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PUBLIC SERVICE IN CUSTOMS AUTHORITIES
BETWEEN SERVICE AND LABOUR: A LEGAL DISTINCTION
IN THE LIGHT OF THE SOCIAL DOCTRINE
OF THE CHURCH

INTRODUCTION

The boundary between public service and labour relations is still disputed in legal doctrine, and recent reforms in public administration have made that boundary harder, not easier, to draw. In both case law and scholarship, public servants are increasingly described in the language of ordinary employment, sometimes as if the distinction were merely organisational rather than legal. Such approaches often result in methodological ambiguity and normative inconsistencies. This problem is especially pronounced in the sphere of customs administration, where the exercise of public authority is combined with heightened integrity requirements and significant social and professional risks.

By its very nature, customs service constitutes a form of public service oriented towards the pursuit of the common good, the protection of the state's economic security, and the enforcement of legality in international trade. Still, customs officers remain holders of labour-related rights linked to the dignity of work, fair remuneration, and social protection. This inherent duality – between service to public authority and labour as a means of personal fulfilment and material security – makes a clear legal distinction

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between public service in customs authorities and labour relations both necessary and unavoidable.

Within national legal frameworks, including that of Ukraine, repeated attempts to mechanically extend labour law standards to the sphere of public service have given rise to practical difficulties and sustained doctrinal criticism. As a rule, such approaches fail to take into account the public-law nature of service relations, the predominantly imperative method of regulation, the presence of coercive authority, and the specific forms of responsibility borne by public servants. Conversely, the neglect of the social dimension of service, and its reduction to a purely instrumental function of state power, generates risks of undermining the dignity of work and facilitating abuses of coercion.

Over the past century, the Church's social teaching has offered a sustained account of work and authority, insisting on human dignity, social justice, subsidiarity, and the moral limits of state power. It does not operate as a parallel legal order; rather, it provides a demanding yardstick for judging how legal regimes treat the person and the common good (*Rerum novarum*,¹ *Quadragesimo anno*,² *Mater et magistra*,³ *Centesimus annus*,⁴).

The purpose of this article is to substantiate a clear legal distinction between public service in customs authorities and labour relations, and to analyse this distinction through the lens of the social doctrine of the Church. The study seeks to identify the key criteria for distinguishing these forms of legal relations, to assess the permissible limits of applying labour guarantees within the customs service, and to clarify the role of social doctrine as an evaluative instrument for public authority. The argument combines doctrinal analysis with a functional reading of the customs service and an explicit account of the values at stake, chiefly the dignity of the person and the common good.

¹ Leo XIII PP., Litterae encyclicae *Rerum novarum* de conditione opificum (15.05.1891), ASS 23 (1890-1891), p. 641-70.

² Pius XI PP., Litterae encyclicae *Quadragesimo anno* de ordine sociali instaurando et ad Evangelii normam perficiendo (15.05.1931), AAS 23 (1931), p. 177-228.

³ Ioannes XXIII PP., Litterae encyclicae *Mater et magistra* de recentioribus rerum socialium processibus ad christiana praecepta componendis (15.05.1961), AAS 53 (1961), p. 401-64.

⁴ Ioannes Paulus II PP., Litterae encyclicae *Centesimus annus* saeculo ipso peracto ab editis encyclicis litteris *Rerum novarum* (01.05.1991), AAS 83 (1991), p. 793-867.

Within this framework, customs service is conceptualised as a form of “authoritative labour”⁵: an activity in which labour does not disappear as a social reality, but acquires a distinct legal dimension through the delegation of powers and subordination to the public interest. Accordingly, the central issue is not a declarative choice between the application or non-application of labour law, but the determination of the conditions under which labour-law instruments may be compatible with the public-law regime of service.

The proposed approach is intended not only to refine the theoretical foundations of the legal status of customs officers, but also to contribute to a more balanced understanding of public service as a form of service that reconciles the effectiveness of state authority with respect for the dignity of human labour.

1. PUBLIC SERVICE AND LABOUR LAW: LEGAL NATURE AND REGULATORY BOUNDARIES

Any serious distinction between public service and labour relations has to start with legal nature, not with surface similarities. Despite the outward similarity of certain elements – such as the performance of work, subordination within the organisation of labour, and the receipt of remuneration – these forms of legal relations differ in their juridical origin, their underlying purpose, and the mechanisms through which the law operates upon them. This matters because neglecting this distinction most often leads to oversimplified conclusions and erroneous decisions in legal practice.

Public service in customs authorities does not arise from the free contractual will of the parties, but from an authoritative act of appointment that formally incorporates an individual into the system of public power. From that moment, the officer is acting in law as part of the state. The point is not symbolic: powers, duties and liability follow from that status. His or her activity is directed not towards the achievement of an economic result for a specific entity, but towards the realisation of the public interest, which in the field of customs administration encompasses the protection of eco-

⁵ Authoritative labour’ shall be understood as work performed on the basis of a public mandate, where legal duties arise from the holding of public office and the delegation of public authority, and not from contractual consent.

conomic security, the performance of fiscal functions, the control of goods movement, and the prevention of offences.

This understanding of public service corresponds to the Christian tradition of conceiving authority as service rather than domination, a conception that imposes an enhanced responsibility on those who exercise public power towards the community they serve (Mk 10:42-45).

Labour relations, by contrast, are fundamentally grounded in the private-law autonomy of the parties. Even where minimum standards of employee protection are established by law, the contract remains the central instrument through which interests are aligned. In this context, work is understood primarily as an economic activity performed in exchange for remuneration, while legal regulation is aimed at maintaining a balance between the interests of the employee and those of the employer.

This divergence in legal nature inevitably results in different regulatory approaches. Public service is characterised by the predominance of the imperative method, a rigid hierarchical structure, and the existence of specific disciplinary authority. Service duties are defined not only by job descriptions, but also by general requirements of loyalty, integrity, and adherence to the public interest, which extend beyond the scope of ordinary labour obligations. In customs authorities, these features are particularly pronounced due to the high level of corruption risks and the need for continuous oversight of officials' conduct.

On that view, the restrictions inherent in public service do not appear as exceptions to general labour standards, but as a consequence of a particular understanding of authority that has historically been perceived as a form of responsible service rather than a personal privilege [Augustine 2018].

Even so, it cannot be ignored that public service does not exist outside the social dimension. Customs officers remain subjects of labour-related rights in a broad sense: they require fair remuneration, safe working conditions, social guarantees, and protection against arbitrary decisions. This circumstance is frequently invoked as an argument in favour of extending labour law norms to the sphere of public service. Such an extension, however, cannot be unconditional and requires a clear determination of its limits.

The social value of work within public service is also recognised in the social doctrine of the Church, which simultaneously warns against both the complete subordination of the person to the state apparatus and the reduc-

tion of any form of service to a purely private-law model of employment (*Re-rum novarum; Mater et magistra*).

The core problem, therefore, lies not in acknowledging the social value of the customs officer's work, but in attempts to substitute the public-law regime of service with a private-law regulatory model. The mechanical application of labour standards without regard to the specific nature of public authority risks weakening discipline, blurring the boundaries of responsibility, and undermining the effectiveness of customs administration as an institution. Conversely, a total separation of service from labour law creates conditions for abuses of power and the neglect of the human dimension of service.

For this reason, the question of the legal boundaries between public service and labour relations calls for a substantive rather than a formal approach. The issue is not a choice between two mutually exclusive models, but the identification of a regulatory balance that preserves the public-law character of customs service without diminishing the dignity of work or the social protection of officers.

In customs administration, the boundary between service and labour standards has an acute practical dimension. Customs officers operate daily at the intersection of control, fiscal interest, and coercion, often making decisions under conditions of risk and time pressure. In this setting, disciplinary authority and service-related restrictions are not secondary personnel matters; they determine whether the institution is capable of guaranteeing legality while avoiding the transformation of the officer into a convenient object of administrative control. Customs service thus provides a particularly revealing environment in which to observe the dangers inherent both in the mechanical transfer of private-law labour models into the sphere of public service and in the complete exclusion of the social dimension of work.

Such a balance between the imperative nature of public service and respect for the dignity of work reflects the logic of subsidiarity and the social responsibility of the state, as articulated in the social doctrine of the Church and further developed in the major encyclicals of the twentieth century (*Quadragesimo anno; Centesimus annus*).

2. DISTINGUISHING CRITERIA AND THE SOCIAL DOCTRINE OF THE CHURCH

The distinction between public service and labour relations cannot be reduced to formal characteristics or to references to the branch affiliation of legal regulation. What is decisive are substantive criteria that make it possible to identify the legal nature of the relations concerned and to assess them both from the perspective of positive law and from that of broader normative principles. Seen from this angle, the social doctrine of the Church does not replace legal analysis, but rather adds an axiological dimension to it, enabling a more nuanced understanding of the permissible limits of public authority's intervention in the sphere of work and service.

The first and most fundamental criterion of distinction lies in the purpose of the legal relationship. Labour relations are primarily oriented towards the realisation of the private interests of the parties: the performance of work in exchange for remuneration. Even where such activity takes place within the public sector, the economic dimension of labour remains decisive. Public service, by contrast – particularly in customs authorities – pursues a different objective. It is intended to secure the common good through the exercise of the state's authoritative functions. From the perspective of the social doctrine of the Church, this distinction is of particular importance, since work directed towards the service of the common good acquires a specific moral dimension and cannot be assessed exclusively in terms of market logic or contractual exchange.

Within the Christian tradition, the distinction between service and hired labour rests on a deep normative foundation. In the New Testament, authority is conceived not as a form of domination, but as responsible service directed towards the good of others – a conception that stands in sharp contrast to the logic of reciprocal advantage characteristic of private-law relations (Mk 10:42-45). In this sense, public service does not negate the dignity of work, but transcends its purely economic understanding.

The purpose of the relationship is one dividing line; the source of obligation is another. Employment presupposes consent and exchange, whereas service presupposes incorporation into a public hierarchy and an office-bound duty. In public service, the obligation arises from an act of public authority that incorporates the individual into a hierarchically organised system of governance. While recognising the value of freedom of work, the

social doctrine of the Church simultaneously emphasises that the voluntary acceptance of a public function entails consent to a special regime of responsibility and restrictions. Crucially, this element explains why certain limitations unacceptable in classical labour relations may be regarded as legitimate within the framework of public service.

The understanding of public function as a duty rather than a privilege has a long-standing place in Christian thought. Augustine, in particular, emphasised that authority constitutes a burden of responsibility placed upon the individual for the sake of serving the community, rather than a means of self-assertion or personal gain [Augustine 2018].

A further dividing line is the regulatory method: labour law is corrective and protective, while service law is status-based and directive. The social doctrine of the Church does not reject imperativity as such, but views it through the prism of the principle of subsidiarity, warning against excessive centralisation and formalism. From this perspective, imperative regulation of public service is justified only insofar as it serves the common good and does not become an end in itself.

Within the social doctrine of the Church, the imperativity of public authority is regarded as a necessary but limited instrument. The principle of subsidiarity, articulated in *Quadragesimo anno*, cautions against such an expansion of authoritative regulation as would undermine personal responsibility and freedom, even when pursued for ostensibly legitimate purposes [Marek 2015; Hervada 1983].

Most concrete disputes, though, come down to discipline and accountability – areas where the logic of public trust does work that employment law simply does not do. In labour relations, responsibility is predominantly compensatory or disciplinary in character and is aimed at restoring a disturbed balance. In public service, disciplinary responsibility performs a different function: it serves to secure trust in the public institution and the legitimacy of the exercise of authoritative powers. From the earliest encyclicals onward, the social doctrine of the Church has consistently emphasised the moral responsibility of those who exercise authority before society, thereby conferring upon disciplinary mechanisms not only a legal, but also an ethical significance.

The social doctrine of the Church consistently links the exercise of authority with heightened moral demands placed upon office-holders, stressing that the legitimacy of authoritative decisions depends not solely on their

formal legality, but also on accountability to society (*Rerum novarum*; *Centesimus annus*).

Separate consideration must be given to the criterion of restrictions on rights and freedoms. In labour law, any restriction is regarded as an exception requiring special justification. In public service, restrictions form an inherent element of legal status and derive from the very function of service. The social doctrine of the Church allows such restrictions to be assessed from the perspective of human dignity: they are acceptable only insofar as they do not negate the personhood of the officer or reduce the individual to a passive object of administrative governance.

In *Mater et Magistra*, particular emphasis is placed on the fact that the state, even in the exercise of public functions, may not treat the individual merely as a component of an administrative mechanism, but must preserve respect for human dignity and social needs.

Accordingly, the social doctrine of the Church does not offer alternative criteria for distinguishing between public service and labour relations, but rather deepens their substantive content. It reveals that the legal differences between these forms of legal relations are not merely technical, but also value-based. In this dimension the point is that the distinction between service and labour attains its full meaning, providing a foundation for further analysis of the interaction between public authority and the dignity of work in customs administration.

For that reason, the social doctrine of the Church functions not as a source of positive law, but as a yardstick that enables the assessment of legal mechanisms of public service from the standpoint of human dignity and orientation towards the common good, thereby laying the groundwork for further examination of the relationship between public authority and labour in the customs service (*Centesimus annus*).

3. PUBLIC AUTHORITY AND THE DIGNITY OF LABOUR IN CUSTOMS SERVICE

The question of the dignity of work within public service is felt most sharply where power is exercised through an identifiable official – customs service is a clear case. It combines heightened responsibility, significant professional risks and a highly restrictive regulatory environment, while at

the same time remaining a form of human work with all the social dimensions inherent to it. It is precisely within this configuration that the tension between the demands of public authority and the need to preserve the dignity of the public officer becomes most visible.

Unlike classical labour relations, the dignity of work in public service goes beyond the level of remuneration or the conditions under which duties are performed. It also encompasses legal certainty, the predictability of a service career, protection against arbitrary managerial decisions, and respect for the individual as a bearer of a public function. In customs authorities, these aspects acquire particular significance given the broad scope of managerial discretion and the intensity of disciplinary oversight.

The exercise of public authority inevitably entails certain restrictions on the rights and freedoms of public officers. Such restrictions may concern freedom of expression, political activity, secondary employment, or patterns of conduct outside service. Their legitimacy, however, is determined not by the mere fact of belonging to public service, but by their proportionality and functional justification. Where restrictions lose their connection to the protection of the public interest and become instruments of administrative pressure, they begin to undermine both the dignity of work and trust in the public institution itself.

Within the biblical tradition, the requirement of respect for the person does not disappear even in contexts of authority and subordination. The human being is understood not as a means to an end, but as a bearer of dignity that cannot be fully absorbed by any institutional function (Gen 1:27; Mt 20:25-28).

Particular attention must be paid to disciplinary practice within customs service. Disciplinary liability is supposed to protect institutional trust. Yet in everyday administration it can drift into something else: a managerial shortcut, a signal to others, or a tool for removing inconvenient staff.

The social doctrine of the Church offers a framework for assessing this problem through the lens of balance between authority and responsibility. The dignity of work does not negate the necessity of discipline, but it requires that disciplinary mechanisms remain transparent, predictable and oriented towards correction rather than humiliation or the removal of undesirable individuals. In this sense, the legal culture governing the application of disciplinary norms is no less important than the norms themselves.

Equally significant is the issue of material and social provision for customs officers. Inadequate remuneration, the absence of clear mechanisms for compensating heightened risks, or instability in social guarantees create conditions in which the dignity of work may be formally acknowledged yet effectively undermined. In the field of customs service, this produces an additional negative effect, increasing vulnerability to corrupt practices and eroding the moral foundations of public authority.

On this view, particular importance attaches to the principle articulated in the social doctrine of the Church concerning the primacy of the person over work and institutions [Kohler 2009]. *Laborem exercens*⁶ emphasises that work cannot be treated solely as a factor of production or an administrative resource, since it is the human person who is both its subject and its end.

Here, the dignity of work emerges not only as an individual value, but also as an institutional factor in the effectiveness of public service. An officer who perceives himself merely as an object of administrative control, rather than as a responsible bearer of a public function, is unlikely to ensure a high standard of law enforcement. By contrast, the combination of clear service requirements with genuine recognition of the social and professional value of work creates the conditions for a stable and integrity-based customs service.

In this dimension, the social doctrine of the Church does not offer ready-made institutional solutions, but it establishes a normative boundary beyond which public authority loses its moral meaning. When demands of efficiency and control begin to prevail over respect for the person, public service risks losing its character as service and degenerating into a purely administrative mechanism (*Centesimus annus*).

Accordingly, the interaction between public authority and the dignity of work in customs service is not a matter of choosing between efficiency and humanism. It concerns the search for a legal and institutional balance in which public authority retains its capacity to act without losing the human dimension of service. It is precisely here that the social doctrine of the Church proves to be a valuable evaluative tool, allowing analysis to move beyond purely technical considerations and to perceive public service as a sphere of responsible work rather than mere administrative control.

⁶ Ioannes Paulus PP. II, Litterae encyclicae de labore humano, LXXXX expleto anno ab editis Litteris Encyclicis Rerum Novarum *Laborem exercens* (14.09.1981), AAS 73 (1981), p. 577-647.

CONCLUSIONS

The research conducted confirms that public service in customs authorities and labour relations are not interchangeable legal constructs, despite the presence of certain external similarities. Their distinction is not merely terminological but substantive in nature and derives from their differing legal foundations. Labour relations are formed within the sphere of private-law autonomy and contractual balance, whereas public service arises through an act of public authority and is directed towards the realisation of the public interest under conditions of imperative regulation.

Within customs service, this distinction becomes particularly pronounced due to the combination of authoritative powers, heightened integrity requirements and a special regime of disciplinary responsibility. For this reason, the mechanical extension of labour standards to the sphere of public service is methodologically flawed. Such an approach risks blurring the boundaries of official responsibility, weakening institutional guarantees of legality, and replacing the public-law regime with a private-law logic of regulation. At the same time, the opposite extreme – detaching service entirely from the social dimension of work – creates risks of arbitrary governance, disproportionate restrictions and the erosion of legal culture within the institution.

In this sense, customs service cannot be regarded as merely a “form of employment” within the public sector. It constitutes an autonomous regime of legal organisation of work in which the primacy of public law does not negate labour guarantees, but determines their scope and the manner of their implementation. The decisive test is not the formal classification of a norm as belonging to labour law, but its functional compatibility with the exercise of authoritative powers and the preservation of personal dignity. It is precisely here that the social doctrine of the Church introduces a disciplining criterion for legal assessment, enabling a distinction to be drawn between discipline as a form of public responsibility and discipline as an instrument of administrative subordination.

The criteria for differentiation proposed in this article – namely, the purpose of the legal relationship, the source of official obligation, the method of regulation, the nature of disciplinary authority and the limits of rights restrictions – allow not only for an accurate determination of the legal nature of relations within customs service, but also for the delineation of permissi-

ble boundaries for the application of labour standards in the sphere of public authority. What is fundamental in this approach is the recognition that social guarantees and the protection of the dignity of work do not negate the public-law character of service; rather, they must be realised with due regard to its functional orientation and responsibility towards society.

When employed as a normative framework of evaluation, the social doctrine of the Church makes it possible to clarify where the boundary lies between the legitimate imperativity of the state and its morally unacceptable domination over the individual. On the one hand, the Christian tradition understands authority as service, entailing a heightened duty of responsibility towards the community (Mk 10:42-45). On the other hand, it insists that human dignity cannot be absorbed by any institutional function (Gen 1:27; Mt 20:25-28) and affirms the primacy of the person as the subject of work over institutional goals and managerial mechanisms (*Laborem exercens*) [Brady 2021]. In this sense, the principles of subsidiarity, social responsibility of the state and orientation towards the common good establish the limits of legal acceptability for disciplinary control, managerial discretion and the organisation of service (*Quadragesimo anno; Mater et magistra; Centesimus annus*).

The practical conclusion is that the effectiveness of customs service should not be achieved at the cost of depersonalising the officer or transforming disciplinary mechanisms into instruments of pressure. Transparency in disciplinary practice, predictability of career decisions, proportionality of restrictions, and adequate material and social provision are not ancillary elements of public service, but conditions of its institutional integrity and legitimacy. It is precisely the combination of the imperativity of public authority with respect for the dignity of work that allows public service to be preserved as a sphere of responsible service rather than reduced to a purely administrative mechanism.

In light of this, further research should be directed towards refining models of legal provision for social guarantees for public servants in high-risk sectors, as well as towards analysing judicial and disciplinary practice as indicators of the actual balance between authority and the dignity of work.

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**Public Service in Customs Authorities
Between Service and Labour:
A Legal Distinction in the Light of the Social Doctrine of the Church**

Abstract

This article examines the legal distinction between public service in customs authorities and employment relationships, addressing a persistent tendency in legal doctrine and practice to conflate these two forms of legal regulation. While customs officials perform work and remain entitled to labour-related guarantees, their legal status is shaped primarily by public law and oriented toward the exercise of public authority in pursuit of the common good. The article argues that treating customs service as a variant of employment relationships leads to conceptual confusion and undermines the institutional logic of public administration. The analysis identifies key criteria distinguishing public service from labour relations, including the purpose of the legal relationship, the source of legal obligation, the method of regulation, the nature of disciplinary authority, and the scope of permissible restrictions on rights. These criteria are examined not only from the perspective of positive law, but also through the moral measure of the social doctrine of the Church. Drawing on selected papal encyclicals and biblical foundations, the article demonstrates how the Church's social teaching provides ethical boundaries for the exercise of public authority while affirming the dignity of human labour.

Keywords: public service; customs authorities; labour law; dignity of labour; public authority; social doctrine of the Church.

**Służba publiczna w organach celnych między służbą a pracą:
rozróżnienie prawne w świetle społecznej nauki Kościoła**

Abstrakt

Artykuł podejmuje problem rozróżnienia prawnego pomiędzy służbą publiczną w organach celnych a stosunkami pracy, odnosząc się do utrwalonej w doktrynie i praktyce tendencji do ich utożsamiania. Choć funkcjonariusze celni wykonują pracę i korzystają z określonych gwarancji socjalnych, ich status prawny kształtowany jest przede wszystkim przez prawo publiczne i podporządkowany realizacji władztwa państwowego oraz dobra wspólnego. Autor dowodzi, że traktowanie służby celnej jako szczególnej formy zatrudnienia prowadzi do niejasności pojęciowych i osłabia instytucjonalne podstawy administracji publicznej. W artykule wskazano kluczowe kryteria odróżniające służbę publiczną od stosunków pracy, takie jak cel relacji prawnej, źródło obowiązku służbowego, metoda regulacji, charakter odpowiedzialności dyscyplinarnej oraz zakres dopuszczalnych ograniczeń praw. Kryteria te zostały poddane analizie nie tylko z perspektywy prawa pozytywnego, lecz także w świetle społecznej nauki Kościoła. Odwołując się do wybranych encyklik papieskich oraz biblijnych podstaw godności osoby ludzkiej, artykuł ukazuje, w jaki sposób nauczanie społeczne Kościoła wyznacza normatywne granice sprawowania władzy publicznej, nie negując jednocześnie wartości pracy ludzkiej.

Słowa kluczowe: służba publiczna; organy celne; prawo pracy; godność pracy; władza publiczna; społeczna nauka Kościoła.

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