

SOCIAL AND PSYCHOLOGICAL ASPECTS OF INDIVIDUAL LIFE ACTIVITIES IN CONDITIONS OF SOCIAL UNCERTAINTY

GABRIEL PALA¹

DOI: <https://doi.org/10.59505/IRHNS.22352007.2024.3.06>

¹ University of Prešov in Prešov, Greek Catholic Faculty of Theology, Prešov (SK)

Contact: prof. ThDr. PaedDr. Ing. Gabriel Paľa, PhD. - gabriel.pala@unipo.sk

Abstract:

Nowadays, a probation worker, mediator, or probation and mediation official (PMO) play a pivotal and demanding role in our society. It is essential that they possess a comprehensive knowledge base, including social work, criminology, psychology, criminal law, crime prevention, victimology, and sociology. Their professional approach should ensure that their work yields the desired results in civil mediation, probation supervision, or criminal mediation. The primary goal in establishing probation and mediation work within the judiciary was to actively contribute to the implementation of criminal policy within the context of restorative justice, thereby reducing the number of individuals serving prison sentences. Restorative justice, as facilitated through probation work, also safeguards the rights and entitlements of crime victims and plays a significant role in promoting a fair and just society.

Keywords: Mediation, methods, probation and mediation worker, study programme.

Introduction

A probation officer, mediator, or probation and mediation officer (PMO) performs a highly responsible and demanding role in society. Therefore, it is logical that certain requirements are placed on the performance of their profession. Their foundational knowledge should include insights from the fields of social work, criminology, psychology, criminal law, crime prevention, victimology, and sociology. A professional approach is intended to ensure that their work brings the desired results in performing so-called civil mediation, probation supervision, or criminal mediation. The main reason for establishing probation and mediation work within the justice system was the intention to contribute to the application of criminal policy within a restorative framework, through sanctions carried out in freedom, thereby contributing to reducing the number of individuals serving prison sentences. Restorative justice is not only focused on the offender through probation work but also ensures the rights and claims of those harmed by criminal acts through mediation [4].

In the context of educating probation officers, mediators, and probation and mediation officers, since 2006, the Greek Catholic Theological Faculty of the University of Prešov in Prešov has been offering a study program in Probation and Mediation Work. This study program was accredited by the Ministry of Education of the Slovak Republic in 2005. Its establishment is based on Act No. 550/2003 Coll. on Probation and Mediation Officers, where in § 5, it is explicitly stated that a probation and mediation officer may be appointed if they are a citizen of the Slovak Republic who, among other things, has obtained a second-level university education by completing a master's degree in legal, teaching, theological, or other social science study programs.

It is paradoxical that while the Ministry of Justice offers adaptive, competency, and further training for its employees, there exists (though only one university with this study program) higher education at the second level focused on probation and mediation work in Slovakia, which is conducted over four semesters. From 2006 to the present day, April 30, 2023, a total of 968 students have successfully completed this study and obtained a master's degree (Mgr.). Its parameters are detailed below.

Graduate Profile and Educational Objectives of the Probation and Mediation Work Study Program

A student of the Probation and Mediation Work study program deepens the knowledge acquired during the first level of study in the program of Leisure Activity Animation, which includes foundations in sociology, psychology, pedagogy, communication, social work, basic theology, leisure work, and related disciplines. At the first level of study, students gain the knowledge, skills, and competencies necessary to evaluate human potential through communication, and the ability to shape and animate activities for different age groups. During the first level of study, students are guided to work effectively as both team leaders and members. The goal of the subsequent second-level study program in Probation and Mediation Work is to produce graduates with profound and interdisciplinary knowledge of the legal system of the Slovak Republic, practical client communication, and probation and mediation methodology. Graduates will be able to apply their acquired knowledge in diagnosing and addressing complex questions, phenomena, and processes that influence current practices in probation and mediation. Graduates are capable of continually enhancing their professional competencies and participating in the effective implementation of legal regulations in probation and mediation. The multidisciplinary nature of the study program allows graduates to evaluate, analyze, and assess the content of problems in probation and mediation from psychological and communication perspectives. The Probation and Mediation Work study program is interdisciplinary, bridging theology with specific areas of civil and family law, commercial and labor law, criminal law, conflict theory, effective communication, probation and mediation methodology, forensic psychology, victimology, penitentiary and post-penitentiary care, social work in supportive professions, and a theoretical understanding of basic theological disciplines. Throughout the course of study, students acquire the ability to critically analyze, interpret, and apply knowledge of the legal system of the Slovak Republic in probation and mediation, as well as understand social processes in society. In this context, the study program provides graduates with knowledge in law, communication, probation methodology, mediation, psychology, penitentiary and post-penitentiary care, marriage and family counseling. The profiling of the study program is complemented by fundamental knowledge of related disciplines such as professional ethics, intercultural psychology, canon law, intercultural mediation and conflicts in Europe, and social and legal protection.

In accordance with the Slovak Qualification Framework (SKKR level 7), a graduate of the Mgr. study program possesses the knowledge, skills, and competencies outlined above.

Knowledge of a Graduate in the Probation and Mediation Work Study Program:

1. Possesses cross-sectional knowledge regarding the legal system of the Slovak Republic in the context of mediation and current trends in this field, as well as related facts, phenomena, objects, and relationships within disciplines relevant to the field of theology.
2. Has detailed and cross-sectional knowledge of legal norms in the field of probation and mediation and is well-versed in the current legal system with a focus on client protection. Holds knowledge in criminal law, civil and family law, commercial and labor law, as well as constitutional law.
3. Possesses in-depth knowledge in the areas of pastoral and moral theology, the social doctrine of the Church, and canon law.
4. Understands and comprehends scientific theories specific to probation and mediation work, and is knowledgeable in the terminology and research methodology used in the field.
5. Has profound and cross-sectional knowledge in the field of probation and mediation, understanding principles of functioning within the European space.
6. Recognizes and understands the most important dilemmas in probation and mediation from a contemporary perspective, with particular attention to current issues in modern Europe, especially in relation to civilizational and social problems.
7. Identifies social and legal factors in processes currently ongoing in probation and mediation.
8. Understands the specifics of probation and mediation work in the Slovak Republic, with an emphasis on the protection of client rights and adherence to general binding legal regulations, while respecting decisions of public authorities.

The knowledge outcomes will be ensured through the following sequence of subjects: Professional Ethics of Probation Officers and Mediators, Practical Communication with Clients, Introduction to the Legal System of the Slovak Republic, Conflict Theory and Effective Communication, Intercultural Psychology, Forensic Psychology and Victimology, Criminal Law, Civil and Family Law, Commercial and Labor Law, Probation Methodology, Penitentiary and Post-penitentiary Care, Mediation Methodology, Family Mediation.

Skills of a Graduate in the Probation and Mediation Work Study Program:

1. Able to creatively and independently plan, organize, and solve theoretical and practical tasks using theories and research and development procedures in diagnosing historical and current phenomena, processes, and issues in the areas of Probation and Mediation Work, as well as Penitentiary and Post-penitentiary Care, including overseeing offenders, monitoring sentences not involving imprisonment, and leading mediations according to the Mediation Act.
2. Can identify legal, ideological, social, and political factors destabilizing the legal system, integrating perspectives from theology, law, and public administration.
3. Able to appropriately gather primary and secondary data sources, select relevant sources and information, and apply them in theories and practical applications crucial for the development of probation and mediation work.
4. Can effectively integrate acquired knowledge with the capabilities for analysis, forecasting, and solving research issues related to probation and mediation, social and legal protection of clients, and marital and family counseling covered in the program.
5. Chooses suitable research methods, tools, and techniques necessary to develop a theoretical conceptual framework for probation and mediation processes using and interpreting secondary data.
6. Able to appropriately characterize probation, mediation, and counseling activities and critically analyze and interpret them to determine their significance, social impact, and place in the legal process.
7. Plans their own lifelong learning and development, guides others in this direction, and manages work teams effectively.

Skill-based outcomes will be ensured through the following subjects: Professional Ethics of Probation Officers and Mediators, Introduction to the Legal System of the Slovak Republic, European Law and Public Administration II, Penitentiary and Post-penitentiary Care, Probation Methodology, Criminal Law, Civil and Family Law, Conflict Theory and Effective Communication, Intercultural Psychology, Mediation Methodology, Civil and Family Law, Thesis Seminar I, II, III, Probation and Mediation Practice I, II, III, Professional Excursions I, II.

Competencies of a Graduate in the Probation and Mediation Work Study Program:

1. Contributes to the development of the field by acquiring new knowledge when solving specific tasks and proposes innovative methods applied in probation, mediation work, and marital and family counseling.
2. Actively utilizes and develops communication, social, psychological, probation, and mediation competencies required for various tasks in the labor market, judiciary, and self-government at local, national, and international levels.
3. Demonstrates a high degree of independence and foresight in problem-solving, coordinating team processes, and making independent, responsible decisions in a changing legal environment.
4. Establishes rules for negotiations and ensures their observance; sets the meeting agenda in agreement with participants, is responsible for structuring the meeting, facilitates communication, and aids mutual understanding among parties.
5. Serves as an intermediary in communication, supports new solutions, asks questions, clarifies statements, summarizes, recapitulates, seeks common ground, differentiates between confidential and public information, and organizes information to aid successful conflict resolution.
6. Can gather background information about an accused person, including their family, social, and work environment, and creates conditions for decisions on conditional cessation of prosecution or approval of conciliation, facilitating agreements on damage compensation between victims and the accused. Cooperates with state authorities and other institutions and performs additional actions in criminal proceedings.
7. Performs tasks related to maintaining court records and registers of the respective court department, prepares court decisions, and carries out other administrative activities.
8. Collaborates with specialists from fields such as healthcare, education, social work, and judiciary, and makes recommendations for client distribution to appropriate institutions.
9. Provides psychological assistance to support marital cohabitation and prevent adverse effects of divorce on children, offering counseling to spouses, children, and families.
10. Formulates forecasts and strategic information on task progress and outcomes, discusses professional opinions with experts in the field (probation and mediation education and intercultural mediation),

11. Committed to observing basic principles of professional ethics, developing professional competencies, and responsibly fulfilling professional tasks.

Competency-based outcomes will be ensured through the following subjects: Introduction to the Legal System of the Slovak Republic, European Law and Public Administration II, Penitentiary and Post-penitentiary Care, Probation Methodology, Criminal Law, Civil and Family Law, Conflict Theory and Effective Communication, Intercultural Psychology, Mediation Methodology.

Professions the Graduate of the Probation and Mediation Work Study Program is Prepared to Perform

Graduates of the Master's degree program in Probation and Mediation Work will receive the title of Master (Mgr.). They will possess both theoretical and practical knowledge in probation and mediation. Graduates are well-versed in legal regulations related to probation, mediation, court proceedings, and associated standards that determine probation and mediation processes. They understand procedures and rules for overseeing offenders, defendants, or convicts; are knowledgeable about regulations governing the organization and management of the judiciary and the status of judges; and are capable of managing mediation as an out-of-court activity in civil law. Additionally, graduates are equipped to mediate conflict resolution between the accused and the injured party outside of or within court proceedings, and they are adept at client consultations to prepare subsequent steps in legal matters. They maintain awareness of developments in their field, continue their professional growth, and adhere to legal regulations and essential terms regarding handling personal data. Graduates are prepared to analyze crisis situations in marriage and family relationships and recommend appropriate solutions. They are also capable of coordinating and managing the provision of social and legal protection services. They are prepared to work as self-employed individuals in the field of mediation practice in civil proceedings.

The educational institution has identified specific professions that graduates are prepared to perform at the time of graduation. The structure and content of the study program align with each identified profession listed in the SK ISCO-08 classification system. These include:

- Mediator (3411002)
- Probation and mediation officer (2619008)
- Marriage and family counselor (2635002)
- Specialist in Church-State Relations (2636011)

- Specialist in Social and Family Policy (2635013)
- Additional Related Professions Relevant to the Program:
- Professional Administrative Assistant (3343000)
- Legal Assistant (3411001)
- Social Curator Specialist for Adults (2635004)
- Social Curator Specialist for Children (2635005)
- Specialist in Social-Legal Protection for Children (2635010)

Employability

Graduate Employability for the Probation and Mediation Work Program

Graduates are well-equipped to work as qualified probation officers, capable of overseeing and supervising individuals under non-custodial sentences, monitoring their behavior during probation periods, and supporting them in leading constructive lives. As mediators, graduates can facilitate out-of-court dispute resolution between victims and offenders. They may also work as probation and mediation officers, within social and child protection agencies, correctional facilities, and rehabilitation and re-education centers. Graduates possess the skills to address social, educational, and spiritual issues independently and effectively. They apply principles of planning, organizing, and evaluating in social care and counseling and can collaborate with community members. Additionally, they are suited for roles within public administration, commercial sectors, as consultants, and managerial positions across state and private institutions, as well as in church or ecumenical activities.

Further details on employment opportunities are available as outlined in section 2, paragraph b). Statistical reports on employment and employability of graduates are accessible from:

<https://uplatnenie.sk/> or <https://uplatnenie.sk/?degree=V%C5%A0&vs=71700000&faculty=717040000&field=6171T10&year=2019>

Program Parameters:

Name of the Program and Registration Number: Probation and Mediation Work, Code: 17376, UIPŠ Code: 6171T10, Decision Number: 2020/84:2461-OAC

Degree Level and ISCED-F Code of Education Level: Second Level, ISCED-F 0229, ISCED 767.

Location of Program Delivery: Greek Catholic Theological Faculty, Bishop Gojdič Street 2, 080 01 Prešov

Degree Awarded: Master's Degree (Mgr.) Study

Format: Full-time and Part-time

Standard Duration of Study: 2 academic years

WEB: <http://www.unipo.sk/gtf>

Student Support: Probation and Mediation Clinic - <https://caaviar.sk/mapk/>

Recommended Study Plan includes:

Mandatory Courses – 92 credits (76%)

Compulsory Elective Courses – 78 credits (24%)

Elective Courses – 6 credits (5%) - Students select elective courses from the university-wide offer, with a maximum credit allocation of 5% (6 credits) of the total credit requirement for the second level of study.

State Exam – 20 credits.

The recommended study plan allows the option to enroll in compulsory elective courses totaling 78 credits.

Mandatory Courses:

- Thesis Seminar 1,
- Thesis Seminar 2,
- Thesis Seminar 3,
- Forensic Psychology and Victimology,
- Intercultural Psychology,
- Mediation Methodology,
- Probation Methodology,
- Civil and Family Law,
- Thesis Defense,
- Commercial and Labor Law,

- Practical Client Communication,
- Probation and Mediation Work – State Colloquium Exam,
- Probation and Mediation Practice I,
- Probation and Mediation Practice II,
- Probation and Mediation Practice III,
- Professional Ethics for Probation Officers and Mediators,
- Personality Psychology,
- Roman Law,
- Conflict Theory and Effective Communication,
- Criminal Law,
- Introduction to the Legal System of the Slovak Republic,
- Selected Chapters in Theology I (Fundamental Theology),
- Selected Chapters in Theology II (Dogmatic Theology),
- Selected Chapters in Theology III (Moral Theology),
- Selected Chapters in Theology IV (Pastoral Theology).

Compulsory Elective Courses:

- The Bible Today,
- European Law and Public Administration I,
- European Law and Public Administration II,
- Intercultural Mediation and Conflicts in Europe,
- Canon Law,
- Crisis Intervention,
- Marriage and Family Counseling,
- Media Propaganda and Ideologies,
- Professional Excursion I,
- Professional Excursion II,
- Pastoral Psychology,
- Penitentiary and Post-penitentiary Care,
- Personal and Social Development,
- Restorative Justice,
- Family Mediation,

- Social Doctrine of the Church I,
- Social Doctrine of the Church II,
- Social Work in Helping Professions,
- Social and Legal Protection,
- Socio-psychological Training for Probation Officers and Mediators,
- Sociology of Law and Family,
- Student Scientific/Professional Conference,
- Constitutional Law,
- Selected Issues from the History of the Greek Catholic Church,
- EU Foreign Policy.

It is worth considering whether the state's investment in educating students with this graduate profile is prudent, especially if it does not align with the state's needs. In this case, the Ministry of Justice of the Slovak Republic organizes various training programs for probation and mediation officers, while the system includes educational institutions with SAAVŠ accreditation (previously the Ministry of Education of the Slovak Republic until 2019).

Conclusion

From practice, it is evident that the current education of probation and mediation officers in the Slovak Republic is insufficient compared to neighboring EU countries and the feedback from superiors in probation and mediation from the perspective of courts and prosecutor's offices. It cannot be characterized as satisfactory from the viewpoint of the Ministry of Justice either. The organization of management and the reach into the direct execution of probation and criminal mediation by the Ministry of Justice, specifically the department of probation, mediation, and crime prevention, is also inadequate.

Although the training of state employees (Act No. 55/2017 Coll. on state service in § 161) and judicial officers (Act No. 549/2003 Coll. on judicial officers) is legislatively anchored, it is generally set up primarily for administrative-formal work, such as for court clerks or assistants. It does not adequately cover the specific area of probation and criminal mediation, where judicial officers work with individuals on the reintegration and resocialization of defendants, accused persons, or convicted offenders. They aim to positively influence behavior change and reinforce the ability to live without conflict and integrate into society without committing further crimes. The essence of probation work is a constructive

method of re-education, with a focus on positively influencing behavior and a preventive character. The purpose of criminal mediation is to effectively resolve or at least mitigate the conflict associated with a crime and to eliminate or rectify its consequences.

For this position, it is required that judicial officers be specially prepared and equipped with specific skills and abilities that form the foundational attributes for performing probation supervision and criminal mediation. The Ministry of Justice organizes specialized training for probation and mediation officers according to Act No. 550/2003 Coll. on probation and mediation officers in § 5 (2). However, based on comparisons with other European countries, we do not achieve the required intensity and quality, which is reflected in the execution of probation and criminal mediation.

It is essential to develop a comprehensive system and standards for education in this field at all levels. This includes accepting existing second-level higher education, as well as adaptive training and ongoing acquisition of professional competencies, increasing qualification prerequisites, while also focusing on specific characteristics, whether through regional conditions or specific clientele.

True professionalism encompasses a combination of professional knowledge and skills, a certain moral and ethical dominance that is realized in professional duty, in the most diligent relationship to issues of professional honor, and in a high degree of professional responsibility. In a broader context, it also presents attributes of a professional approach toward clients and ethical responsibility towards not only the clients themselves but also colleagues, employers, and society, which the study program of Probation and Mediation Work fully embodies.

References

- BOŘILOVÁ, Z.: Mediace v trestní justici ČR. In: Sociální práce. Probace a mediace. <http://www.socialniprace.cz/pdf-prezentace/2005-4.pdf> (06.08.2007).
- Cehlár, V. – sviežený, R. – burský, S.: *Vstup do problematiky inštitútov probácie a mediácie*. Bratislava: 2018. 77 s. ISBN 978-80-968833-7-0.
- Čitbaj, F.: Osobnostné predispozície mediátora. In : KOVÁČ, E. a kol.: *Aktuálne výzvy a perspektívy v mediácii*. Bratislava : AMS, 2014. s. 48 – 54. ISBN 978-80-971616-0-6.
- Halagová, E.: Profesionalizácia probačného a mediačného úradníka a systém vzdelávania v oblasti trestnej mediácie v SR od jej vzniku až po súčasnosť.

- In: Paľa, G. – petričko, D. (eds.): *Aplikácia alternatívnych prístupov v justícii na Slovensku I*. Prešov : Vydavateľstvo Prešovskej univerzity, 2021. s. 186-209. ISBN 978-80-555-2770-3
- Holá, L.: *Mediace způsob řešení mezilidských konfliktu*. Praha: Grada Publishing a. s., 2003. 182 s. ISBN 80-247-0467-6.
- Holá, L.: *Mediace v teorii a praxi*. Praha : Grada, 2011. s. 271. ISBN 78-80-247-3134-6.
- Horáček, T.: Aktuální otázky vzdělávání mediátorů v ČR. In: *Súčasnosť a perspektívy probácie a mediácie*. Prešov : GTF, 2010. s. 291. ISBN 978-80-555-0612-8. http://www.akpczl.cz/aktuality/navrh_zakona_o_mediaci. (07.03.2012).
- <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/420/20190101>
- <https://www.slov-lex.sk/pravnepredpisy/SK/ZZ/2017/55/20210301>
- Karkošková, S.: Slabiny probácie a mediácie (v trestných veciach) na Slovensku. In: Karkošková, S. – Dolanská, R. (Eds.) *Súčasnosť a perspektívy mediácie a probácie*. Prešov, GTF PU, 2013. s. 172 – 173. ISBN 978-80-555-0740-8.
- Kováč, E.: Etický kódex mediátora a sociálna práca. In: *Aplikovaná etika v sociálnej práci a ďalších pomáhajúcich profesiách*. Vysoká škola zdravotníctva a sociálnej práce sv. Alžbety, 2010. s. 152-157.
- Lulei, M.: Sociálna práca v trestnej justícii a probácii. Nitra : UKF, 2011. s. 136. ISBN 978-80-8094-945-7.
- Mediácia v členských štátoch. Poľsko*. <http://www.ejustice.europa.eu/contentPresentation.do?plang> (12.07.2011).
- Spolupráca v oblasti mediácie medzi SR a ČR*. <http://www.justice.gov.sk>. (05.03.2012).
- Svoboda, I.: Úvod do studia mediace a probace. Zlín : Univerzita Tomáše Bati ve Zlíne, 2005, 118 s. ISBN 80-7318-261-0.
- Szabová, M.: *Mediácia. Príručka pre odbornú a laickú verejnosť*. Bratislava : ARK, 2006, s. 33.
- Šándor, I.: Projekt probačnej a mediačnej služby. In: *Justičná revue*. Bratislava : Ministerstvo spravodlivosti SR, 2002, s. 751-757. č. 6-7/2002. ISSN1335-6461.
- Vyhláška č. 126/2017, ktorou sa ustanovujú podrobnosti o vzdelávaní štátnych zamestnancov.

Zákon č. 420/2004 Z.z. o mediácii a o doplnení niektorých zákonov

Zákon č. 550/2003 Z.z. o probačných a mediačných úradníkoch a o zmene a doplnení niektorých zákonov

Zákon č. 568/2009 Z.z. o celoživotnom vzdelávaní a o zmene a doplnení niektorých zákonov

Zákon č. 27/2009 Z.z. o sociálnoprávnej ochrane a sociálnej kuratele a o zmene a doplnení niektorých zákonov

Zákon NR SR č. 174/2015 Z. z., ktorým sa mení a dopĺňa zákon č. 300/2005 Z. z. Trestný zákon. Čl. III.

Zákon NR SR č. 55/2017 Z. z. o štátnej službe.