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Title

Befristung im Wissenschaftsbereich nach abgeschlossener Promotion / Burkhard Boemke und Johanna Schönfelder

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Abstract

According to § 2 I WissZeitVG, fixed-term employment at public universities is not subject to the general restrictions of German labour law. The purpose of this regulation is to promote scientific research by assuring a regular replacement of young academics. To allow a postdoctoral qualification – which does not have to be truly intended though –, the researcher can be employed for further six years (nine years in the medical sector) according to § 2 I 2 WissZeitVG. The postdoctoral fixed-term employment requires a successfully terminated doctorate. The question which point of time is relevant for the termination of the doctorate has been the subject of numerous claims, especially in cases where the contract of employment was signed after the doctoral viva and before the award of the certificate. This question is intended to be answered by the authors of this essay. It is based on an analysis of the relevant legislation concerning the procedure of the doctorate, notably the doctoral guidelines of the faculty, and comes to the conclusion that, where the content of these regulations does not lead to an answer, the teleological interpretation of § 2 I 2 WissZeitVG will do so. (HRK /

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