The status of citizens with disabilities in the social and legal field

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Original Article

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Abstract:

The main objective of the theoretical-empirical study is the analysis and identification of the position of citizens with disabilities in the social and legal sphere. The authors point to factors that influence the perception of a person with a health disability as a healthy intact person. They legislatively define the position in the social sphere and point to the social position and status in the conditions of the Slovak Republic.
Methods. In qualitative research, the authors identified and investigated the current social position and legal position of

citizens with disabilities and pointed to the knowledge of these citizens in terms of legal status, taking into account obtaining a job or dependent activity and the resulting independence. The authors evaluated the impact of social and mass media awareness of the possibilities of benefits resulting from the status of a person with a disability. Using the method of group interviews and a summary protocol, the authors documented the statements of participants deliberately selected from the group of persons with disabilities. Through analytical induction, they established final hypotheses, the result of which is a theory.

Conclusions and discussion. The main contribution of the final part is the awareness of the sensitivity of the topic, which the authors supported by identifying and analyzing the goals. Based on the generation of final hypotheses, we can confirm that the participants had less information about their rights arising from the status of a citizen with a disability, these persons can define the concepts quite clearly and at the same time they do not identify with the claim about advantage over the majority group of citizens. In the last hypothesis, the authors point to the insufficiently broad possibility of obtaining information from mass media serving to expand knowledge in the socio-legal field.

Conclusion. All urgent problems in the socio-legal status and in the field of employment of disabled citizens, their occupational rehabilitation need to continue to be addressed as a priority, because statistical indicators point to an annual increase in the number of job applicants with disabilities. This growth points to a significant disadvantage of these citizens on the labor market. The health damage of these persons is accompanied by their low qualifications, which causes employers to show no interest in them and rather prefer healthy citizens.

Introduction

The legal and social status of citizens with disabilities is a social issue that has resonated in Slovakia in recent years. Since this is a disadvantaged group of citizens that deserves special attention and, above all, the number of people with various disabilities is increasing, it is appropriate to start paying closer attention to the issues of life, living conditions and legal conditions of these people.

Unfavorable health status of a citizen with disabilities

The Social Insurance Act works with the term „unfavorable health status“. According to Section 71, paragraph 2, a „long-term unfavorable health status“ is a health status that causes a decrease in the ability to perform gainful activity and is expected to last longer than one year. The decrease in the ability to perform gainful activity is assessed by comparing the physical, mental and sensory abilities of an insured person with a long-term unfavorable health status and the physical, mental and sensory abilities of a healthy natural person (Act No. 461/2003 Coll.). The Employment Services Act uses the term „disability“. According to Section 9(1), a citizen with a disability is a citizen recognized as disabled according to a special regulation. In accordance with Section 9(2), a citizen with a disability proves disability and the percentage of decrease in his or her ability to perform gainful activity due to a physical disorder, mental disorder or behavioral disorder by a decision or notification of the

Social Insurance Company or by an assessment of a social security department according to a special regulation (Act No. 280/2013 Coll. on Employment Services and on Amendments to Certain Acts, as amended). Disability according to Levická and Mrázová (2004) is a disorder of the physical, mental or intellectual function of an individual with permanent consequences associated with limited educational ability, limited working ability, increased demands on health and social care with a significantly reduced quality of life. Hartl, Hartlová (2000) characterize disability as any mental, physical, temporary, long-term or permanent disorder or handicap that prevents an individual from effectively adapting to the ordinary demands of life. The Labour Code uses the term „disability". According to Section 40, Section 8 of the Labour Code, an employee with a disability for the purposes of this Act is an employee recognised as disabled under a special regulation who submits a decision on a disability pension to his or her employer (Act No. 311/2001 Coll. Labour Code). The Act on cash benefits for compensation for severe disability uses the term „severe disability". According to Section 2, Section 3, severe disability is a disability with a degree of functional impairment of at least 50%. For the purposes of this Act, a functional impairment is a lack of physical abilities, sensory abilities or mental abilities of a natural person which, in view of the expected development of the disability, will last longer than 12 months (Act No. 447/2008 Coll. on cash benefits for compensation for severe disability). According to Section 2, Letter a l) of the Education Act, a child with a disability or a pupil with a disability is a child or pupil with a mental disability, hearing disability, visual disability, physical disability, impaired communication skills, autism or other pervasive developmental disorders or multiple disabilities (Act No. 245/2008 Coll. on Education).

Strieženec (1996) and Fila (2024) understand it as harm caused by a physical or mental disorder or a combination thereof.

Social status

Social status or also social social position. It is an imprecisely defined term used in the environment in the sense of the place, position of an individual in the structure of a certain social group or organization, where the substitute term social position or sometimes social role is also used (Leskova, Haburajova-Ilavska, 2023). Social status (lat. status = attitude, figure, establishment, conditions, well-being), in the most general understanding, this term is used as a summary expression of the social position of a person in a certain society, or. in a group associated with a certain degree of appreciation from others. (Zenelaga, et al. 2024). Each social status is associated with a certain set of rights and obligations (Árpová, Árpová, 2024, Janacková, 2024). Social status and social role reflect a certain social position and structure. Social status is assigned a certain social prestige, while social role is associated with certain cultural patterns of behavior that are expected of a given individual (Kondrla et al., 2023; Petrovič et al, 2023, 2024).

Social status is a more permanent position and function of individuals within a social system. It expresses a position in the hierarchy of social prestige based on the innate, acquired and attributed characteristics of the individual, while this more permanent position is of course also connected and expressed by role behavior. (Mahrik, Kralik, 2024).

We distinguish three types of status:

- innate (gender, age),
- acquired (acquired social prestige),
- attributed (conditioned by age, socio-economic position, authority).

Status is usually associated with symbols - a doctor is distinguished from a nurse by his clothes, soldiers have rank insignia. Status symbols are its external signs and allow group members to accurately perceive the status of others and behave appropriately towards them. All of the factors described above, i.e. internal dimensions of personality, valid social norms, adopted social roles and the status associated with them, influence the nature of social behavior.

The form of social behavior is individually different and social situations also require the application of different behavior (Budayová, 2024b).

However, since many social situations have

the character of standard situations, categories of social behavior have been defined, called styles of social behavior (Árpová, 2023, Bursová, 2024, Oravcová, 2004, Stan, Pavlikova, 2024). Certain rights and obligations are attributed to each social status.

In every culture, the dualism of male and female genders is manifested, to which different characteristics, rights and obligations are attributed, especially in the provision and upbringing of children. For the disabled, their status or role is expressed in advance, although it may not always be an obvious sanction. The creation of appropriate measures to achieve an adequate standard of living and social protection for persons with disabilities is directly obliged by Article 28 of the Convention. This applies in particular to the area of social insurance, state social support and social assistance, as well as aspects of housing for persons with disabilities and their families. In the Slovak Republic, the special rights of persons with disabilities in the area of social insurance are implemented mainly in the form of providing a disability pension due to a decrease in the ability to perform gainful activity (National Program for the Development of Living Conditions for Persons with Disabilities).

The Anti-Discrimination Act divides the concept of discrimination into direct discrimination, indirect discrimination, harassment, sexual harassment and unjustified sanction; discrimination is also an instruction to discriminate and an incitement to discriminate. The relevant Act also provides for discrimination on the grounds of disability, which also includes discrimination on the grounds of a previous disability or discrimination against a person who, based on external signs, could be presumed to be a person with a disability. Furthermore, discrimination on the grounds of disability is not objectively justified differential treatment, which consists in establishing a condition of health fitness for access to employment or a condition for performing certain activities in employment, if the nature of this employment or activity requires it. (Svoboda, et al. 2024). Discrimination is not differential treatment on the grounds of age or disability in the provision of insurance services, if such differential treatment results from a different level of risk verifiable by statistical or similar data and the conditions of insurance services are appropriate to this risk (National Programme for the Development of Living Conditions for Persons with Disabilities).

Empirical findings

Using the group interview method, we clarified and documented the statements of individuals selected for this research. It was a specific and targeted selection of participants who had to meet the criteria and be classified in the group - a citizen with a disability according to the legislation. We will establish final hypotheses based on preliminary hypotheses. The starting point of analytical induction will be theory.

The main goal of the research part of the rigorous thesis is to describe the current social status and legal status of citizens with disabilities and to point out the knowledge of their legal status, taking into account obtaining a job or dependent activity and the resulting independence.

In order to fulfill the main goal of the research, we set partial goals of qualitative research using the group interview method (focus group).

1. Identify and classify the subjective assessments of participants in legal and social assessment.
2. Map the opinions of participants whether they can distinguish between the concepts of social status and legal status and awareness.
3. To evaluate the impact of social and mass media awareness about the possibilities of „benefits“ resulting from the status of a person with a disability.

We selected four participants, represented by 3 women and one man from the geographical area of the Spišská Nová Ves district. Participants with different types of education and approximately the same age category from 30 to 43 years were included in the research.

Information about the participants

We obtained data about the participants directly from them and they provided us with their name and age. In order to maintain

Table 1 Research questions for qualitative research participants

Basic questions	Supplementary questions
Do you think that the social status of citizens with disabilities is more protected by law and legislation than other citizens?	What do you understand by the term social status? What do you understand by the term legal status of a citizen?
Is the current situation with the possibility of applying yourself in working life as a citizen with a disability good?	Do you think that legal status includes extensive knowledge of the law, and those who do not have it cannot fully use their opportunities? Do you think that you receive enough information from the mass media (i.e. television, radio, Internet) to learn everything about your options? Do you know about any options that give you an advantage in legislation? For example, N
Do you think that by getting a job, your status and life have changed and given you greater opportunities compared to if you were only receiving a disability pension?	Have you ever used or are you currently using any service to which you are entitled because you are a citizen with a disability? When looking for a job, did you feel your handicap was an advantage or disadvantage during job interviews?

Source: own processing

anonymity, which was also a condition of the participants, we marked them with the letters A,B,C,D. We assured the participants that their personal data would not be used for any purposes other than the purposes of the specific research.

A: man, 43 years old, employed through the Labor Office in a car repair shop as a sales clerk,
B: woman, 30 years old, unemployed, fully retired on disability,
C: woman, 62 years old, employed in the state administration, not specified,
D: woman, 59 years old, retired.

During the research, we came across some facts that did not affect the main research, but in a way they led us to change the auxiliary questions for the overall evaluation of the initial hypotheses. Qualitative research allowed us to evaluate the participants' answers in the form of an interview in which we find out the answers to the questions asked and thus we can adjust or. direct the interview to specific topics with auxiliary questions. However, it is important, as J. Hendl (2008) states, that the main group of data collection methods in empirical research consists of listening to the story, asking people questions and obtaining their answers. Questioning generally includes various types of interviews, questionnaires, scales and tests. These methods can be used separately as in questionnaire surveys, or in combination with other methods. Participants will answer with free answers from which we will evaluate their answers and use analytical induction to determine the final hypothesis. Since we assume that the legal regulation of the status of citizens with disabilities provides sufficient opportunities and is sufficient, the questions for the participants are created so that in the first part of the interview they provide a picture of whether and how the participants master the subjective basic concepts. In the second part of the interview, the questions were created so that they provide a picture of more detailed knowledge of legal awareness and of the information provided by general mass media. In the third part of the interview, we prepared questions about the specific experience of citizens with disabilities, which are focused on practical experiences with using the opportunities provided by the legal framework of the Slovak Republic.

We performed the transcription of the group interview using the summary protocol technique, the level of which is defined by the generality

of the information provided. The answers were given in Slovak, but also in the Spiš dialect, therefore we provide them to me exactly in Slovak.

Analytical induction and hypothesis generation in qualitative research

Preliminary hypothesis 1: We assume that participants control their rights and their extended framework and have sufficient ability to use them so that they can fulfill their work ambitions associated with a sufficiently generated income, so that they can improve their social status. During the interview, we found that the interviewed participants know their rights to a certain extent, which does not exceed the knowledge of an ordinary citizen. (Slobodová et al, 2024). Participants do not see or feel elements of positive discrimination resulting from various legal norms in their own lives. According to the statements, in our opinion, this is rather a low implementation of measures by society, employers and organizations. The enforceability or. implementation of conditions favoring disabled citizens, in our opinion, is not sufficiently motivating and therefore organizations often move in the direction of mandatory fulfillment instead of creating appropriate conditions. A good basis and motivation for organizations can be the UN Convention. With its elaboration and vision of fulfillment by all countries that participated in the ratification, it creates a framework for better conditions and an easier life for these citizens.

Final hypothesis 1: We assume that the participants who participated in the group interview had less information about their rights arising from the status of a citizen with a disability.

Preliminary hypothesis 2: We assume that the participants can distinguish between the concepts of social status and legal status and feel the protection and elements of positive discrimination of the laws. According to our preliminary hypothesis, the interviewed participants will be able to define the basic concepts that we are monitoring in the research, namely the concept of social status and the concept of legal status, in order to be able to answer the basic question No. 1, whether they think that „the social status of citizens with disabilities is more protected by law and legislation compared to other citizens?“ All participants answered the same, namely negatively. The interview resulted in the opinion that the current situation is not satisfactory for them and showed us a kind of mirror of social responsibility, which reflects the real state of society and gives an answer to the question of whether we are truly a developed society in the European area (Budayová, 2024a). In defining the concept of social status, the participants had a very clear idea of what they consider social status and almost all of them were conceptually unified. In contrast to the question of legal status, where they generalized this concept to subjective needs and adapted this concept from their own perspective. The truth is that the question of legal status and its meaning was conceived broadly, but it undeniably followed the main goal, which was to improve their position in society.

Final hypothesis 2: We assume that more than 90% of citizens with disabilities can define the concepts quite clearly from their point of view and at the same time the same percentage is not identified with the claim of advantage over the majority group of citizens.

Preliminary hypothesis 3: We assume that participants are interested in expanding their knowledge and the ability to actively search for information directly related to them, if this information is available. Based on the information obtained through interviews with participants, we came to the conclusion that, in our opinion, mass media do not devote sufficient space to information in the socio-legal field. In our opinion, these topics seem to be outdated and not very interesting for television, radio or the press to publish them to such an extent that they reach the widest possible group of people with disabilities, and this is despite the fact that the informational influence of mass media, its potential, and its reach among the public are significant (Tkáčová et al., 2023; Tkáčová, Kondrla, Svoboda, 2024). Therefore, 60% of our participants responded negatively to this topic .... not like I mentioned before, if I don’t go and ask everywhere what is happening and what

I can use, I don't even know half of it. .... no, not at all. I don't feel that there is a large amount of information on television or radio... Maybe on the Internet, but I have a hard time finding something like that there. .... There are not very few of them. and the remaining 20% could not express themselves or were not interested in this information .... no. And I can't say.

Final hypothesis 3: We assume that more than 60% of citizens with disabilities do not have a sufficiently wide opportunity to obtain information from mass media serving to expand knowledge in the socio-legal field.

Conclusion

Citizens with disabilities are motivated to get a job and the resulting social status, but they constantly encounter the barrier of a society that is not ready to create conditions for their personal growth and career.

Employers and organizations are partially motivated, but not enough to create, for example, conditions for barrier-free access. This applies to older buildings and objects, where creating such access would be expensive and their potential is limited (Ludvigh Cintulová et al., 2023, 2024). Furthermore, there are employers' prejudices against citizens with disabilities and fears that they will be frequent „marauders" and a problem item, although experience shows that these are honest, hard-working and often exemplary employees (Petrovic et al, 2024). The perception of work by citizens with disabilities is not only about the issue of financial reward, but above all about the need to be a useful member of society (Hamarová, et al. 2024) with appropriate responsibility, which also increases their self-confidence, professional knowledge and of course their social status and independence from the state benefits system. Through research, we have come to the conclusion that the social status of citizens with disabilities is closely linked to their legal status, and that their social status is directly proportional to the legal regulations that benefit them and at the same time motivate economic entities to create conditions suitable for their personal and career growth and thus a better social and legal status.

We briefly stated our goals as follows:

1. To identify and classify the subjective assessments of participants in the legal and social assessment. For this goal, we focused on determining the real state of the interviewed sample of respondents, who gave us a subjective opinion on the basic conceptual criteria of this work. Our research or focus interview showed that the initial hypothesis changed during the interview with the respondents and formed into the final hypothesis.
2. To map the participants' opinions on whether they can distinguish between the concepts of social status and legal status and awareness. In this part of our interview, we focused on how the respondents understand the basic concepts of our work, but at the same time they also provided information on what they expect from these concepts. This is interesting information for further research.
3. To evaluate the impact of social and mass media awareness about the possibilities of „advantages" resulting from the status of a person with a disability. Participants could express themselves on this topic by subjectively evaluating their own experiences from their lives and experiences. Participants expressed negative opinions on the questions of awareness in almost all cases.

Recommendations for the theory

- the urgency of further solutions and deepening of solutions in the area of disabled citizens
- development, implementation and updating of necessary measures to increase the quality of life and ensure easier access to information leading to the use of these services
- creation of motivational conditions for organizations, employers and associations that could provide more space and opportunities for the physically disabled
- education leading to greater empathy and an independent approach of entities providing employment to voluntarily participate in the participation of these citizens in the work process.

Recommendations for practice

- Implement the solutions developed by the UN Convention to the maximum extent possible, so that we can rank among modern states that know how to use the human potential hidden in these people and create conditions for the sustainability of the economy and the economy.
- Monitor and effectively adapt legislation to the needs of this group of citizens and, in particular, try to create a method of precise information and at the same time the possibility of using the information obtained in real life.
- For a successful start and the satisfaction of all stakeholders, it would be appropriate, in our opinion, to create much better conditions for the employment of citizens with disabilities in order to obtain two-way information about the abilities of these citizens, which they can provide and at the same time eliminate the concerns of economic entities from this group (Králik, 2023; Králik, et al. 2023; Vaľko et al., 2024),
- Within the framework of education, awareness and marketing tools, instill information about the benefits, reliability, loyalty and all other positive qualities of these citizens, which they can provide to employers, but also society.
- Strengthen the role of mass media in disseminating socio-legal information to citizens with disabilities, as media can shape public awareness (Tkácová et al., 2024) and provide accessible, comprehensible, and up-to-date information on their rights, benefits, and opportunities. Increasing media engagement in this area could help bridge the information gap and enhance the social participation of individuals with disabilities (Kondrla, 2023; Tkácová, Pavlikova, 2024; Tkáčová, Kondrla, Svoboda, 2024).

Recommendations for research

- Continue research and topics of the legal and social status of citizens with disabilities.
- Based on the analysis, adapt, revise and update information on the needs of citizens with disabilities.
- Verify and examine hypotheses about the functionality of the motivation of economic entities and their later functionality even without significant support.
- Examine whether the conditions created by the state correspond to the current time and need (Kondrla et al., 2024a,b).

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