



Research Paper

Legal transformation of society, social policy and social work in the Slovak Republic

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Abstract:

The aim of this paper is to present the legal transformation of society, social policy and social work in the Slovak Republic. The first stage was typical with building of institutions ensuring performance and supervision over activities performed by future professionals, and their subsequent diversification. This stage proceeded gradually and spontaneously without efforts for professionalism. The second stage was characterized with established specialized training for discharge of the profession. The new science was built in parallel with development of education in order to obtain relevant and validated facts aimed at building of theoretical fundamentals of the profession. From the special education building commencement, post-doc students' preparation has been associated with practical skills. Together with restored education of social workers at colleges, ideas of professional organization were revived after 1990 that would represent social workers. Associated discussions were aimed at answering the question whether the academic community should both initiate and found professional organization for practical workers. We suppose that such discussion resulted from the fact that there was only negligible percentage of academicians participating on educational process having practical skills in the area of social work and social services.

Keywords: society, social policy, social work, law, legal transformation

Received 04 June, 2023; Revised 15 June, 2023; Accepted 17 June, 2023 © The author(s) 2023.

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I. Introduction

At first, there was a strong need for transformation of society, social policy as well as social work after the Velvet Revolution in 1989 due to considerable changes of political, economic and social systems. As the previous system was substantially paternalistic characterized by massed dominance of state (the only employer, provider of majority of social services, the only source of finances for social system, etc.), it does not fit the new situation and transformation of the system was indispensable. Transformation process was not straight due to frequent changes in political leadership, changes in pace of economic development, etc. Different fields of social affairs undertaken different ways of transformation, with many similarities as well as many differences (Botek et al., 2014).

Ten main principles were defined in the transformation process (Brezani, 2003):

- Demonopolization aims to ensure plurality of subjects, abolish the exclusive role of state and create a space for NGO subjects.
- Decentralization of public sphere as a principle of transformation should move social protection as close as possible to people, implement subsidiarity and move rights and responsibilities to regional and local authorities.
- Principle of democratization focus on legal independence of institutions and inclusion of self-governing elements in the administration (administrative and supervisory boards, Commission, etc.).
- Modification of objects should change the position of an individual. Clients should not be perceived as a member of the group but as an individual with particular needs.
- Pluralisation of sources should ensure recreation of multisource system of financing of social policy and leave system, where state budget is the only source of financing of social policy.

- Pluralisation of types and forms should lead to superseding of non-alternative systems by plural systems of social protection.
- Humanization focuses mostly on social services and emphasizes non-marginalization of individuals with problems and tendency to provide of assistance in natural surroundings.
- Reconfiguration to needs should ensure that social protection will be adequate in terms of time, extent, intensity of problem, etc.
- The aim of personification was to approximate provider of assistance and the client, support the reliance and confidence in social protection.
- Professionalization as the last principle aims to implement professionals in social protection, especially in terms of re-establishing university education in Social Work and related study programs.

Most of the principles were strongly related to development of civic society, massively suppressed during the period of socialism. After the fall of communism, new freedom and opportunities for civic activism and association have opened and new activities started to flourish. New actors – active citizens and their structures – nongovernmental organizations (NGOs) and other independent bodies – started to play an increasing role in the Slovak society. New sphere of societal life – civil society – has been gaining in its importance (Mareček, 2013).

For the Slovak civil society, the period 1993 – 1998 can be seen as one of years spent learning, gaining experience and building up the sector. Foreign funding aimed primarily at the building of civil society in the Slovak Republic was made available. But it was also an era of autocratic shift in the governing of the country. Slovak civil society was therefore shaken from its complacency to mobilize against this new threat. Slovak NGOs and Slovak civil society had to unite and fight against principles of autocracy (Feffer, 2013).

During the second period (1998 – 2004) the domestic political situation had improved significantly due to the change of government. Consequently, the Slovak Republic found itself back on track toward the EU, and became an OECD member. The Slovak Republic transformed itself from recipient to donor (Botek et al., 2014).

The third period which can be framed by the Slovak Republic's EU membership and implementation of the two medium-term ODA strategies *Medium-Term Strategy for Official Development Assistance: 2003–2008*, Bratislava: Ministry of Foreign Affairs of the Slovak Republic, 2003 and *Medium-Term Strategy for Official Development Assistance: 2008–2013*, Bratislava: Ministry of Foreign Affairs of the Slovak Republic, 2008 (Brezani, 2013).

The restoration of the autonomy of the individual and civil society has become the main task in preventing the expansionism of the state, though it does not express that such a danger is connected only with state, because its source also exists in a civil society. State can then only be used as a kind of power instrument. Therefore, the restoration of civil society also has this qualitative dimension; it requires the restoration of democratic citizenship and civil virtues (Šamalík, 1995).

Civil society in the Slovak Republic faces several constraints and challenges and lacks a supportive legal and fiscal environment. The economic and financial crisis continues to hit the sector hard. A look on empirical data shows many difficulties and obstacles. In this research on civil society empirical findings that constitute the crucial baseline were represented, a comparative measure of participation in voluntary organizations across a wide set of countries. The results show that post-communist countries are almost exclusively grouped at the lowest levels of organizational membership. Moreover, levels of membership in post-communist countries have declined significantly, especially when compared to those in the post-authoritarian countries. With the partial exception of labour unions, participation in voluntary organizations is much lower in post-communist countries than in the older democracies and the post-authoritarian countries. People may have the idea that only activities that bring material benefits, or rewards, can be considered meaningful. The involvement outside personal interests is thus slow. However, the trend in a post-modern world is just the opposite, citizens should be involved in public interest. Social and political networks should be organized horizontally, not hierarchically. Thus, in these communities, the important task is to strengthen the civic solidarity, civic participation and integrity. In this context, volunteering is a fundamental phenomenon and its importance in the globalized society of the third millennium will only increase. Volunteering helps the civil society to eliminate negative phenomena at the individual and societal level (Howard, 2003).

Formation and development of social work in the Slovak Republic

Similar to other countries, social work has been built in the Slovak Republic on the foundations of charity and philanthropy. Foundation of leprosarium, evacuation hospitals, and other hospitals providing social – medical care to the poor people started in the Slovak territory around the 10th century. They were gradually expanded with asylum centres, poorhouses, foster homes, etc. Such activities were associated with the merging Christianity in the territory of the current Slovak Republic. Monastic societies and orders had gradually settled here, bringing their missions focused on the support to the fellows. Quality of the care in these facilities depended upon financial situation of towns and settlements. Some of the facilities provided only accommodation while the other ones offered also frugal boarding.

Other facilities offered even meat for a few times per a week, for example in the Poorhouse in Košice, poorhouses in Modra and Banská Bystrica, and in Xenodochium Petri Caroli S. Elisabetha Vidua Regina. Small settlements also had to take care of their poor inhabitants, offering a small room to them, or in better case, so called town hall. Obligation to care of the poor had made the towns and settlements to support or found the supporting societies in cooperation with church organizations, etc. Along with institutions founded upon monastery or order's initiative, charity was associated with a few famous individuals and human initiatives that had been expressed through foundation of fraternities, self-supporting and supporting unions since the 13th century. Mining fraternities were the first organizations founded in the territory of the current Slovak Republic (Levicka, Uhnáková & Levicka, 2007).

Many authors consider them as an avant-garde of the future social insurance systems. Members of such fraternities, called brothers, regularly contributed to the fraternity treasury serving for payment of contributions in the following cases (Levicka, 1999):

- disease,
- injury (therapy-related cost),
- contributions to burial, for widows and orphans of died fraternity members,
- old-age allowances.

In the 14th century, the fraternities were gradually replaced by craft organization that took over their social functions including collection and redistribution of craft organization membership fees. It was pointed out that some craft organizations had used the term fraternity for rather long time afterwards, and were transformed to the form of self-supporting treasuries mainly in the mining environment, being supported by the state. Social work as a profession can be dated in the Slovak Republic at the end of the 19th century. Gradual process resulting in the social work profession can be tracked in three stages, namely (Dudeková, 2005):

- building of institutions based on philanthropy and volunteerism principles,
- development of specialized education focused on the social work area,
- targeted profession development.

Particular process stages are not strictly separated from one another but smoothly follow one after another just to exist concurrently all together in the final process stage. Theoretical basis of the profession responding to complex course of events in the context of social-political situation of the times had been built parallel to progressing professionalism (Levicka, Uhnáková & Levicka, 2007).

Contemporary legal issues of social work in the Slovak Republic

Statements used to appear in the Slovak literature about social work that it was again restored in Czechoslovakia after 1990, after preceding cancellation during the era of socialism. Based on the findings of referenced authors from the latest years, there are objections against such statements. The author suggests speaking rather of reconstruction of the social work profession after 1990. They don't doubt the fact that cancellation of high schools and colleges of the social work was slowed down by the profession development on its theoretical and practical level, but it didn't mean its cessation (Strieženeč, 2006).

Profession stagnation during 1950 - 1989 didn't result only from political decisions but also reflected insufficient professional identity of the then social workers; mainly those working in healthcare sector. With both the name and acting, they identified themselves more with nurses than social workers, which was exaggerated by the name social nurse. It can be supposed that such identifying with healthcare professions was affected by the status given to physicians and nurses. The roots of claimed social work disappearance after 1951 can be found in the hospital environment. Such simplified opinion on the life and social needs of people caused cancellation of (Oláh et al., 2009):

- social nurse institute,
- social service concept,
- statistical number of the social nurse institute in 1951, when also social work-related professional literature publishing was stopped.

In fact, instead of social nurses so called social service nurses appeared in practical life in 1952 upon approval by the Ministry of Healthcare that initiated establishment of institutional education in the area of health-social work shortly after cancellation of high schools of social work and education provided by colleges. It is interesting that the activities of the Society of Social Workers were restored after restoration of the Ministry in 1968. The Society revival was initiated by its former members who either performed direct business with clients or as pedagogues at high schools focused on the social area. The Society started performing activities focused on restoration of college study for social workers in the same year (Žilová, 2000).

There is a strong legal orientation of Czech and Slovak social work to therapeutic or advisory paradigm in the terms of reform paradigm. Such paradigm has been strongly represented by emerging academic community of the Slovak social work. While it didn't feel any need for orientation to the reform paradigm area, since the legal problems had strong anti-socialistic mood. It was easier and socially safer to focus only to therapeutic and advisory paradigm.

Then a statement appeared that the social work disappeared during socialism, i.e. that it had not developed on the theoretical level after 1951, and it was enough to accept such statement. It was the main reason why the Slovak and Czech authors didn't deal with the social work development during period of years 1947 – 1989 (Majchráková, 1957). The social worker profession wasn't legally cancelled during period of years 1950 - 1989 but its development was attenuated. Stopped higher school education was reflected in the development of the social work theoretical basis. As a paradox, research activity wasn't stopped since it was focused on the area of labour, working conditions, etc., and demonstrated performances similar to research organizations in abroad. Undoubtedly, social work had continuously developed in the Slovak Republic in the area of healthcare and state administration. In this relation, requirements laid on social workers' education have also changed. Nurses had gradually replaced social workers in the healthcare facilities, as proved by their official denomination – social nurses. To perform this activity, the nurses were required to pass leaving exams at high school of healthcare (study specialization nurse) and subsequently 2-years taking post-graduation study in specializations social work. Any high school education was sufficient for getting a job in the state administration sector, despite of the existing high school with social work specialization. Also, 4-year high school with leaving exams had been opened until 1948, which changed to 2-year post-graduation study in 1962 with two specializations: one of them focused on the social work area and another one on the social-law activities. Some activities performed before by social workers were overtaken by other professions, mainly by psychologists and clinical sociologists (Mátel et al., 2010).

Building from outwards was typical for the first decade (1990-2000) of social work profession reconstruction as a result of missing academic experts and scientists from this area. There wasn't any pedagogues among those participating on social workers' education in the Slovak Republic who would study social work specialization, thus the pedagogues didn't have the required theoretical knowledge in the field of social work (Žilová, 2000).

Legal statement that social work can be taught by everybody was added to the long-time statement that social work can be performed by everybody. Emerging change was perceived around year 2000 when the first graduates of the study program social work enrolled in the post-graduation study. These instructors strongly identified themselves with the social work, being interested in the development of the profession theoretical basis. This caused preparation of social work-related publications (Mátel et al., 2010).

II. Conclusions

In general, the initiative of social workers resulted in foundation of a few non-profitable organizations, mainly civil associations, which attempted for development of social work professional platform. The following are some of them (Levicka, Uhnáková & Levicka, 2017):

- Chamber of Social Workers,
- Association of Social Workers in Slovakia (ASPS),
- Association of Supervisors and Social Advisors (ASSP),
- Association of Marriage and Family Advisors,
- Slovak Association of Advisors and Social Workers,
- Association of Social Service Professionals,
- Association of Employees of Social Care and Social Service Facilities in Slovakia,
- Union of Slovak Foster Homes' Employees,
- Slovak Association of Social Service Beneficiaries.

Mentioned organizations participate on creation of legal regulations in the field of social work in the Slovak Republic. Association of Social Workers in Slovakia was founded as a civil association in 1993 with registered office in Prievidza. The organization moved later to Bratislava to the Faculty of Pedagogy and it was led by Vladimír Labáth and later by Silvia Branišová. In 1997, ASPS adopted the reduced version of the Ethical Codex of Social Work, a brief translation of the Ethical Codex of NASW. ASPS became a member of IFSW as the only Slovak organization. Initiative for foundation of the process chamber, which would roof social workers and be a partner to respective ministries or employers during discussions, had been developed in the Slovak Republic after 1990. Since it was impossible to establish a professional organization in the Slovak Republic in a legislative way, a few college/ university pedagogues agreed on the establishment of Association of Social Work Education Subjects (AVSP) aimed at developing education and related building of social work as a specific area of science (Levicka, Uhnáková & Levicka, 2017).

In cooperation with representatives of the Slovak Ministry of Labor, Social Matters and Family, AVSP made efforts for preparation and adoption of Act No. 219/2014 Coll. on Social Work, which represented the commencement of the stage of legislation protection of the profession (Gabura, 2012).

The Ministry of Labour, Social Affairs and Family of the Slovak Republic establishes legal norms and determines legal regulations for employing foreigners in the Slovak Republic, and sets up criteria for the entry of different categories of foreign nationals into the Slovak labour market, including conditions for granting work permits.

The Ministry also establishes legal norms regarding social care for foreigners, asylum seekers, repatriated persons, Slovaks living abroad, etc. Social care is provided by the Offices of Labour, Social Affairs and Family.

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