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EMPLOYMENT RELATIONS IN THE CIVIL SERVICE FOR MORE SUSTAINABLE DEVELOPMENT: A CASE OF THE SLOVAK REPUBLIC*

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Abstract. In the article in question, we deal with selected issues related to employment relations in the civil service. We point out the hybrid (dual) nature of the subject of these relations; when the work side is regulated by the norms of labour law, the functional side is regulated by the norms of administrative law. We note that the rights and obligations of the subjects of these relationships are aimed at implementing the work process and the realization of the power functions of the state, i.e. at the immediate implementation of state power. We present employee relations in the civil service as relations of a public law nature, which have some characteristic features typical for relations in the field of public law. Regarding the method of legal regulation of these relations, we take the position that these relations are characterized by a combination of methods of legal regulation. Considering the legal nature of these relationships, we consider it justified by the legislative separation of these relationships from other employment relationships subject to the general labour law regime. This article analyzes the involvement of the institute of Public and State Service in achieving sustainable development goals and discusses the possibilities of managing sustainable development processes. Based on research, the authors proposed de lege ferenda for more effective legislation in public administration for sustainable growth of the Slovak Republic.

Keywords: public and state service; employee relations; legal regulation of the state service; object and content of the legal relationship; public law nature

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JEL Classifications: M12, K31, O10, J26, J28

1. Introduction

The incorporation of the Institute of Public and State Service into the legal order of the Slovak Republic (hereinafter referred to as the Slovak Republic) transformed the public and state service into a form corresponding to the proportions of the current democratic of the state, changed the legal status of public and civil servants in a fundamental and substantial way, but also created important and necessary prerequisites for a high-quality and error-free process of exercising executive power in the state. The current issue of today, requiring a solution is the search for ways to adapt public and state service to the rapidly changing social conditions, increase their prestige and social recognition, and reduce the lagging of the public and state service behind the corporate and private sphere.

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Corresponding with the above is the current issue of permanent improvement of the legal regulation of the public and state service, including employment relations, to correspond to the conditions of the current democratic state. It is also required by the current development of our society, especially the permanent need for compatibility of our legal order with the legal order of the states of the European Union (hereinafter referred to as the EU), as well as the effort to integrate into the traditional, European legal culture. The concept and legal regulation of public and state service in the conditions of a democratic state must be based, unlike the period before 1989, on the changed role of the state, on the qualitatively new position of the public sector in our society, and the principles of the market economy. At the same time, it must correspond and be comparable with modern legal regulations of public and state service in other democratic countries, especially in EU countries. As a real existing social and societal reality, public and state service must be legally guided. Due to certain specificities, public and state service legal regulation requires adequate and special legal regulation.

Employee relations in the civil service represent a homogeneous but also a particular group of legal relations, which has an autonomous, independent status in the system of legal relations of citizens' participation in the work process. Compared to other employment relationships, certain peculiarities and specificities appear in them; the mentioned relationships have some common characteristic features.

The framework legal regulation of the civil service is currently created in the Slovak Republic by the following legal regulations:

- [the law no. 55/2017 Coll. on civil service and on amendments to certain laws;](#)
- [the law no. 73/1998 Coll. on the state service of members of the Police Force, the Slovak Information Service, the Prison and Judicial Guard Corps of the Slovak Republic and the Railway Police, as amended;](#)
- [the law no. 346/2005 Coll. on the state service of professional soldiers of the Slovak Armed Forces, as amended;](#)
- [the law no. 200/1998 Coll. on the state service of customs officers, as amended;](#)
- [the law no. 315/2001 Coll. on the Fire and Rescue Service, as amended;](#)
- [the law no. 151/2010 Coll. on foreign service as amended](#)

Statistical reflection of the development of the number of employees of the public administration of the Slovak Republic for the years 2020 to 2023 is presented below in Figure 1 and Figure 2.

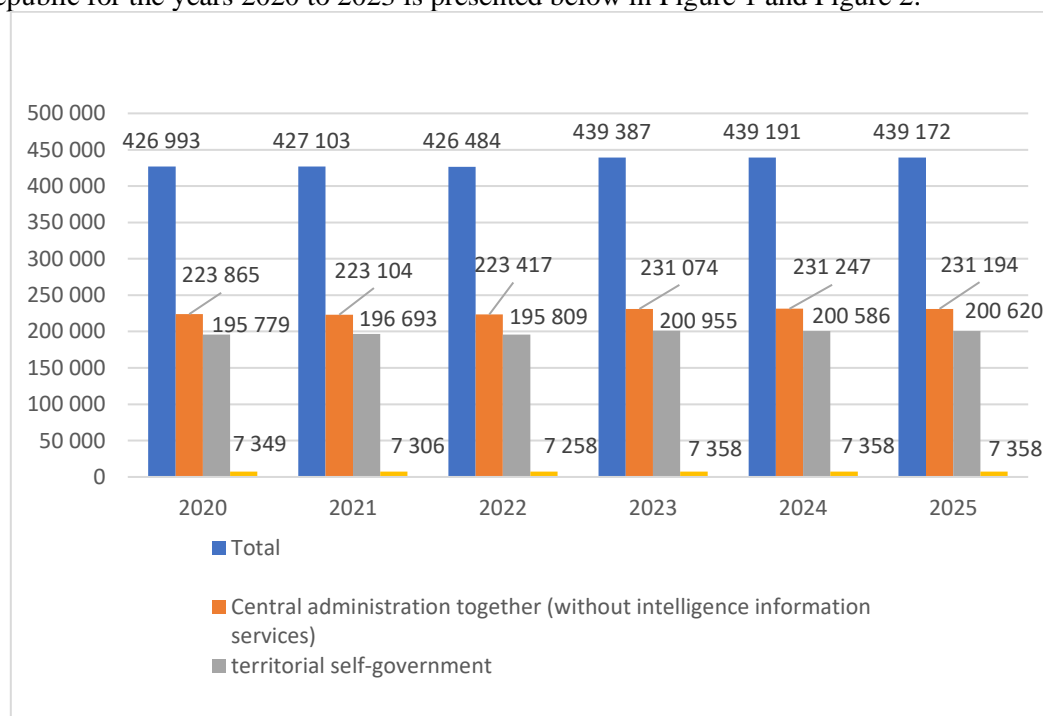


Figure 1. Development of the number of employees of the public administration of the Slovak Republic for the years 2020 to 2023 and the assumption of development until 2025

Source: Ministry of Finance of the Slovak Republic, Public administration budget for the years 2023 to 2025, p.72
<https://www.mfsr.sk/files/archiv/44/Hlavna-kniha.pdf>

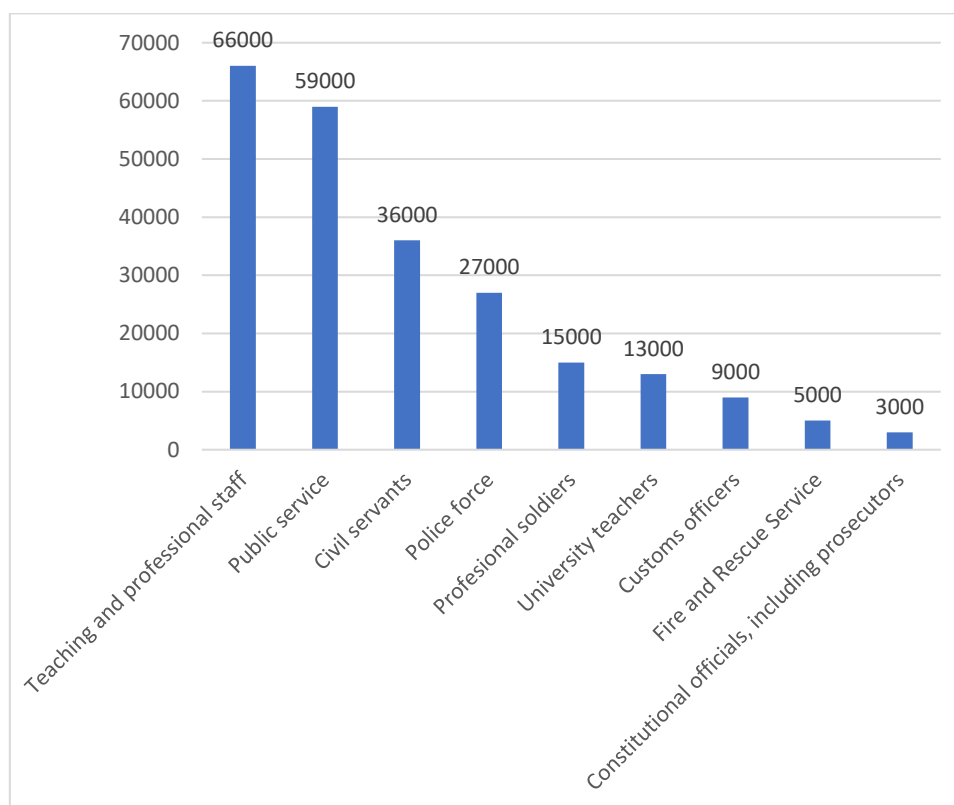


Figure 2. Number of employees in the public sector of the Slovak Republic in 2023

Source: Ministry of Finance of the Slovak Republic, Public administration budget for the years 2023 to 2025, p.76

<https://www.mfsr.sk/files/archiv/44/Hlavna-kniha.pdf>

The subject of the regulation of the aforementioned laws is legal relations in the performance of civil service. According to the aforementioned laws, the state service means the performance of tasks of the state administration or the performance of state affairs under the conditions established by law for members of the Police force, professional soldiers, members of the Fire and Rescue Service, customs officers, the term state service according to the relevant laws is understood as the performance of tasks resulting from a specific the mission of these entities (Cooper & Kaplan, 1999; Kabat, 2017). The content of the performance of the state service is the rights and obligations of the state and the civil servant, resulting from the performance of the state service or related to the performance of the state service.

For the purposes of the aforementioned laws, state service also means:

- performance of tasks of the state administration or performance of state affairs in accordance with the criteria established by law,
- performance of the tasks of the Police Force by a police officer in a service office,
- performance of the tasks of a professional soldier,
- performance of the tasks of the Customs Administration, management, organization, the performance of professional training of customs officers, the service of customs officers in the service office,
- the performance of the tasks of the Fire and Rescue Service by its members in the service office,
- the performance of the tasks of a civil servant in the field of foreign state service.

Civil service is performed in a civil servant relationship, a civil servant relationship, or a service relationship. For the purposes of the aforementioned laws, a civil servant is a natural person who performs civil service in the relevant branch of the civil service.

From the point of view of the systematic organization, the mentioned civil servant relations belong to the system of legal relations of employees of the state apparatus; these relations have their own autonomous legal regulation and are legislatively separated from labour law relations arising on the labour market.

Currently, employment relations in the civil service, unlike the previous legal status, are built on new legal foundations, as they are based on some principles of service pragmatics adapted to current conditions; they are conceived as relations under public law, constituted with the state. They are mainly based on the career system of the civil service; as a rule, they are constructed as lifelong relationships, lasting even after the end of active service; civil service relationships create the necessary legal basis for the professional, objective and independent performance of the civil service.

Many authors analyzed the problems mentioned above. The Handbook of Public Administration is a landmark publication, the first to provide a comprehensive and authoritative survey of the discipline. The Handbook provide a complete review and guide to past and present knowledge in this essential field of inquiry. A dominant theme throughout the Handbook is a critical reflection on the utility of scholarly theory and the extent to which government practices inform the development of this theory (Peters & Pierre, 2014).

The book "The Next Public Administration" explores public administration in the past, present and future, critically reviewing the modernization of public management reform. It reasserts public administration as an integral component of democratic governance and fosters a state-citizen relationship – considers issues associated with management, governance, and democracy, covers core public administration concepts and their evolution through time, etc. (Peters & Pierre, 2017).

The Introducing Public Administration (9th edition) provides the conceptual foundation - the most critical issues in the field of public administration using examples from various disciplines and modern culture. This unique approach captivates and encourages us to think critically about the nature of public administration today: new sections on careers in public service, whistleblowing and public employee dissent, networks and collaboration across organizations, social innovation, managerialism and productivity improvement, Big Data and cloud computing, collaboration and civic engagement, and evidence-based policy and management (Shafritz et al., 2016). The book "Public Administration: Concepts and Cases" offers a unique and highly regarded framework in which conceptual readings are paired with contemporary case studies that reflect real-world examples of administrative work and new thinking and developments in the field (Stillman, 2009).

Other authors analyze some aspects of employment relations in the civil service in some European countries, the legal status of public authorities and employer, the activities of public institutions, the impact of public administration on sustainable development (Prusák, 1997; Cooper & Kaplan, 1999; Stillman, 2009; Peters & Pierre, 2014; Škultéty & Kaššák, 2014; Schwab, 2016; Shafritz et al., 2016; Urbancová & Hudáková, 2017; Peters & Pierre, 2017; Kabat, 2017; Pylypenko & Lytvynenko, 2017; Dalenogare et al., 2018; Ibarra et al., 2018; Kuril, 2018; Filipová et al., 2019; Bai et al., 2020; Müller et al., 2021; Tugui et al., 2022; Pysmak et al., 2021; Sidak et al., 2021; Habib, 2022; Yermachenko et al., 2023; Ivanová & Žárská, 2023; Labunska et al., 2023; Crain et al., 2023; Timotius, 2023).

This paper aims to conduct scientific research of terminus technicus "civil service", its most important institutes and competencies, as well as labour relations within the civil service, and based on the analysis of scientific knowledge about the current de lege lata legislation, to offer the authors' conclusions and prepare proposals de lege ferenda.

Based on the primary goal, the authors set sub-tasks: 1) to determine the main pillars of the effective and proper functioning of the civil service in the Slovak Republic to ensure sustainable growth, 2) to set the managerial foundations for the effective functioning of labour relations in the civil service in Slovakia (decent work in the

civil service in correlation with the principle of modern public good administration), 3) analyze the legal status of state and public administration entities with the aim of effective and sustainable realization of the public interest, 4) prepare proposals de lege ferenda to improve the functioning of the state administration in Slovakia.

2. Research methods

For scientific research of the article's subject, we used the following scientific methods: observation, analysis, synthesis, comparison, abstractions, generalizations, induction, and deduction. The observation method helped us to systematize existing knowledge within the current state of the problem. It represented the theoretical and methodological basis of this scientific article.

The scientific method of analysis we had used for the process of thought division of the researched problem – the civil service, into individual parts, elements, features, contradictions and their research to reveal their essence; the task of the analysis was excluding from the whole mass of facts and contexts the main, essential, necessary ones that can shed light on the causes of the occurrence and course of the investigated event, its essence.

Synthesis – we used it to discover the connections between the allocated elements, features, opposites, their connection, and subsequent reproduction of the investigated event with their essential features and relationships.

Synthesis makes it possible to monitor the relationships between facts and the nature of the interrelationships between them and reveal the causes, functional dependence, sequence of stages, or tendency of the development of employment relations. We used a method of comparison for the process of great importance in clarifying the processes of change, development, and the examined relationship, revealing the tendencies and patterns of its development.

Abstractions method – when researching a specific phenomenon, it is necessary to study it step by step, one page after another and temporarily leave the other pages aside, abstract from them: identifying desirable and undesirable elements in the public sphere.

The generalizations method helped us analyze the general connection of real objects and phenomena, the unique and common relationship in all real events. The induction was used to draw general scientific conclusions based on the evaluation of basic scientific data. Deduction helped us start from general assumptions and apply them to individual general or partial conclusions and other scientific methods.

3. Subject and content of employment relations connected with the performance of civil service

Assessing the legal qualification of civil service relations requires paying due attention to the subject and content of the legal relations in question. The work of civil servants carried out in their employment relationships represents the performance of work for another for an equivalent. This is a connection between the owner of the labour force and the owner of the equivalent, whereby the labour force of one subject is used for remuneration by another. In employment relations during the performance of state service, similar to labour law relations, the work performed has the character of dependent work, which means that it is carried out with a certain personal and economic dependence on the employer (Peters & Pierre, 2014). A civil servant does not work for himself but must strictly follow the employer's instructions as part of his dependence (Kabat, 2017). At the same time, work performance also takes place under conditions of economic dependence, i.e., the civil servant works for remuneration, which is the primary source of ensuring his means of existence. According to the applicable legislation, a civil servant is entitled to an official income and benefits in kind for the work performed (Peters & Pierre, 2017). The adjustment of salary requirements for civil servants is categorical, resulting from the relevant law's mandatory provisions, except for the personal allowance as an incentive component of official income (Sidak et al., 2021).

However, the performance of work activities in the subject of state employee relations needs to exhaust the content of the subject of these relations fully. It is characteristic of the subject of employment relations connected with the performance of state service that, in addition to the behaviour consisting in the performance of work, another typical behaviour of its subjects also appears in the subject of these relations, namely the behaviour consisting in the immediate professional exercise of state power (Shafritz et al., 2016). This behavior of a state employee in state employee relations cannot simply be subsumed under the concept of carrying out work activities. Vice versa, it is necessary to understand these terms in a specific differentiation since, in our opinion, there is a qualitative value difference between them.

In his employment relationship, a civil servant acts as a practical executor of state power, directly participates in ensuring the power functions of the state, and carries out a specific state activity with regard to its function, content and nature (Bai et al., 2020). Based on the above, we take the position that it is impossible to identify and differentiate between the terms performance of work and exercise of state power. The opposite opinion represents a narrowed, not a full-fledged, only partial understanding of the subject of employment relations connected with civil service performance (Stillman, 2009).

Concurrence in the behaviour of its subject - the civil servant - is typical for the subject of civil servants. The subject of state employee relations includes the behaviour of subjects of two types: the implementation of work activities and state power (Cooper & Kaplan, 1999). To regulate the indicated dual kind of behaviour in the subject of employment relations connected with the performance of the civil service, the cooperation of the norms of several legal branches, most often the norms of labour and administrative law, is necessary (Pysmak et al., 2021).

In the context of employment relations in the civil service, in addition to the rights and obligations associated with work, we also find other elements, namely elements associated with the performance of the function, that is, rights and obligations related to the immediate exercise of state power, which is often regulated by special regulations and, as a rule, they do not belong to labour law, but to other legal branches. Administrative relations, vis-à-vis other external entities, are not relations in which the employee acts as a subject himself. Still, his position is that of a subject of a particular administrative body with management or decision-making authority (Dalenogare et al., 2018). This quality results from the function with which he was entrusted. Thus, it is derived from state power. This means that an employee in an employment relationship in which he is authorized to perform administrative actions outside of the executive body acts in a dual capacity, namely as an employee using his workforce (his abilities), but also as a state authority on whose behalf he acts (Sidak et al., 2021).

For employment relations in the civil service, it is characteristic that the employment relationship “accompanies” the service and management relationship (Habib, 2022). Employee relations in the civil service have additional content, elements associated with the performance of the function, rights and obligations associated with the practical implementation of state power, compared to employment relationships arising on the labour market. The state “lends” civil servants the right to act in relation to the external sphere on behalf of the state and gives their actions the quality of administrative acts enjoying special authority and protection. The position of a civil servant is derived from state power and its functional place; it represents the position of a state entity endowed with the authority to manage, decide, or control (Pylypenko & Lytvynenko, 2017). In his employment relationship, a civil servant acts both as an employee who uses labour power and as a state body, as a practical executor of state power while also acting on behalf of the state (Ibarra et al., 2018). These so-called functional relations and the rights and obligations pertaining to their content also belong to the content structure of employment relations in the civil service. The state-employee relationship in the civil service cannot be reduced only to an “employee” relationship, i.e., to a relationship with the state as an employer. A civil servant fulfils not only labour law obligations but also administrative obligations as he performs his activities on behalf of the state and fulfils the tasks of the state.

4. The public law nature of employment relations in the civil service

In the past, under the conditions of consistent enforcement of the concept of uniform labour relations, differentiation of employment relations was allowed only to a limited extent, usually where it was socially desirable (Ivanová & Žárská, 2023). Special status and particular preferences outside the uniform framework were applied only to civil service types with special interests (police officers, soldiers) (Prusák, 1997).

In the changed, new social conditions, when the concept of uniform employment relations has already been overcome, the necessary differentiation of employment relations has begun. It was considered essential to replace it with a new concept that would be based on new conditions, i.e., on the changed role of the state, on the new position of the public sector in our society (Labunska et al., 2023), on the qualitative difference between employment relations in the civil service and labour law relations arising on the labour market (Kuril, 2018).

Currently, employment relations in the civil service are legislatively separated from other employment relations; their regulation is fully autonomous, and they are conceived as public law relations with the employer subjectivity of the state, which represents a legal situation that is common in the legal systems of other democratic states as well. The concept of employment relations in the civil service is primarily based on the career system of the civil service, which assumes the subordination of employees to the labour law employment regime. The public law nature of employment relations in the civil service is primarily due to specific features of these relations, distinguishing them from other labour law relations arising on the labour market. The essence of the public law concept of employment relations in the civil service, related to the application of the public law employment regime, lies in the superiority of the state as an employer entity in regulating the legal status of civil servants (Crain et al., 2023).

The characteristic features in the public law nature of employment relations in the civil service are manifested result from the very nature of these relations, in which the performance of the civil service is realized. The public law features of employment relations associated with civil service performance are in direct correlation with the nature of the tasks performed in legal relations (Müller et al., 2021). They are primarily (Kuril, 2018):

a) Form of creation – individual legal act

This is one of the classic signs fulfilling the public law character of these relationships. Employee relations in the civil service are constructed as relations arising under public law by the decision to appoint and assign a civil servant to a specific systemized official position, the holding of which involves the completion of a certain agenda, the scope of which is usually determined in the internal service regulations. The legal relationship between a natural person and the state should not be based on the principle of bilateral legal acts (i.e. contracts) but must be established by appointment (Prusák, 1997; Sidak et al., 2021).

b) The state as an employer entity

Another element strengthening the public-law character of employment relations in the civil service is the restoration of the employer subjectivity of the state. The legal relationship of a civil servant should be established with the state and not only with a legal entity. Employee relations connected with civil service performance must be established with the state; the state is also the bearer of subjectivity in labour law. The relevant laws on civil service *expressis verbis* develop the state as the employer entity. The dominant feature of such a relationship is that the natural person performs activities for the state and is obliged to maintain unconditional loyalty to the state. The state in the position of the employer entity is suitable in legal relations of this type since stricter centralism in management is applied in them and the related greater dominance of the employer. As a rule, the state body in which the civil servant performs state service (service office) acts on behalf of the state. However, this may not always be the case, as another solution is also possible when the office entrusted with the administration of the personal affairs of a particular circle of civil servants acts on behalf of the state (personal office).

c) Stability of employment relations in the civil service

Public employment relations in the civil service differ from those in the labour market by their permanence and fundamental irrevocability. The increased level of duties associated with the system of necessary restrictions is compensated, among other things, by the guarantee of the stability of the employment relationship (Škultéty & Kaššák, 2014; Urbancová & Hudáková, 2017).

d) Mandatory regulation of rights and obligations

The nature of rights and obligations and the mandatory nature of their regulation is another characteristic of the public law nature of these relationships. The behaviour of subjects of employment relations in the civil service established by mandatory legal norms is binding and unchangeable, which cannot be changed or excluded by the expression of their private will; the realization of the rights and obligations contained in mandatory legal norms is carried out exclusively in the manner established by the legal regulation (Schwab 2016). The rights and obligations of civil servants are set normatively and cannot be the subject of contractual arrangements.

e) Legally guaranteed service and salary procedure

The predominance of the state in regulating employment relations in the civil service presupposes the employee's subordination to the public law regime, which also means securing primarily public (state) interests. On the other hand, to a greater or lesser extent, such a legal regime must also reflect the interests of civil servants. The legal regulation of employment relations in the civil service imposes certain, increased demands on civil servants not only during the performance of the service but also outside of it. Certain categories of civil servants are allowed, based on the law, certain restrictions also in the field of human rights (e.g. participation in political life) (Škultéty & Kaššák, 2014).

f) Regulation of the civil service in the form of special laws

The fact that the legal regulation of the civil service is fully autonomous, independent of the legal regulation of other employment relations, especially those arising on the labour market, also strengthens, to a certain extent, the public law nature of employment relations in the state service (Dalenogare et al., 2018). Considering that employment relations in the civil service are under public law, it is evident that they should be regulated outside the framework of labour law, as it is in developed democratic states. The legal regulation of employment relations in the civil service is, in the form of special laws, justified by the unique nature of these relations, which results from the peculiarities of the performance of tasks.

g) Method of resolving disputes

While relations according to private law regulations are based on the fact that no private will is placed higher than another, in employment relations in the civil service, as in public law relations, superiority and subordination prevail in the position of subjects, the mentioned characteristic feature of these relations is also expressed in the specific way of resolving disputes (Shafritz et al., 2016).

In the event of a dispute about the content and scope of authorizations and obligations arising from the civil service relationship between its subjects, these are resolved by the authorized service authority (superior) with the relevant decision and only then by the court.

Disciplinary responsibility comes to the fore in employment relations in the performance of state service even more prominently than it does in labour law relations arising on the labour market. It follows from the mission of employment relations in the civil service, from the peculiarities of performing tasks in the civil service, and from the relations of superiority and subordination in the civil service. The importance of the institute of disciplinary responsibility is also related to the observance of official discipline, in the sense of the summary of official duties arising for a civil servant from the relevant law on civil service, as a violation of official discipline (official duties) can be the basis for the application of disciplinary responsibility, (but in certain circumstances also material or criminal liability) (Stillman, 2009). Provisions on disciplinary responsibility are an integral part of the relevant legislation for individual groups of civil servants. Disciplinary responsibility in the civil service ends with the termination of the relevant employment relationship forming its legal basis; that is, disciplinary responsibility lasts until the subordination ceases.

5. The method of legal regulation in employment relations in the civil service

For our purposes, we will be based on a significantly simplified concept of the term in question. We will understand the method of legal regulation in the civil service as a method of legal regulation in which the position of the subjects of the legal relationship is manifested, as well as the dispositive or mandatory nature of the legal regulation.

The emergence of employment relations in the civil service is not accompanied by an unequal position of the subjects of these relations in the arrangement of their mutual relations; in this context, the relationship of superiority and subordination does not apply because, in the position in which they are about each other, one cannot unilaterally impose his will on the other (e.g. in the form of binding instructions) (Tugui et al., 2022). Neither of the subjects of the relationship under consideration can unilaterally establish the obligation of the other subject, nor can they authoritatively enforce the fulfilment of the obligation of the other subject within this relationship. On the other hand, it cannot be left unnoticed that the autonomy of the subjects' will is, to a certain extent, limited by the coercion of the regulation (Kuril, 2018).

An employment relationship in the civil service cannot be established against the will of a citizen or an applicant for admission to a civil service relationship, but only with his consent (Yermachenko et al., 2023). The issuance of a decision on admission to the civil service is always preceded by the applicant's request for admission to this legal relationship. In this context, we note that the relevant laws on the civil service (provisions regulating the creation of the civil service relationship – author's note) cannot be interpreted statically, in isolation, without internal connections and interdependence with other law provisions. On the contrary, it is necessary to understand them in a certain complexity of assessing the whole problem. On the other hand, however, it cannot be denied that the mandatory provisions of the relevant civil service laws, also in connection with the creation of employment relationships in the civil service, limit the discretion in the legal proceedings of the subjects of these relationships (Peters & Pierre, 2017).

Formally, according to the law (*de jure*), the difference between a unilateral act and a contract is indisputable, but in reality (*de facto*), it disappears. The arrangement of mutual relations between subjects of employment relations in the civil service (employment relationship) during the realization of rights and obligations, i.e. during the duration of the employment relationship, has a different quality (Prusák, 1997). The nature of the activity carried out by a civil servant in an employment relationship requires a high degree of “disposal authority” of the employer with a considerable degree of subordination of the civil servant (this is especially the case in the “so-called armed” civil service – author's note). In state employee relations (in the service relationship), during its course, during the realization of the mutual rights and obligations of its subjects, the elements of equality of subjects and contractual features are significantly weakened. On the contrary, the elements of superiority and subordination prevail, and the power dominance of one of the subjects of this relationship is applied (Timotius, 2023). In the currently valid legal regulation of employment relations in the civil service, we also find other legal institutes in which the supremacy of the employer (the state) is applied in the regulation of the legal status of civil servants during the duration of their employment relationship (service discipline, disciplinary authority, service time, rest time, salary and other requirements of civil servants, conditions of service of civil servants, etc.) (Peters & Pierre, 2017). In all declared legal institutes of employment relations in the civil service, there is an unequal position of the subjects of these relations, elements of superiority and subordination prevail, and freedom of contract in the sense of private law is significantly limited (it is replaced by the precise determination of conditions in legal relations), administrative decisions are applied, the administrative law method of legal regulation prevails (Kuril, 2018).

The valid legal regulation of the termination of employment relationships in the civil service is based on the permanence and irrevocability of these relationships after the civil servant has been included in the permanent civil service after fulfilling the prescribed requirements. The application of the definitive means that the employment relationship in the civil service can be terminated unilaterally at the initiative of the employer, possibly only for qualified reasons concerning the person of the civil servant. At the same time, the existing legal regulation of the civil service respects the constitutional enshrining of basic human rights, applying the principle that the citizen has freely and voluntarily decided to become a participant in this relationship; therefore,

he cannot be fairly required to perform this activity against his will, and consequently, it must be possible to unilaterally terminate this relationship at the initiative of a civil servant.

The relevant legal regulations of the civil service exhaustively define individual types of termination of civil service relations. In our opinion, they reflect the intermingling of elements of a public and private nature. On the one hand, protective and social elements; on the other hand, equality in the status of subjects consists in the possibility of ending their mutual relationship, from one side or the other (from the side of the employee and the employer). A unilateral expression of will aimed at ending the civil service relationship on the part of the civil servant (dismissal) can be carried out by the subject of this relationship at any time, with practically no restrictions, subject to compliance with the substantive and procedural requirements set forth in the law. The legal effects of this unilateral legal act will occur regardless of the will of the other entity (employer). A civil servant may be dismissed by a unilateral legal act at the employer's initiative, only for the reasons exhaustively set forth in the law, also in compliance with the substantive and procedural requirements set forth in the law. The legal effects of dismissal occur regardless of the civil servant's will. However, the employee is provided with increased protection in connection with the dismissal (for some reasons specified in the law) through the legal institution of the prohibition of dismissal in cases worthy of special attention.

The relevant civil service laws also allow for an agreement on terminating the civil service relationship. In our opinion, at the end of employment relationships in the civil service, equality in the position of subjects is applied to a certain extent, resulting from the same legal possibility of causing the termination of these relationships at will. The presented ways of ending employment relationships in the civil service (release, dismissal) are unilateral legal acts in the sense of private law, characterized by the freedom of disposition of their subjects. The assumption of correctness does not characterize them; the provisions on the invalidity of legal acts must be applied to them. The termination of employment relationships in the civil service is not controlled by the superiority and subordination of its subjects, nor does one of the subjects, in this case, have a position of power over the other; the termination of these relationships is bound by legal norms to private law acts, elements of the private law method of legal regulation are applied here. In addition to the elements of a private law nature, there is also the undoubted existence of public law elements, primarily protective and social elements, manifested in the protection of the civil servant against dismissal in situations where it is not possible to terminate the employment relationship by a unilateral legal act on the part of the service body. The interference of the mentioned public law elements of a protective and social nature results from the necessity of protecting the civil servant.

Decent work (as the 8th UN Sustainable Development Goal) in public service means that everyone can get a productive job that provides fair employment, job security and social protection for families, and better prospects for personal development and social integration.

Only decent work (ex lege employment relations) in the civil service in correlation with the principle of modern public good administration can ensure not only the permanent development of the state of Sr, but also the effective continuation of building the rule of law.

6. Conclusion

Based on the above, we reach the following conclusions regarding employment relations in the civil service:

The subject of employment relations in the civil service has a dual construction; it consists on the one hand of the behaviour consisting in the performance of the work of the labour force bearer for remuneration and, on the other hand, of participation in the immediate exercise of state power by the subjects of these relations towards the outside world. The legal regulation of two types of behaviour in the subject of these relations has a hybrid nature; that is, the norms of labour law regulate the work side, and the norms of administrative law regulate the functional side. The rights and obligations of the subjects of these relations are directed, on the one hand, to the realization of the labour process (work activity) and, on the other hand, to the realization of the power functions of the state, i.e. to the immediate realization of state power.

The rights and obligations of the subjects of these relations, forming the content of the mentioned legal relations, are regulated by several legal branches. Not only labour law standards are sufficient to regulate them, but also constitutional law standards, and even more often, administrative law standards. From this point of view, one can talk about compound or combined legal relations. An expression of the public law nature of employment relations in the civil service is the existence of some characteristic features of these relationships; otherwise, features are also typical for relations in the field of public law. Employee relations in the civil service are established with the state as an employer; they are usually created by a decision (individual legal act) on accepting a citizen into a state-employee relationship. However, the issuing of a decision is always preceded by a citizen's request for admission to the aforementioned legal relationship, which indicates the intermingling of labour law and administrative law elements in this area.

In the course of the implementation of rights and obligations resulting from employment relations in the civil service, the unequal status of the subjects of these relations is manifested, and relations of superiority and subordination prevail. Contractual freedom is considerably limited; it is replaced by a categorical definition of the rights and obligations of subjects, and compulsory legal regulation is applied. Employee relations in the civil service are relations of increased rights and obligations of the subjects of these relations compared to the general level of rights and obligations of citizens. This fact is compensated by some advantages, primarily a legally guaranteed payment and service procedure, the institute of finality, and some other compensatory provisions.

An expression of public law of employment relations in the civil service is also their special, autonomous regulation, which is, to a decisive extent, independent from the legal regulation of other employment relations. The connection to the Labor Code is applied only through delegated authority (§ 171 [the law no. 55/2017 Coll. on civil service and on amendments to certain laws](#)). The relationship of superiority and subordination, that is, the public law nature of these relationships, also corresponds to the method of resolving disputes, which are decided by the relevant superior, i.e. the service body and only then the court.

Disciplinary responsibility, as a special type of legal responsibility, is one of the prominent, typical and characteristic features of employment relations in the civil service, completing their public law nature. The application of disciplinary responsibility is one of the significant legal means associated with the consistent implementation of the rights and obligations of the subjects of these relationships. Disciplinary responsibility in employment relations in the civil service is fundamentally of an intra-organizational nature; it is applied within these relations, and only persons in a certain organizational relationship with this organization are subject to it. It is an expression of relations of superiority and subordination; the termination of the state-employee relationship also ends its application. Non-respect of conditions determined by law or violation of obligations in employment relations in the civil service by a civil servant does not have the nature of a private law delict and, therefore, is not and cannot be the subject of private law sanctions, but of public law sanctions. Disciplinary measures, such as sanctions for violation of service discipline in employment relations in the civil service, represent sanctions of a criminal nature, which are not aimed directly at removing the harmful consequences of a disciplinary offence. Their application does not interrupt the violation of official discipline, nor does the entity violating discipline not force itself to behave in accordance with the requirements of discipline. The imposition of disciplinary measures is aimed primarily at individual or general prevention. Regarding the method of legal regulation in employment relations in the civil service, we take the position that a combination of methods of legal regulation characterizes these relations. In connection with the creation of state employee relations, equality is applied in the position of the subjects of these relations. However, the autonomy of the parties' will is limited by the mandatory nature of the legislation. This is about blending elements of private law and public law methods of legal regulation.

During the implementation of mutual rights and obligations, during the duration of the state-employee relationship, superiority and subordination prevail in the position of subjects; the public law method of legal regulation is applied here. It is characteristic of the termination of employment relationships in the civil service that there are elements of a private law nature but also of a public law nature. We consider it correct and necessary that employment relations in the civil service are legislatively separated from employment relations subject to the general labour law regime.

Based on the theory of law, the theory of public administration management of democratic countries and the de lege lata analysis, we can state that: 1) we note that the original main objective and partial objectives set out in this scientific article have been achieved. The unique feature of the article is the scientific research of employment relations in state and public administration in correlation with the 8 main goals of the UN (decent work) for ensuring the continuous development of the Slovak Republic in correlation with the principle of modern public good administration; 2) we propose de lege ferenda to streamline the functioning of civil (state and public) service in the Slovak Republic to enshrine in [the law no. 55/2017 Coll. on civil service and on amendments to certain laws](#); a) especially decent work in the civil service in correlation with the principle of modern public good administration, b) enshrine the responsibility of the statutory public and state body for failure to achieve the decent work.

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