

Legal regulation and selected specifics of the service relationship of members of security forces and professional soldiers

Abstract

The thesis deals with the legal regulation and selected specifics of the service relationship of members of security forces and professional soldiers. The thesis offers an assessment of the individual legal regulations of the Law on Service Relations and the Law on Professional Soldiers, as well as their comparison. This is especially within the adequate jurisprudence, which in many places reflects the difficulties of applying the statutory amendments in practice.

The thesis begins by discussing the very character, features and content of the service relationship. This is followed by a section dealing with the historical development of the legal regulation of the service relationship of members of the security forces and professional soldiers from the establishment of the Czechoslovak Republic to the present day.

However, the core of this thesis is an assessment of the current legal regulation of the Law on Service Relations and the Law on Professional Soldiers. The thesis analyses in detail the conditions for the establishment of the service relationship of members of security forces and professional soldiers, as well as selected institutes of changes in the service relationship of members of security forces and professional soldiers and termination of the service relationship. In addition to the description of the individual institutes, a polemic is included on their pitfalls in terms of their possible abuse in contradiction with the principle of equal treatment of members and professional soldiers and on how to prevent such possible abuse, including proposals for possible amendments to the laws. The controversy is then supported by relevant court decisions which in many areas fill in and perhaps even supplement the absence of statutory regulation of individual institutes. Emphasis is placed on the comparison of the institutes of transfer and secondment under the Law on Service Relations, including in terms of the remuneration of officers in the application of these institutes.

The final part of the thesis deals with selected specifics of the service relationship of members of the security forces and professional soldiers in relation to the impact of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organization of working time. Although this directive directly affects both legal regulations, its reflection is different from the perspective of both laws.

Key words:

Service relationship

Security forces

Professional soldier