

Private-law aspects of Civil Service Act

Abstract

Primary aim of the thesis is to cover all fundamental issues of private law–public law divide and to focus on their practical aspects in connection with the Civil Service Act. That implies that the thesis has two main dimensions – methodological and theoretical dimension that focuses generally on private law–public law divide and practical dimension focused on legal construction and analysis concerning specific legal act.

Opening chapters of the thesis are briefly describing meaning of the private law–public law divide, approach to this kind of divide in the common-law and development of this divide in the recent Czech history. After that follows the second chapter of the thesis which determinates and depicts general methodology of recognizing the nature of legal phenomena in respect of private law–public law divide. This chapter is divided to the four parts – theoretical part focusing on differences between specific legal phenomena and accordingly the differences in the procedure of recognizing their public or private nature, part describing fundamental criteria that are used to distinguish the private and public law, part that deals with relations that exist between those two areas of law and finally the section that sums up practice of the Czech courts in terms of private law-public law divide.

After such determination of general methodology and description of substantial knowledge of private law–public law divide, two remaining chapters follow. Those two chapters contain legal analysis of specific legal act – Civil Service Act. First of the chapters is more systematic, analyzing all of the relevant parts of the Civil Service Act and legal acts that are related with it, specifically Labour Code and Civil Code. This part of the thesis also contains the list of all private law terms used in the legal text of Civil Service Act and their relations to the Civil Code and final part of this chapter that deals with a few interpretational problems that appeared during the application of the Civil Service Act.

Final chapter contains legal construction and analysis of the specific parts of Civil Service Code or legal acts that are related with it from the perspective of private law–public law divide. Subjected to such analysis are sets of legal provisions that adjust following

matters: restitution of material and immaterial damages in civil service, set-off arrangements between civil servants and administrative authorities, payroll deduction agreements and union contracts in the context of civil service.

Key words: Private law-public law divide
Civil Service Act
Civil service