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Psychology of the complainants

Abstract

The article deals with the personal handling of complaints by participants in court proceedings (in rare cases it also includes those citizens who do not have such legal status as the public). The aim is to define, analyze and describe the personal characteristics of the complainants, to specify what inspires, motivates and leads them to communicate the complaint in person, directly in interaction with the court manager, and court staff by this atypical procedure before, during and after court proceedings, in addition to a written complaint. The management of complaints and the case law of complaints are based in particular on the provisions of § 62 et seq. Act no. 757/2004 Coll. on courts as amended (exceptionally also from Act No. 9/2010 Coll. on complaints as amended). On the one hand, it is a description of the basic characteristics of the applicants' mental state, communication, behavior and conduct, and on the other hand, it is also

a description/study of the managerial activity of the court employees. The article clarifies the peculiarity of the above-mentioned method used to settle the parties in dispute before the courts, but outside the court proceedings one finds that the complainants are absent from the social, health and legal counseling service provided by state or private sectors before the sitting. These areas are to some extent, eventually more or less covered by courts of the Slovak Republic by personally accepting and addressing the complainants. The public is generally unaware of this, but the professionals consider/understand this activity as a prototype (basis) of family court formation or a return to classical counseling from the beginning of the 21st century.

Keywords

Court, Complaint, The complainant, Complaints management

1. Introduction

Complaints are partially regulated in the provisions of § 62 to § 69 of Act no. 757/2004 Coll. about the courts.¹ They are related to court proceedings and can therefore be submitted by the participants in these proceedings – the so-called complainants (including non-participants in court proceedings where there is an overriding legal interest directly related to the dispute in question). In this special case of filing complaints, the administrative appellate body is the Ministry of Justice of the Slovak Republic as the central body of state administration in connection with Act no. 71/1967 Coll. on Administrative Procedure (Administrative Procedure Code) as amended.² For the purposes of this Act, public administration bodies are state administration bodies.

As far as complaints are concerned, these are regulated in Act no. 9/2010 Coll. on Complaints³, which is therefore a special implementation of the law to the constitutional legislation.

This article is based on the complaints submitted in writing pursuant to the provisions of § 62 et seq. Act no. 757/2004 Coll. on courts; it aims to clarify the established administrative-working procedure in the personal contact of the complainant and the court, in addition to the above-mentioned legal regulation

¹ Act no. 757/2004 Coll. about the courts.

² Act no. 71/1967 Coll. on Administrative Procedure (Administrative Procedure Code).

³ Act no. 9/2010 Coll. on complaints.

of the two cited laws. It also describes and specifies the personal characteristics of the complainants and their motivations leading to various forms of psychological behavior and conduct in a personal complaint in court, in particular regarding to the court proceedings initiated by the complainant himself.

2. Complaints management – Act no. 757/2004 Coll. about the courts

Slovak Republic (SR) has introduced the provision of information in the application practice of the courts since 2007 (in force from 01/01/2008) not only in legal written form, but also within the management of the court itself including an oral form, specifically provided by personal reception and handling of complainants. This is the so-called service to citizens, consisting in personal attendance to the dissatisfied people and citizens who are taking or have taken a dispute to court.

One party is almost always dissatisfied with the court's decision. Even in this case, the legal order of the Slovak Republic provides those citizens and parties who feel that they have been personally affected by the court decision in a negative way (before, during and after the decision), certain legal possibilities to solve their negative theoretical and practical experiences out of court.

In this interest, the legal institute of a written complaint pursuant to the provisions of Section 62 et seq. Act no. 757/2004 Coll. about the courts⁴ serves the participants in court proceedings, but also other persons who have an urgent legal interest in the outcome of the court proceedings.

The work of the courts shows that there are several possibilities for helping a dissatisfied citizen impartially through a complaint or in resolving his dispute in court. The activity in question is publicly available on the website of each court.

The organizational division of the courts of the Slovak Republic, which is represented by four judicial departments of law, concerns the district, regional and Supreme Court of the Slovak Republic, as well as the Constitutional Court of the Slovak Republic (ÚS SR):

- Civil law (led by the Civil Law Council of Judges and its President)
- Commercial law (led by the Council of Judges and its President)

⁴ Act no. 400/2015 Coll. on the creation of legal regulations and on the Collection of Laws of the Slovak Republic.

- Administrative law (led by the Administrative and Legal Council of Judges and its President)
- Criminal law (led by a Criminal Law Council of Judges and its president).

The external environment, created by civil, commercial, employment and other relations with court management, consists of litigants, interveners, their legal representatives in particular lawyers (European, and international) or civil activists with (or without) legal training, witnesses, victims, experts, interpreters, translators, law enforcement agencies, prosecutors, guardians ad litem, mediation and probation officers.

In the field of the state administration of courts, it is not possible to talk about the competitive environment of Slovak courts, but especially about cooperation, compatibility, respect, mutually supportive progress of existing and active bodies of the state administration of courts and compliance with applicable laws of the Slovak legal system.

Although if public does not strongly identify with this statement, it is the general opinion of people within society, sometimes this even manifests in a “crowd psychosis”, attacking the courts and their decision-making while the public has distorted information about the issue due to a negative media activity. It is known that the public has a low awareness of legal facts and knowledge or would act upon unverified legal facts, and therefore, the reality is completely different from what it perceives.

The issue is, however, rather complex, as public lacks clear, accurate and objective information about the operation of the courts. The practical experience of the courts in dealing with the handling of the complainants’ activities in person, is almost always the same and so we would like to point these out.

In the first place, the complainant seems to be helpless and unable to resolve a long-running litigation with his own abilities (in rare cases one finds a newly created dispute). The dispute (usually consisting of several or even dozens of disputes conducted by one complainant at the same time) is accompanied by facts and circumstances such as:

- broken ties (hostile and quarrelsome family communities, departure of some family members abroad, family breakdown, serious invasion of privacy...)
- economic losses (unemployment, lack of funds, property damage or financial losses due to unnecessarily spending on resolving a dispute...)

- social inclusion (separation from friends, acquaintances, acquaintances, personal neglect, including hygienic habits...)
- mental state (inability to perceive reality, to assess the state of affairs, assess the situation, but also vice versa the ability to blame others to get rid of the psychological burden of dispute)
- health problems (high blood pressure, sleep disorders, stomach cramps, cardiovascular disease, heart attack, cancer, numerous surgeries, initiation of a self-destructive process, usually ending in the applicant's death...)
- social and political influences (focusing on a particular group or political affiliation and subsequently the complainant being disappointed when the assistance does not satisfy the expectations of his / her demands).

The public is unaware of these matters, as they usually concern individual family members.

2.1. Complaint filed under Act no. 757/2004 Coll. about the courts

The Act we refer to entered into force on April 1, 2005, except for Art. I, provisions of § 23 par. 2, the validity and effectiveness of which began on September 30, 2005 and Art. XI, which entered into force on January 1, 2005 (historically and temporally adopted before the Complaints Act).

After the adoption of the three codes in the legal order of the Slovak Republic in 2015, specifically Act no. 160/2015 Coll. – Civil Dispute Code⁵, Act no. 161/2015 Coll. – Civil outside the dispute order⁶ and Act no. 162/2015 Coll. – Administrative Judicial Code⁷, the effectiveness of Act no. 757/2004 Coll. about the courts is constantly changing.

The cited law is governed exclusively by the courts of the Slovak Republic. This means that it does not concern the public or rather indirectly. It is intended only for administration of the so-called legal complaints of the complainants (meaning participants in court proceedings, even under precisely defined legal conditions) filed in accordance with the provisions of § 62 to § 69, ev. provisions of § 70.

⁵ Act no. 160/2015 Coll. – Civil litigation.

⁶ Act no. 161/2015 Coll. – Civil out of dispute.

⁷ Act no. 162/2015 Coll. – Administrative Judicial Code.

According to the provisions of § 62 par. 1 of Act no. 757/2004 Coll. on courts “... a complaint may be lodged by a party to the case. A complaint may be directed to the court about a breach of the right to a public hearing without undue delay or a breach of the principles of dignity of proceedings by judges, court clerks or court staff performing judicial duties”⁸.

The relevant provisions of the Act serve primarily for written complaints lodged by the participants in court proceedings due to delays in court proceedings that take place in court, or due to an inappropriate behavior of judges, court clerks and court employees. Therefore, anonymous complaints are not processed.

If the complainant is not satisfied with the investigation of his complaint by the president of the court, he has the right to submit a request to the superior body to investigate the handling of the complaint. In the case of a complaint to the district court, the superior body is the locally competent regional court. In the case of a complaint filed with a regional court, the superior body is the Ministry of Justice of the Slovak Republic (MS SR), which also investigates complaints filed by the chairman of the Specialized Criminal Court.

Act no. 757/2004 Coll. on courts is the most frequently applied law, both by judges and court staff and also by complainants, whether the complaints are filed in writing or complaints are put forward by the complainants in person.⁹

From the above it is clear that the courts of the Slovak Republic deal with the applicants on the basis of their written and paper complaints from the three applicable laws and customary law as follows:

1. Act no. 757/2004 Coll. on courts (district courts within the jurisdiction of regional courts in the first instance; regional courts of the second instance),
2. Act no. 9/2010 Coll. on complaints (occasionally),
3. Act no. 314/2018 Coll. on the Constitutional Court of the Slovak Republic¹⁰ (ÚS SR; the condition is first to file a complaint according to point 1),
4. Common (customary) law applied in case law from Austria–Hungary (Table 1).

⁸ Act no. 757/2004 Coll. about the courts.

⁹ Act no. 757/2004 Coll. about the courts.

¹⁰ Act no. 314/2018 Coll. on the Constitutional Court of the Slovak Republic.

Table 1: Complaints submitted in writing in the Slovak Republic

TYPE OF LAW	FORM OF RECEIPT OF THE COMPLAINT / OF THE COMPLAINANT	FORM OF HANDLING OF COMPLAINTS /OF THE COMPLAINANT	POTENTIAL PERSONAL COMPLAINANTS IN COURTS
Act no. 757/2004 Coll. about the courts	Documentary – in writing	Documentary – in writing	Yes
Act no. 9/2010 Coll. on complaints	Documentary – in writing	Documentary – in writing	Yes
Act no. 314/2018 Coll. about ÚS SR	Documentary – in writing	Documentary – in writing	Yes
Customary law	Documentary – in writing	Documentary – in writing	Yes

Source: Own overview by the authors

It follows from the above that the so-called administrative work procedure in the interest of greater information for the public, cooperation and approaching of the public with the intention of increasing people's legal awareness, is in fact a legal and alternatively might be an outlawed procedure.

It is a very time-consuming job, combined with the need for excessive patience, because the results of this effort may not even be visible on the outside.

It is encouraging to see that this state-established, so-called service to citizens in all the law courts of the Slovak Republic consisting of the personal handling of dissatisfied participants of court proceedings by direct personal contact with the chairman (or vice-chairman) of the district in the first instance or the regional court in the second instance, has been ongoing since 2008 and is still being continued in the Slovak courts.

In this way it is possible to eliminate certain causes and misunderstandings between the complainants and judicial institutions. In addition to the judicial area, this contribution can be positively perceived for being helpful for 13 years in solving, to some extent, also some personal, economic, social, health, psychological, legal and socio-political issues of individual applicants (Source: Schedules of individual courts adopted in the relevant calendar year; valid in 2020).

2.2. Reasons for the complainants' personal complaints

The complainants before the courts or the Supreme Court of the Slovak Republic are considered to be, and are usually those persons who demand the protection of their rights. These demands may be arising from rights allegedly violated during court proceedings or may result from objectionable/undesirable/disagreeable communication and actions of the court staff.

At first it would seem that the defendant is at a disadvantage with regards to his legal status, however this may not always be the case. A complainant is in a legal position of the plaintiff (petitioner) in the court proceedings; for example, if such a participant is dissatisfied with the award of court fees.

The variety of complaints is rather wide. There are complainants who are bothered that the dispute has been settled within three days (this is in the case when a judge or a chamber finds that a petition has been filed in a non-competent court and returns such a petition without delay). At other times, according to the complainant, there is a disproportionate length taken to settle the dispute. However the complaint is often filed without the complainant knowing the complexity of the case and that the repeated filing of complaints (written or oral) becomes itself a barrier making it impossible to end the complainants' dispute.

Records of complainants' written complaints pursuant to Act no. 757/2004 Coll. on Courts is legitimate, legally resolved, important and, last but not least, implemented on the basis of supporting valid internal governing acts of the Ministry of Justice of the Slovak Republic, which specify the cited law in more detail.

As far as fundamental rights and freedom are concerned, they are inalienable, imprescriptible and irrevocable (the service provided/action taken in court is providing basic information and recommendations, consulting, and supervising to the required extent; in the correct order, but also with minimum of conflicts).

In principle, we can talk about the preventive function of court management when trying to resolve the complainant's complaint directly in the court concerned by that matter. This can immediately prevent the unnecessary spreading of confusing half-truths and misconceptions, or misinformation, which is a "breeding ground" for very active journalists and their media, as a result of which negative actions may arise which violate (the protection of) the good reputation of courts and applicants.

In a comprehensive and objective assessment, the complainants were found to generally experience, in particular an unfavorable state of health and

psychological difficulties as a result of accumulating legal, property-related and ultimately, social difficulties.

Complainants pose a risk for civil servants because they sometimes attack court employees verbally but sometimes also physically. Angry complainants tend to threaten court employees, not understanding that these employees do not want to harm them; on the contrary, they are there to resolve their disputes through communication. Court risk management is an area that focuses on risk analysis and mitigation, using a variety of risk prevention methods and techniques that eliminate existing or revealing future factors that increase the risk of complainants confronting court staff. However, such real risk is ubiquitous and a phenomenon characteristically accompanying the functioning of organizations.

The most common reasons for the applicants' dissatisfaction are listed below according to the gravity of their circumstances and the facts in the individual cases of the parties to the proceedings:

1. Loss of litigation is perceived as personal injustice caused by the state and the court; "the other party" is always to blame (this means the other party to the dispute).
2. Unreasonable length of dispute resolution; the competent court is always primarily to blame.
3. Unfair court decision; judges, in particular, are always to blame.

We question whether the resolution of the complainants' dissatisfaction and complaints in the courts is a purely legal issue, but this is not the case. Complainants, also internally referred to as parties, complain in the first place about their state of health, indirectly forcing the court to address their case as soon and as quickly as possible, and most importantly to rule in their favor.

Secondly, it is an economic issue, that means unfavorable, low, or rather no financial security for the individual or whole families. Lastly, the applicants, whether citizens or litigants, mistakenly believe that the court should also resolve their social situation in the court proceedings. This view of the complainants stems from ignorance of the law (low legal awareness of the general public), but especially from the impossibility for certain individuals to obtain information and legal advice on individual and social problems due to the absence or non-existence of another institution other than the institution that will help him to solve the given undesirable situation.

The most important fact in the personal resolution of the complainants' affairs in accordance with Act no. 18/2018 Coll. on the protection of personal

data¹¹ according to the amendment which entered into force on 25 May 2018, the information on the appointed complainants or rather on personal information provided by the complainant about his person, family, state of health, employment, property, etc., may not be disseminated further, knowingly or unknowingly, by mediators or transferred to third parties, which would make the whole matter more difficult.

It should be noted that this is not legal aid or legal advice. Legal advice is provided in form of remunerated legal services and assistance by lawyers or by entire law firms, the courts as state institutions are resolving legal disputes free of charge. Equally free of charge is the handling of written complaints and personal complainants. Courts strictly distinguish between the legal boundaries of their jurisdiction and the competence of lawyers.

2.3. Legal procedure of handling complaints

It is a fact that the state has established local and district social affairs offices and free legal aid offices (Legal Aid Centers), but according to the complainants, this system is time-consuming and financially burdensome. Thus, they believe that they will only resolve their social issues through the courts. The civil service of court employees is, in accordance with Act no. 55/2017 Coll. on Civil Service¹² as amended, built and based on the following basic principles:

- political neutrality
- legality
- transparent employment
- effective management
- impartiality
- professionalism
- a fair remuneration approach
- stability
- equal treatment.

This means that the courts proceed both in the performance of their own activities and functions and in the personal handling of the applicants in the intentions of the above principles, which the court implements in accordance

¹¹ Act no. 18/2018 Coll. on the protection of personal data.

¹² Act no. 55/2017 Coll. on civil service.

with applicable constitutive and declaratory provisions under the Courts Act on complaints.

The working procedure of handling of the complainants in relation to Act no. 757/2004 Coll. about the courts, consists of the following steps:

1. The applicants primarily seek a personal meeting with the presidents of the courts, without being aware that the president of the court cannot be permanently available to the public unless he has sufficient time to do so. In that case, they shall be ordered and arranged by an authorized permanent employee of his office.
2. A court staff member may reserve court premises for the handling of complainants matters due to the objective conditions of the complainants.
3. The complainants are processed by the court on Mondays and Wednesdays from 8.00am. until 3.00 pm.
4. It is not uncommon that complainants either do not respect or do not know about the reserved days and times, or may suddenly arrive from another part of the republic. Sometimes they present themselves for the session while they are in the courts on another matter, rather than on the day reserved for their case. These complainants are not rejected, but, on the contrary, their matter is being dealt with also on other that official office days.
5. Communications between the complainant and the president of the court or the authorized employee usually take 30–45 minutes of regular working time.
6. The complainant first orally explains the reason for his complaint, providing documentary evidence if necessary, in order to clarify the whole matter. In the case of court proceedings taking place in district or regional courts in his district, the court employee will look up and verify these facts by accessing information from computer data base, borrowing ex officio the basic court file of the district court if such a file is in the appeal, eventually may request, directly or in advance, the opinion of the judge and the staff of the judicial departments in the competent court responsible of the matter.
7. The employee hears the complainant, objectively evaluates his complaint, communicates with him, explains the situation, informs him about the current stage of the court proceedings, which the complainant is conducting either in the district court or in the regional court.

8. If the complainant's complaint concerns a district court, a court employee will instruct the complainant about the territorial jurisdiction and legal personality of each court, which is entitled and obliged to handle such complainant in its own competence and jurisdiction.
9. For the complete satisfaction of the complainant, the court employee devotes as much time as needed, or rather that he considers acceptable to handle the applicant responsibly.
10. The court employee records the entire process in writing and reads the record to the complainant, who has the right to read the record himself. The complainant then signs it by hand as a sign of his consent to its contents, or the court employee prepares a written official record of the handling of the complaint.
11. If the court is responsible for an obstacle/reason for complaint, the complainants' visits may be repeated. Moreover, if the reason for the complaint is justified, the court is to remedy the situation within the specified time (Table 2).

Table 2: The applicants were personally appointed by the President, the three Vice-Presidents of the courts and an authorized employee of the court

COURTS	OFFICE DAYS	OFFICE HOURS	THE PRESIDENT / VICE-PRESIDENT / AUTHORIZED EMPLOYEE
District Court	Monday	09.00–15.00	President of the court – represented by an authorized employee of the court
Regional Court	Wednesday	13.00–3.00 pm	Vice-presidents of the court – represented by authorized employee of the court

Source: Intranet of the courts

3. Personality psychology

According to various textbooks, the structure of personality is as follows:

Psycho-biological components of personality:

- constitutive aspects, temperamental traits and traits associated with neurophysiological processes,
- affective processes, experiencing emotional states, emotional personality characteristics.

Motives:

- basic needs, instincts, values, ideals,
- current goals and plans, dominant desires, conscious and unconscious interests or aversions.

Cognitive components of personality:

- cognitive processes of perception, thinking, memory, attention, cognitive styles
- intellectual capacities (intelligence, creativity), cognitive representation of the world – worldview,
- beliefs and expectations, attitudes, personal roles (gender and relationship roles).

Personality adaptation components:

- conscious management of strategies, defense mechanisms, personal resources of burden management,
- personal scripts (problem-solving scenarios),
- self-determining components of personality,
- experience of “I”, ego-structure, relationship to oneself, models, schemes and representations of oneself,
- self-regulatory mechanisms (self as agent).

Social and interpersonal components of personality:

- macro-social context of personality, environmental and social influences,
- micro-social context, family and small groups, interpersonal features, social skills.

Integrating and transcendental personality functions:

- meaning of life, life philosophy, life story, identity, spirituality.

The professional literature in the field of workplace psychology writes about the study of the mutual conditionality of man and work in a particular work activity, and, conversely, the retrospective study of the impact of work on the mental development of a man.

When in personal contact with another person, the first impression is very important. We form it on the basis of sensory perception by sight (figure, clothing, overall appearance, gestures, walking, posture, features and facial expressions, smile, eye contact), hearing (content and intensity of words, color and modulation of voice, pace of speech, intonation, tone of speech), touch (handshake,) and smell (odor).

The first impression can manifest itself according to individual qualities based on personal experience and qualities, as we perceive another person through our personal attitudes (pessimism, optimism, skepticism, tolerance, sociability), within stereotypes (our judgment is often rigid, we tend to apply simplistic and generalizing views to age, ethnic, social groups), based on private views of the personality (our idea of what one should be, how one should behave according to education, profession, social status, appearance), but also the “Halo effect” (frequent identification with the prevailing opinion about a person and a situation).

In dealing with the complainant, the same, generally valid principles of characterization of personality types, as described by Szárková¹³, can be recognized and applied from a psychological point of view. The author writes that the oldest theory of personality according to Hippocrates contained a typology of personality. This theory, based on body fluids and temperament, divides people into four types:

- phlegmatic (slow, strong, calm, reserved, indifferent, powerful),
- sanguine (fast, weak, optimistic, fickle, enthusiastic, cheerful, noisy),
- melancholic (weak, subdued, vulnerable, mysterious, inconspicuous, disciplined),
- choleric (strong, unbalanced, immobile, explosive, stubborn, independent).¹⁴

These groups of characteristics are specified, especially according to the relationships (closer – family, wider – social) or work processes (interpersonal).

Thus, as regards to the applicants’ mental state, it significantly affects the quality of his or her conduct (and behaviour), and thus the quality of his or her mental processes, abilities and skills, communication or other personal expressions arising from interactions with the court in dealing with the complaint.

¹³ M. Szárková, *Psychology for managers and entrepreneurs*, Sprint, Bratislava 2007; M. Szárková, *Psychology for managers and entrepreneurs*, Sprint, Bratislava 2009.

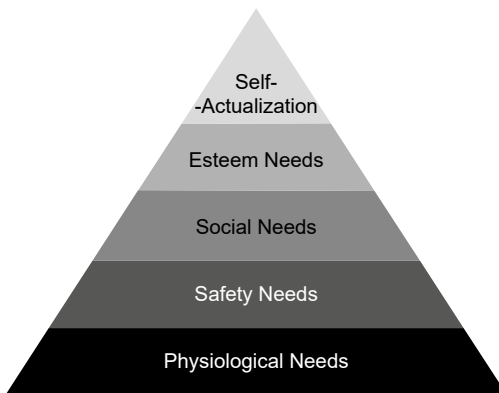
¹⁴ M. Szárková, *Psychology for managers and entrepreneurs*, Sprint, Bratislava 2007, p. 300.

3.1. Motivation to file a complaint

People need more than just survival, to live a full life. If we want to know which human needs are important to the complainant, the hierarchy of needs can explain this.

People have physiological needs, the need for security and stability, the need for love and acceptance, the need for belonging, the need for appreciation, recognition and respect, and also the need for realization of one's unique potential and self-realization. These needs were clearly formulated by Maslow in his theory (see figure no. 1)

Figure 1: Maslow's pyramid of needs/Hierarchy of human needs



Source: A. H. Maslow, 1968

In relation to some of the complainant's unmet needs by the court, – the most common needs being underestimation, non-recognition and disrespect for the unique potential of the person's individuality, or the inability to realize oneself – the only possible solution from the complainant's point of view is to lodge a complaint.

The complaint creates an external space for the complainant to express his internal mental states and processes, as well as to express the absence of those needs which are not being fulfilled. Visibly, the complainants need to feel love and acceptance, or belonging, because they feel separated from the whole.

In many cases, they fear uncertainty and feel threatened, but complainants rarely suffer from the fulfillment of the basic physiological needs.

From the point of view of the law, a complaint is the filing by natural or legal person, who seeks the protection of its rights or legally protected interests, which it believes have been violated by the action or inaction of a public administration body. The complaint points to specific shortcomings, in particular breaches of legislation, the elimination of which is within the competence of the public administration body. Such a complaint is then assessed on the basis of the specific content.

3.2. Psychological tools

In an article by Administration & Society (2012), the Swedish authors argue that psychological factors determine the content of people's work motivation, while social factors determine their relative importance. They conclude that motivation at work differs more in line with hierarchical rank, methods of control and occupation than in the case of an individual's life.

From the point of view of the theory of motivation, we can say that motivation is one of the basic mental processes. It is an inner motive that stimulates human action. Motivation can be activated by various stimuli (stimulatory or activating factors). Motivation is closely related to human performance. It is the inner strength of the organism (needs – necessities, scarcity, interests – culture, environment, attitudes – reactions in a certain way, values – determine lifestyle, norms – their hierarchy determines the right way of life), which activates and directs human behavior to a certain goal. The subject of this behavior is the motive.

In this context, motivation is the effort of one human individual or a group of individuals to create a motivation in another individual/s for a desired behavior. In practice, this means that a person acts either instinctively (innate mechanisms to satisfy basic biological needs), intuitively (a stable, genetically determined pattern of behavior), or incentively (the stimulus is constantly pushing him into some activity). In terms of his natural motives, a person usually does not want to do certain things unless he is motivated to do so.

Maslow recognizes two motivating forces in man and their related needs: the forces of defense and the forces of growth and development. Defensive motivational forces manifest themselves as dependence on objects, especially material things and people. One is afraid that one's material possessions or the favor of another person will not be fulfilled. Defensive forces are manifested

only at the level of the perception of the individual, who then perceives the world as “black or white”. On the contrary, the motivating forces of growth are experienced by man as the fulfillment of the inner needs of life. In this case, a person draws strength from his own being, experience and emotions, while deepening his self-esteem.

Thus, in man, there is a constant alternation of defensive forces and growth motives, which allows him to make decisions, and thus differ from other individuals.¹⁵

One of the types of social motivation, namely the motive of power, is partly related to the issue in discussion. It is related to the need to control and influence other people. This need, in excessive expression, usually endangers the environment.

In her publication *Development of Human Potential*, Blašková defined a total of 22 suitable motivational tools, events and elements that companies can use within their various motivational aspects.¹⁶ We will also list some of them in our topic of psychology of complaints, which are most commonly used or applied in practice of the court:

- atmosphere in the workplace – significantly affects the performance of each employee cooperation,
- trust – the system of trust (and self-confidence) enables the pace of the content of your work and principles,
- ethics – the principles of decency, honesty, fairness and truthfulness evoke a sense of opportunity,
- information – enough information positively affects the performance of work and vice versa,
- content of work – if the work is attractive, satisfying and interesting, it can be motivating
- personality of the manager – conscientiousness, seriousness and responsibility exceeds the usual level,
- feedback – employees need to be given attention and feedback on their work.¹⁷

¹⁵ Z. Macková, *General psychology for helping professions*, VŠZaSP sv. Alžbety, Bratislava 2010, pp. 111–117.

¹⁶ M. Blašková, *Management and development of human potential. Applying a motivational accent in favor of working with people*, ŽU, Žilina 2003, p. 214.

¹⁷ Z. Stacho, *Work management organization*, Woltwes Kluwer, Bratislava 2017, pp. 134–136.

Within the framework of ethics, under the complainant are meant “ all persons, patients, persons in a relationship of interdependence, or organizations with which psychologists have a professional relationship, including indirect relationships.”¹⁸

The relationship between the court staff member and the applicant stems from the basic human attitude of man to man. In the performance of a civil servant, the relationship with the complainant is based mainly on internal management standards and in the ethical field it is determined by professionalism and knowledge.

This is closely related to the professional responsibility of the employee. Making the right decisions when dealing with a complaint means resolving, not only difficult ethical issues, but also ethical dilemmas (the complainant, for example might be a homeless person with a loss of hygiene habits, originating from the Roma ethnic group), or establishing a dialogue with such complainants, where different ethical principles need to be considered.

Preserving the confidentiality of information and protecting the complainant's privacy is probably the most valuable tool. In practice, court employees are very often required to assess confidential information, interpret and pass this information on to another person, including other employees, in addition to the complainant who is being questioned.

It is essential for a professional to find out all the information necessary to assess a complaint, so the complainant should be informed of everything that will happen. This will give the complainant the possibility to make a free/informed choice whether to enter into this relationship or not. Lindsay states the following about this way of exchanging mutual information: “Clarification of the procedures used for making and reporting records is linked to the issue of informed consent.”¹⁹

With the end of the state monopoly on the provision of services, social, health and other services can now be provided by any entities – state, private and non-profit. If we want to make the psychosocial network transparent according to the division of society, there are three sectors: the state public sector, the private/ business sector, the non-profit sector.

¹⁸ G. Lindsay, et. al., *Ethics for European psychologists*, Testcesntrum, Prague 2010, p. 66.

¹⁹ G. Lindsay, et. al., *Ethics for European psychologists*, Testcesntrum, Prague 2010, pp. 88–102.

3.3. Recommendations for practice

It turns out that the handling of written complaints and complainants by means of personal consultations, which allows expression of personal will and needs, has its justification. This can be seen from the fact that the applicants are turning to the courts on the grounds that "... it works unrivaled".

With regard to the further extension of assistance to the applicants, the courts allow them to be processed on any working day, or time when, even without prior appointment, the complainants appear/arrive in person after having travelled for a considerable distance to get to the court. Thus, it cannot happen that a citizen who arrives at a court from another territory of Slovakia is sent back home without the adequate handling of the complaint.

The courts also maintain their reputation by accommodating the complaining citizens in all circumstances, even though they have a fixed work schedule on a daily basis. This situation is quite demanding, because the court's agenda is strictly limited by the legal deadlines that courts must comply with, otherwise the rights of natural and legal persons or state institutions and their submissions respectively, would be time-barred, which is inadmissible for the courts.

As part of time management, the president then determines whether the court employee must schedule working hours to meet all legal requirements and objectively arrange pre-ordered applicants, as well as those who appear suddenly without an appointment, which in many cases means work beyond the set working hours. The applicants' satisfaction comes first and the presidents of the courts are fully aware of this fact.

All the above-mentioned activities of the courts related to the personal handling of the applicants as participants in court proceedings, in particular within the framework of Act no. 757/204 Coll. on courts, are implemented within the administrative possibilities. From this point of view, the mentioned activity is demanding not only in terms of psychological tension and stress, but may also be dangerous in terms of endangering the health of court employees.

Addressing the issue of ensuring preventive measures for the benefit of court staff (health and safety) against more or less aggressive complainants, will alleviate, or in principle completely eliminate the psychological strain and fear of a possible threat to such staff/employees of the court.

The precautionary procedure in question is to be regarded as the most important recommendation for judicial institutions in relation to dealing with highly emotional complainants, personally asserting a positive outcome of court

complaints, pointing to the fact that in the current difficult society, the number of complainants is constantly increasing.

4. Conclusion

In state institutions, every managerial decision has a major impact on the internal culture of the courts. Therefore, decisions should always be considered in the context of creating an atmosphere by (or for) employees. These can consist of informal meetings, strengthening and building relationships, which not only strengthen the team, but also the employee's bond with the employer.

The provisions of § 62 et seq. Act no. 757/2004 and courts, as amended, represents not only written communications but also informal personal hearing of complainants. It is an extraordinary internal organizational institute of the courts of Slovakia, established in the interest of better legal certainty and orientation of participants in court proceedings, as well as citizens as complainants in relation to the courts. This is an exclusively internal method/tool for handling of the applicants in accordance with the ethical principles of the normal administrative procedure of the court.

Behavior, conduct, emotional experience, communication, mood, expression and other personal psychological expressions of the complainants are important in dealing with complaints. In order to find out the motives, motivations, procedures, ways or other inspirations that led the complainants (even repeatedly) to come to complain in person either to the judges about their procedural conduct/measures/actions, but especially accusing them that they made unjust and illegal decisions, gives room for a deeper examination of various manifestations of psyches of both sexes, usually in the age limit of the second half of life.

Based on information and data obtained from the survey, in comparison with similar findings from personality psychology and social psychology, it can be stated that these court activities seem pioneering outside the law, but for the benefit of litigants and citizens, have their meaning, place and justification in our current judiciary.

While the developed Western states no longer count on such legal-psychological-social "help" for the benefit of the parties to the dispute, Slovakia still uses it to sharpen the edges of public opinion on the work of the judiciary. However, most complainants have other personal difficulties at the time of trial, usually of the following types: medical (psychological, psychiatric), social (excluded

by society), family (divorce), employment (loss of employment, housing), financial (unpaid loans) and others that do not contribute to their mental well-being.

They have no one to consult with or they do not want to deal with their problems publicly. In such cases, the court is the target of their anger, fear, threats and a place to vent the ego, where they can release all psychic tension through personal complaints. A clear example of this, is a complainant who visited the court almost thirty times in two years, even though the merits of the case were not the resolution of the complaint, but the court's human approach to the complainant, which is "food for thought".

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