

Termination of military service of a professional soldier with an emphasis on comparison with the termination of employment

Abstract

This thesis is devoted to the topic of the termination of military service of a professional soldier according to the law on professional soldiers in comparison to legal frame of termination of employment according to the labour code. In regard to achieve that goal, a current legal regulation of termination of military service is described and differences from the legal regulation of termination of employment are highlighted. Concurrently, both the rights associated with the termination of military service and the consequences of the possible annulment of the decision on termination of military service were assessed.

The result of the examination was to find out the significant similarity of both legal regulations, but also specific differences. The similarity can be seen in the case of selected ways of termination of both relationships (military service and employment) – the expiration of time, the death of a soldier or employee or the cancellation of the relationship during the trial period. Both (military service and employment) differ in the case of the right to retirement pay, which by law belongs to professional soldiers (if the specified conditions are met, they are entitled to specific amount of money), while the law does not grant employees such a right.

The current legislation has also been assessed with regard to the possibility of adjusting *de lege ferenda*. On that occasion, the possibility of accepting partial changes of minor and greater significance was identified.

Among the first could be the appropriateness of a formal change consisting in the creation of a legal ground for dismissal in the event of organizational changes and dismissal (from the leadership position), which are now included in one provision. A more substantial change is then required in the case of the legal regulation of political activities of soldiers, when it is proposed to relax the ban on the association of soldiers in political parties and to determine clear rules for wearing a service uniform. In addition, a change was proposed relating to the association of soldiers in trade unions, the establishment of an immediate termination of service of a legally convicted soldier, the extension of flexibility to assess a soldier during

the year, and clarification of the legislation on dismissal as a result of non-approved activity.

Key words: termination, military service, professional soldier, employment