compromised by the very accounting information on which the expert report is based, since such information may already exceed the limits of integrity before reaching the expert. Therefore, the activity of the accounting expert requires the manifestation of a high level of professional skepticism, as the accounting information and documents examined during the expertise may be incomplete, distorted, or previously manipulated before the expertise is conducted. For this reason, the accounting expert must critically analyze the information examined and apply appropriate procedures to verify its credibility.

The principle of legality

According to the Code of Deontology of the Judicial Expert, in the exercise of their activity, the judicial expert is obliged to comply with the Constitution of the Republic of Moldova, the legislation in force governing the field of judicial expertise, as well as the international treaties to which the Republic of Moldova is a party. Thus, the principle of legality implies the performance of accounting expertise activities strictly within the limits of the applicable regulatory framework, the accounting expert being obliged to carry out their activity in compliance with procedural, professional, and deontological rules, including within extrajudicial accounting expertise assignments.

The importance of legality is also emphasized by researcher Sgârdea F. in the paper Financial Control and Accounting Expertise, where the author stresses that "in all cases where accounting experts requested to perform judicial and extrajudicial accounting expertise are in a situation of incompatibility, they have the deontological obligation to refrain from carrying out such assignments." At the same time, the author mentions that, where the accounting expert fails to submit a declaration of withdrawal, they may be subject to the recusal procedure provided by law [8].

Compliance with the principle of legality in the activity of the accounting expert is also ensured through procedural rules regulating incompatibilities and the institution of recusal of the judicial expert established by the Civil Procedure Code (Art. 51), the Criminal Procedure Code (Art. 89), and other special regulations.

Therefore, the accounting expert, regardless of whether they perform a judicial or extrajudicial assignment, must base their activity on the deontological principles analyzed above, as well as on objective and well-founded professional data and reasoning. Otherwise, subjective conclusions or

conclusions insufficiently substantiated by the materials of the case may be considered inadmissible, lacking credibility, and may entail the legal liability of the accounting expert.

Responsibility and compliance with deontological principles in the preparation of accounting expertise reports represent a fundamental pillar of the profession, contributing to maintaining the credibility of accounting expertise activities. At the same time, the author considers that, in addition to compliance with deontological principles, it is necessary to clearly and systematically regulate the rights, obligations, and prohibitions applicable to the accounting expert. În vederea analizei statutului profesional și deontologic al expertului contabil judiciar, în Tabelul 1 sunt sintetizate principalele drepturi, obligații și interdicții aplicabile acestuia.

Table 1. Rights, obligations, and prohibitions of the accounting expert

Rights	Obligations	Prohibitions
<ul style="list-style-type: none"> - To examine the case materials; - To participate in establishing the objectives of the accounting expertise and, where necessary, to request the modification or supplementation of those objectives; - To obtain clarifications and explanations from the parties involved in the expertise assignment, where appropriate, with the authorization of the competent authorities (the judge or the authority ordering the expertise); - To request additional materials necessary for formulating conclusions; - To request the performance of a control/audit where it is determined that the accounting expertise cannot be carried out without it; - To request reimbursement of expenses related to the performance of the expertise; - To receive remuneration for the work performed. 	<ul style="list-style-type: none"> - Formulating objective and well-reasoned conclusions; - Refusing to perform the expertise in the absence of the necessary competence or sufficient materials, or in the presence of circumstances of incompatibility; - Providing explanations regarding the expert report; - Confirming qualifications and objectively assessing one’s own competence; - Declaring relationships with the participants in the proceedings; - Complying with procedural rules and maintaining proper conduct during court hearings; - Communicating the results only to the authority ordering the expertise; - Respecting the confidentiality of information; - Resisting external influences on the expertise; - Informing the competent authorities about attempts to improperly influence the expertise. 	<ul style="list-style-type: none"> - To breach deontological principles, ethical rules, and the principle of good faith in the exercise of professional activity; - To entrust the performance of the expertise to a third party; - To disclose information that became known in the course of the assignment; - To collect from the parties any documents unrelated to the case and attach them to the expert report; - To perform financial management control, inventory-taking, or the updating of accounting records related to the expertise performed; - To distribute the expert report to third parties without the consent of the competent authority and prior to the final resolution of the case.

Source: Prepared by the author based on [5,6,3,9]

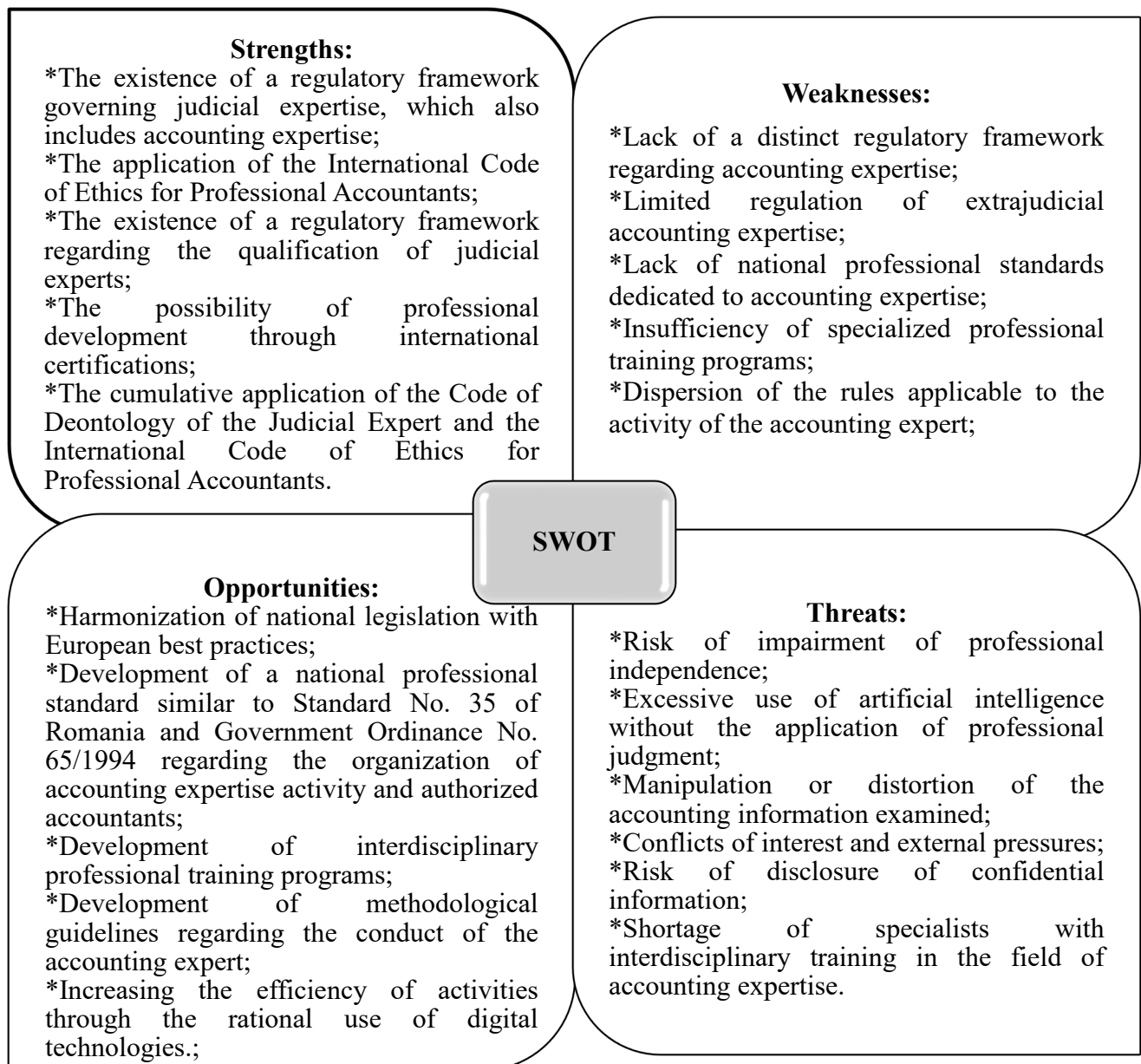
The analysis of the rights, obligations, and prohibitions applicable to the accounting expert demonstrates that accounting expertise activity requires not only technical competencies, but also strict compliance with deontological, professional, and procedural rules.

Conclusions

In conclusion, accounting expertise activity involves compliance with a complex set of deontological, professional, and legal principles intended to ensure the objectivity, credibility, and quality of the conclusions formulated by the accounting expert. The conducted research highlights the fact that, in

the Republic of Moldova, accounting expertise activity is regulated predominantly through the perspective of judicial expertise, thus revealing the need to strengthen the regulatory and professional framework applicable to this field.

In order to synthesize the main aspects identified throughout the research, as well as to highlight the challenges and development perspectives of accounting expertise activity in the Republic of Moldova,



the author considers it relevant to conduct a SWOT analysis of the analyzed field.

Figure 3. SWOT Analysis of the Activity of the Accounting Expert in the Republic of Moldova

Source: Prepared by the author

Therefore, the author emphasizes the need to pay increased attention to the field of accounting expertise in the Republic of Moldova, since the activity of the accounting expert represents an essential element of the economic and financial system and of the administration of justice. At the same time, the research highlights the existence of normative and professional gaps that may generate

difficulties in the proper exercise of accounting expertise activities, thus requiring the strengthening of regulatory mechanisms, professional training, and the application of deontological principles.

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