

THE IMPORTANCE OF COOPERATION BETWEEN A SOCIAL WORKER AND AN INTERPRETER IN A LAWSUIT (MURDER) IN THE CONTEXT OF FORENSIC SOCIAL WORK

Význam spolupráce sociálneho pracovníka a tlmočníka na súde (vražde) v kontexte forenznnej sociálnej práce

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ABSTRAKT

Cieľom príspevku je preskúmať význam forenznnej sociálnej práce ako špecializované povolanie zahŕňajúce vyšetrovanie prípadu vraždy a poskytovanie svedeckej výpovede znalca - tlmočníka - na súde. Text vychádza z teoretických konceptov forenznnej sociálnej práce na rozhraní sociálneho a právneho systému a systému uspokojovania ľudských a sociálnych potrieb. Na dosiahnutie cieľa bola použitá kvalitatívna obsahová analýza akademických zdrojov. Výsledky analýzy umožňujú diskusiu o problematike forenznnej sociálnej práce na Slovensku zameranú na spoluprácu translatológa a sociálneho pracovníka. Na základe zozbieraných údajov sa hľadajú možnosti forenznnej sociálnej práce a translatológie v aktivačnom kontexte.

Kľúčové slová: sociálna práca, tlmočenie, retribučná justícia, súdne konanie, forenzná sociálna práca, sociálnoprávna ochrana, sociálna starostlivosť.

ABSTRACT

The aim of the paper is to explore the importance of forensic social work as a specialized profession involving the investigation of a murder case and the provision of expert testimony - that of a interpreter - in court. The text is based on theoretical concepts of forensic social work at the interface of the social and legal system and the system of satisfying human and social needs. A qualitative content analysis of academic sources was used to achieve the goal. The outcomes of the analysis provide for a discussion on the issues of forensic social work in Slovakia focused on the cooperation between a translator and a social worker. Based on the collected data, the possibilities of forensic social work and translatology in the activation context are sought.

Key words: social work, interpreting, retributive justice, court proceedings, forensic social work, social protection, social care.

INTRODUCTION

The proposed cooperation of a translator/interpreter, an investigator, a social worker and a judge redefines the usual retributive procedures eliminating the risks of an unfair solution and its consequences.

We believe that in the conditions of Slovak justice, it is necessary to focus, despite the wide existence of retributive justice, on the

application of elements of restorative justice with humanistic elements of quality and effective analysis at the time of investigation and the trial itself. These requirements in Anglo-Saxon practice are met by forensic social work (hereinafter referred to as FSW), the aspects of which we present as a basic concept of such an interpretive paradigm.

During the establishing of FSW as a semi-profession of social work, many authors

have addressed the issue, which necessarily include: Munson (2011); Maschi and Killian (2011); Rome (2011); Chatfield (2008); Neighbors, Chambers, Levin, Nordman and Tutrone (2000); Neighbors (2002); Barker and Branson (2000; 1993); Merriam-Webster (2007); Roberts and Brownwell (1999); Lanzer (1948); Whitaker, Weismiller, and Clark (2006); Neighbors (2002) and others. The application dimension was developed primarily by Bender, Tripodi, Aguilar and Thompson (2010); Ryan, Abrams and Huang (2014); Wikoff, Linhorst and Morani (2012); Lee, Tajima, Herrenkohl and Hong (2017); Ferguson, Bender, Thompson, Xie and Pollio (2012); Matta Oshima, Huang, Jonson-Reid and Drake (2010); Burton Jr., Fisher, Jonson, and Cullen (2014); Jung, Spjeldnes and Yamatani (2010); Fedock (2017); Miller, Orellana, Johnson, Krase and Anderson-Nathe (2013); Bright, Young, Bessaha and Falls (2015); Burton and Ginsberg (2012); Peleg-Oren, Cardenas, Comerford and Galea (2013) and others.

In Slovak conditions there were the authors: Balogová (2016; 2017); Levická (2017); Balogová and Šarišská (2017; 2018) and others. Authors writing about work in prisons or penitentiary and post-penitentiary social work contributed to the establishment of the FSW concept, including the following ones: Fábry (2009); Lichner and Slosar (2018); Slosar (2017a); Kleskeň (2016); Just (2009); Lulei (2011); Papso (2010); Fischer and Skoda (2014); Marková, Haburajová-Ilavská and Juhásová (2011); and others. Organizations include the Charity Organization Society and the Settlement House movements; Council on Social Work Education's; National Organization of Forensic Social Work and many others.

1. Conceptual framework of the issue

There are two approaches currently dominating the view of the FSW construct in the professional literature. The first one is to support the terminological definition of forensic social work as a new specialized profession. Within the scope of its development, its more complex character is emphasized, which captures the whole spectrum of problematic expression of a

client - from the first behavioral disorders within social-legal protection and social guardianship (SLPaSG), through unacceptable behavior of juveniles to crimes, through disturbed behavior of the mentally ill, to the behavior of the judged, convicted and individuals after serving a sentence. There are many definitions of FSW, ranging from general to specific, which focus on the field of practice, as well as the target groups. FSW as a semi-profession of social work significantly exceeds social clinics and psychiatric hospitals designed for defendants and convicts. The broader definition includes the practice of social work related to the legal issues of litigation and individuals who are the subject of criminal and civil litigation (Maschi, Bradley, Ward 2009). Other authors Roberts and Brownwell (1999, pp. 360) aptly defined it as "the political and practical roles of social workers with juvenile and adult offenders and victims of crime." Barker and Branson (2000, pp. 3) put it in a broad sense, emphasizing that it is a "legal" environment, with a "professional specialty" that focuses on the interface between the legal and civil social systems. In contrast, Hughes and O'Neal (1983, pp. 393, in: Barker 2003) defined FSW as specific crossroads between mental health and law, in which social workers perform their typical function. Barker (2003, pp. 166) and the National Organization of Forensic Social Workers (1997) provide an even broader definition. FSW is a specialization of social work focused on legal issues of litigation in criminal and civil disputes, addressing issues of social care for children, the issue of ill-treatment, addressing alternative care for children, divorce, termination of parental rights, the consequences of domestic violence on children and juveniles, but also for adults, the legitimacy of the regulation of institutional treatment, the right to social interventions, etc.

The second point of view leads to theoretical-cognitive scepticism and to an attitude that has a negative connotation in that it leads to a stigmatizing attitude towards FSW clients, giving them a certain pathological label. Such labelling is remarkable in the professional context. Negative attitudes can have a negative effect on the

lack of interest in the development of FSW as a specifically oriented semi profession, which should bring more targeted, comprehensive and effective interventions for clients. It would offer a higher degree of professionalism for its practitioners, which should be specifically profiled social workers. The labelling perception of FSW is an interesting dichotomy in connection with the originally used term penitentiary and post-penitentiary care or social work. Despite the fact that the very name penitent speaks of a violation of the rules, the norms of the one whose behaviour was subjected to axiological criticism. It can be stated that so far we have not encountered such a negative attitude of experts to develop the scientific field in question as in the case of FSW. For this reason, the authors are inclined to the first approach to the development of FSW as a new specialized semi/profession. The aim of the study is to move into Slovak scientific knowledge by including the area of SLPaSG in the subject of FSPW as is the case common abroad.

2. Legal circumstances of the case

In the case presented, a citizen of the Hellenic Republic, permanently living in the Federal Republic of Germany, was charged with an exceptionally serious crime of murder under § 139 Article 1 Letter c) of the (Slovak) Criminal Code. In 2016, he was to assault his ex-partner, with whom he had a six-year-old son, which led to the imminent death of the victim. After this act he travelled to the Federal Republic of Germany. The victim was found the next day in the forest near her residence that falls under the jurisdiction of the Regional Public Prosecutor's Office in Presov, Slovakia.

The examination of witnesses - the victim's father, mother and sister - confirmed that the victim was in a relationship with the defendant and lived with him in Slovakia during the years 2012-2014. At the time of the incident, the defendant had custody of their child. Together with his current wife he raised two more children, a daughter from wife's first marriage and another daughter from her current marriage with the defendant. The meeting of the victim and the defendant was to take place in order to discuss the return of their son to Slovakia.

The father refused to return the child, which the victim dealt with by agreeing to move to Germany to be with her son. The defendant refused this option.

After reporting the missing person, the investigator contacted her ex-partner and the father of their child, asking if he had any information about his ex-partner and if he had met her that night. However, he denied that. Only after the confrontation based on the confirmation of a phone and email contact with the victim, he admitted that he was in Slovakia and that he had met her. However, he still denied any form of violence against her. The investigation conducted in Slovakia and in Germany revealed that the defendant provided fabricated information about his background in Germany - about meeting his ex-partner (as well as her sister, father and the investigator), his stay in the immediate vicinity of the crime scene at the time of the crime, as well as about his visit to Slovakia in general. European Arrest Warrant has been issued for him.

A number of authorities participated in resolving the case. They took part in Slovak and German investigation and in trial. These were the following ones: County Directorate of the Police Force, Department of Criminal Police in P. (in the territory of the victim's place of permanent residence); Criminalistics and Expertise Institute of the Police Force in K., District Court in P., Regional Prosecutor's Office in P. (Slovakia), General Prosecutor's Office in W. (Germany), Police of the Federal Republic of Germany through the liaison officer of the Federal Criminal Office for Czech Republic and Slovak Republic, Embassy of the Federal Republic of Germany in Prague, telecommunications operators in Germany and in Slovakia, National Motorway Company of the Slovak Republic, Slovak Hydrometeorological Institute, the Detention Centre and prison in P., banking institutions in Germany, car service in Germany, Facebook operator in the USA, expert in the field of forensic medicine in Slovakia, expert in the field of psychology in Germany, Local Office of Labour, Social Affairs and Family in P., General Health Insurance Company in P., Department of Social and Legal Protection of Children and Social Guardianship - as a guardian of

underage D., witnesses: wife of the accused, Mrs. C., the victim's parents and sister. The co-operation of the investigator and the translator took place during the translation of documents related to the case during the investigation of the accused, when he had opportunity to comment on the evidence, facts and discrepancies found in the evidence, as well as on his previous statements during the hearing.

3. Theoretical basis of the translation of legal texts

An integral part of bringing an indictment and filing criminal charges against a foreign national or a Slovak national abroad is a translation activity involving both a translator and an interpreter. The vast majority are translations of legal texts, European Investigation Order or texts related to the results of the examination of witnesses and victims. In terms of function and content of legal texts, these are mainly normative texts and judicial decisions related to the application of law.

Theoretical basis of translatology in German-speaking countries was formed by Katharina Reiß and Hans J. Vermeer (1984), who shifted the Skopos theory in conjunction with functionally oriented translation to a new level of understanding, unlike the hitherto preferred structuralist translation. The connection of textual linguistics and translatology by Mary Snell-Hornby is preferred in contemporary translation because the text is no longer understood as an isolated communication unit, but rather as a set of external and internal factors embedded in a particular situation and the meaning of individual words is conditioned by their contextual relevance and function of a text as a whole (Snell-Hornby 1986: 16). The translation of any legal text is a subject to the theory of Skopos and it should be emphasized that the purpose of the translation may differ from the purpose of the source text. In such cases, Stolze (1999, pp. 176) proposes to maintain similarity with the source text in terms of intercultural coherence.

The aim of the translator is to translate the contents of one legal system into another. When translating from and into

German, a translator must be aware of the fact that German is used as a legal language in several legal systems, e.g. in Germany, Austria, Switzerland, which means that at first it must be decided about the legal system and order related to the target language. Following that, a translator has to verify the meaning of the terms in the source language and search for their equivalents in the target language. It's being translated not only from one language into another one, but also from one language with a certain legal order into another language with another legal order. When translating within one language, one can talk about intralingual translation.

When it comes to translation strategies in such a case, comparing systems of law and contrastive terminology are to be applied. In this context, it should be pointed out that it is not the legal norms or concepts themselves that are being compared, but rather the overall context of the norm (Sandrini 1996: 149). It is not a matter of searching for two terms and their subsequent comparison, because there may be a situation where the given term is not found in another legal system at all. Everything that a text offers, what influences it and what must be taken into account in its interpretation needs to be compared (Sandrini 1996).

For contrastive terminology of law, those legal definitions (Sandrini 1996: 91f) that are formed by legislators are relevant:

1. A strict direct legal definition in which a legislator explicitly states individual attributes, e.g. "...je, kto ..." ("...is somebody, who ..."): der Angeklagte (obžalovaný), der Beschuldigte (obvinený) or Angeschuldigte (obvinený - gegen den die Eröffnung des Hauptverfahrens beschlossen ist (the accused against whom the opening of the main proceedings has been concluded). In Slovak language, according to the Slovak Code of Criminal Procedure, a defendant (obžalovaný) is defined as follows: Ak z povahy veci nevyplýva niečo iné, obvineným sa rozumie aj obžalovaný a odsúdený. Unless the nature of the matter indicates otherwise, the accused also means the defendant, as well as the

convicted person. Following the opening of a trial at a court, the accused (obvinený) is referred to as the defendant (obžalovaný),

2. An indirect, covert legal definition that occurs more frequently than a direct one. Definitions are embedded in a norm that mandates legal consequences. The aim of concept-oriented bilingual contrastive terminology is to discover concepts and designations according to professional content criteria in both languages (Sandrini 1996, pp. 136).

In terminology, a distinction is made between a designation, to which a term is assigned, and a term that is determined according to professional content criteria. Names are assigned to terms or are determined by their use. Terms can be expressed by signs, symbols, and descriptions (Sandrini 1996, pp. 152).

The following three definitions are important for practical terminological work:

1. Content definition: is based on a known or defined superordinate term and determines the term based on its features. The term is differentiated from other terms by delimiting characters. It is also possible to include the term in the system of concepts on the basis of its characteristics, e.g. 'Die Geburtsurkunde (rodný list) is a personal registration certificate (matričný doklad) in der der Name des Kindes und die familiäre Situation zur Zeit der Geburt festgehalten werden (Eintrag: Geburtsurkunde/zápis: rodný list).
2. Definition of the scope of the term: defining a term by naming its subordinate terms, e.g. „Zu den Personenstandsurkunden (matričný doklad) gehören die Geburtsurkunde (rodný list), die Heiratsurkunde (sobášny list) und die Sterbeurkunde (úmrtňový list)“ (Eintrag: Personenstands-urkunde/rodný list, sobášny list, úmrtňový list).
3. Definition based on the naming of individual parts of the term: it lists all individual objects and is generally comprehensible, e.g. „Die Ehefähigkeit (spôsobilosť na uzavretie manželstva) besteht aus (pozostáva z) der Geschäftsfähigkeit (spôsobilosť na právne úkony) und der Ehemündigkeit (spodná veková hranica na uzavretie manželstva)“ (Eintrag: Ehefähigkeit (spôsobilosť na uzavretie manželstva) / spôsobilosť na právne úkony + spodná veková hranica na uzavretie manželstva).

One of the primary methods of translating legal texts is to compare the legal systems that Pommer (2006, pp. 80) understands as „...eine wissenschaftliche Methode, die Charakteristika verschiedener Rechtsordnungen oder Rechtskreise bzw. einzelne Rechtsregeln und Rechtsinstitute verschiedener Rechtsordnungen zueinander in Beziehung setzt“. Thus it can be concluded that it is not the individual legal norms or concepts that are being compared, but rather the interdependence between them (Sandrini 1996, pp. 149). In practice, this means that when comparing, it is not the search for two terms and their comparison that is relevant, but rather the comparison of the contents of the terms.

Bocquet (Pommer 2006, pp. 35) proposes a three-phase theory ("Drei Phasen - Theorie") to adequately transfer the contents of legal terms from the source language into the target language. The first phase, the so-called semasiological one, is about decoding the meaning of the source text. In the second one, in a comparative phase, the contents of legal concepts of a source and target text are being compared. The third onomasiological phase focuses on the transfer of a content to a specific target group.

Other strategies concern the lexical level. The authors (Sandrini, Stolze and others) rely mainly on the translation of a German - English language pair, which are bound by a completely different legal system: German language to continental legal system and English language to Anglo-American one. Slovak and German legal system belong both to the continental one, which, however, does not exclude differences of a terminological nature. Daum (2003, pp. 41) proposes the following translation strategies:

1. exoticizing translation, directed towards a source language,
2. adaptative translation, oriented towards a target language,
3. renunciation of translation using a term of a source language,
4. explicative translation: explanation (description) of a term of a source language,
5. omission of a term.

The method of comparison is preferred by de Groot (1999, pp. 162). According to him, full equivalence is possible only if the source and target languages refer to the same legal system. An important question is to resolve the situation when there are no equivalents in the languages being compared. This situation is solved by de Groot as follows (1999, pp. 164):

- a. a term is not translated, but is replaced by a term of a source language. There is a possibility of explanation in parentheses by literal translation or description in a footnote,
- b. a term of the source language is described in a target language (descriptive equivalent),
- c. a neologism is created, possibly in conjunction with an explanation in a footnote.

There are differences between law and culture consisting in that one common language *oder sonst aus niedrigen Beweggründen, heimtückisch oder grausam oder mit gemeingefährlichen Mitteln oder um eine andere Straftat zu ermöglichen oder zu verdecken, einen Menschen tötet.*

When translating such texts, a translator must be aware of the function (Skopos) of a but rather on the country concerned (Sandrini 2004, pp. 139). The role of a translator consists in the linguistic transfer of a legal system of a source language to a legal system of a target language, thus enabling the understanding of the legal system between the users of both languages. Such a transfer requires not only linguistic but also legal knowledge, as well as bicultural action of a translator (Reiß / Vermehr 1984, pp. 182). The process of comparing legal systems can be applied to a selected example taken from both, Slovak

and German Criminal Code considering the term "murder". In the Slovak Criminal Code the following definition can be found:

Vražda

(1) Kto iného úmyselne usmrtí, potrestá sa odňatím slobody na pätnásť rokov až dvadsať rokov.

(2) Odňatím slobody na dvadsať rokov až dvadsaťpäť rokov alebo trestom odňatia slobody na doživotie sa páchatel' potrestá, ak spácha čin uvedený v odseku 1

- a) na dvoch osobách,
- b) závažnejším spôsobom konania,
- c) na chránenej osobe.

The German Criminal Code defines murder as follows:

Mord

1. Der Mörder wird mit lebenslanger Freiheitsstrafe bestraft
2. Mörder ist, wer aus Mordlust, zur Befriedigung des Geschlechtstriebes, aus Habgier

When translating such texts, a translator must be aware of the function (Skopos) of a text, which in this case is to point out the legal norms for possible conviction in Slovakia if a convicted person would serve a custodial sentence there and of course to point out the dichotomy of source and target language as well. As in this case the source language is Slovak, the translator takes into account the fact that he/she must provide the recipient with an insight into the source language, as well as into the corresponding source legal system. The translator would do the same if the source language was German. External text functions are retained in the source language, only the internal functions are adapted to the target language (adequate choice of language means).

The role of an interpreter and interpreting in court proceedings

When applied to the specific case, it can be stated that during the trial, which took place in the context of murder, the translator participated as an observer and interpreter. It was a several-hour hearing. The interpreter generally applied consecutive interpreting (mostly short

consecutive for greater efficiency and practical purposes), by means of “chuchotage”, sitting directly beside the defendant, either on the dock or on the witness stand. The source language of the defendant was German and the target language was Slovak. However, it turned out that the defendant, on the basis of the fact that he had previously lived in Slovakia for a long time, where he had also worked, knew Slovak fluently and even managed to communicate with the judge without any help of the interpreter. In addition, he occasionally interfered with the interpreter’s speech and corrected it. During the interpreting from Slovak into German (e. g. during the statements of a judge, witnesses or a prosecutor), the defendant listened to them carefully, while several times a situation arose that the interpreting didn’t occurred, as he talked to the judge himself. However, from a criminal, procedural perspective, presence of the interpreter was an adequate solution for the defendant, given that not even the slightest deviations of meaning or legal phrases, also called as “block” language (Poľáková 2018), must not be neglected. Otherwise they could potentially harm the defendant and even result in his imprisonment. His knowledge of Slovak, although fluent, was not one hundred percent correct after all.

From an intercultural perspective, the interpreter had to perceive three cultures - Slovak, German and peripherally Greek, too. Slovak authorities and experts represented Slovak legal system there. However, due to the scale of the case, German authorities had to intervene with their opinions, witness statements and other elements of German law, too. Although Greek was not spoken during the trial, the interpreter had to be aware that the defendant was not a German native speaker, but a Greek one whose German was not his mother tongue. Interpreting this case required increased emotional effort as well. Some witnesses (especially the mother and relatives of the victim, even outside the courtroom) showed emotions, same happened with the defendant. Another element influencing the interpreting and playing a role in the process was the presence of the media and

the public, as it was a trial of a relatively highly publicized case. Some bits and pieces of the interpreter’s performance made it into headlines in major television news and newspapers. Moreover, she had to face detailed description of the sequence of individual events leading to the commission of the crime, in depth and without omitting even the smallest details. From a psychological-cognitive perspective, mental capacity available to the interpreter for interpreting in the given situation was influenced by the following factors:

1. clash of at least two cultures, Slovak and German,
2. involvement of the authorities of at least two legal systems (there were certain discrepancies between the Slovak and German authorities, which mainly concerned the care of the defendant’s minor son),
3. field of law and in particular, criminal law, which is associated with highly specialized terminology and legal formulations in both German and Slovak,
4. serious character of the committed criminal offense, requiring detailed descriptions,
5. external factors (media coverage of the case, emotionality, behavior of individual participants).

The cumulative impact of these factors and their management is the main condition for the successful performance of court interpreting, as well as a precondition for successful cooperation with other experts called into the court proceedings, such as forensic social workers. Professional interpreting in a judicial context, i. e. court interpreting (in German *Gerichtsdolmetschen*, in Slovak *súdne tlmočenie*) can be briefly defined as “oral interpreting of speech from one language into another in a legal environment” (Edwards 1995, pp. 1). In Slovakia, the profession of court interpreter is regulated by the Act no. 382/2004 of the Slovak Legal Code (*Zbierka zákonov*) on experts, interpreters and translators, which states the following: 1) An expert, interpreter or a translator is a natural or legal person authorized by the state to perform activities

under this Act and who is: a) registered in the list of experts, interpreters and translators or b) not registered in this list, if he/she is appointed as an expert, translator or interpreter according to § 15." This Act defines interpreting activity as "a specialized professional activity performed under the conditions laid down in this Act by interpreters for the needs of a client./in Slovak: 1) Znalec, tlmočník alebo prekladateľ je fyzická alebo právnická osoba splnomocnená štátom na vykonávanie činnosti podľa tohto zákona, ktorá je: a) zapísaná v zozname znalcov, tlmočníkov a prekladateľov alebo b) nezapísaná v tomto zozname, ak je ustanovená za znalca, prekladateľa alebo tlmočníka podľa § 15." Tlmočnickú činnosť definuje ako „špecializovanú odbornú činnosť vykonávanú za podmienok ustanovených v tomto zákone tlmočníkmi pre potreby zadávateľa. Úkonom tlmočnickej činnosti je najmä tlmočenie. (...).

Along with the interpreting for medical and social work purposes, court interpreting falls under the category of community interpreting, which is defined by Hertog and Van der Veen (2006, pp. 11-17) as "a subdiscipline of interpreting in the context of law, health care and social services." It is the use of interpreting in a legal, highly specific type of discourse that is the basic feature of court interpreting, largely distinguishing it from other types of interpreting. At the same time, the interdisciplinary connection with law results in peculiarities, either at the lexical and syntactic level, taking into account the linguistic aspect, or at the ethical and social level. Awareness of this fact by an interpreter is a precondition for successful performance of this challenging activity, so that the entire court process runs smoothly. The process itself consists of several parts, in which a court interpreter, similar to a forensic social worker, is actively involved and thus becomes part of legal environment and discourse. By "legal environment" we mean interrogation at a police station, detention or legal advice, etc., which are inherently linked to the trial. From this perspective, court interpreting could be also given an attribute "forensic" or "judicial". In this article and in view of the afo-

rementioned case of a serious crime of murder, court interpreting shall be seen as interpreting in a courtroom during a trial.

A trial (main hearing?) is a crucial part of the criminal proceedings. "The main hearing is the core and most important stage of the criminal proceedings, in which the case is heard in court, a legal and reasoned decision is made on the fundamental issue of criminal proceedings, i. e. a decision on guilt or innocence of the defendant and the penalty for the crime (...)" (Polák 2011, pp. 193). It is defined more precisely in § 246 - § 290 of the Slovak Code of Criminal Procedure, while describing its preparation, beginning, involvement of authorities, etc. It brings together crucial participants in the court proceedings and with their statements there it can be decided on the guilt and punishment of the accused person by which the conclusion and outcome of a particular case can be significantly influenced. The conclusions of psychologists, forensic experts, or statements of social workers also make an important contribution to the course of the main hearing. An invited interpreter working in the given trial comes into contact with them, too, and that in the role of a communication mediator. From the linguistic point of view, this represents a blend of different discourses - from a professional to a standard, informal linguistic expression, often emotionally underlined. Interpreting in court proceedings is a relatively delicate field of work and an interpreter must be prepared to provide the recipient not only with professional legal terms and established language combinations in a consistent way, but with various nuances of meaning as well, as each of them can have a serious impact on the outcome of a trial. In addition to that, however, an interpreter is also an intercultural mediator, as parties to the case may come from culturally diametrically opposed backgrounds. Differences between the two cultures can cause problems for the interpreter in expressing legal or otherwise relevant information from a source language into a target one.

A court interpreter should be versatile in his interpreting (taking into account various discourses), even though it is primarily a judicial discourse. He/She should not be

only an interpreter, but a good expert and a consistent observer of the source and target culture as well. He/She has to be neutral and impartial, which is not always easy, given the seriousness of some cases and the level of emotionality they bring along with them. When cooperating/working with other participants a trial, an interpreter should keep in mind his/her role as mediator. Regardless of the circumstances, he/she only interprets what is said and therefore he/she should not conduct personal conversations during the interpreting, or try to influence his pro-fessional view of the situation. Nor should he/she take on the role of a legal adviser, although he/she might be inclined to do so on the basis of the case characteristics, resp. on the basis of situational circumstances (Driesen 2018).

The logical conclusion then is that an interpreter should not cross his professional boundaries. Caution, judgment and depersonalization should not be lacking in the execution of this profession. If an interpreter is invited, he/she interprets both for the client and for other participants in the court proceedings as well. Mikkelsen discusses the Instructions to Parties in Interpreted Proceedings, which have been drafted by the New Jersey Supreme Court for the performance of court translators and interpreters. This perspective is also relevant to our conditions: "Court interpreters are here to help us in court proceedings. They are not parties to the case, have no interest in it and are required to be absolutely impartial. Accordingly, they do not work for either Party A or Party B. The only and official responsibility of a court interpreter is to bridge our communication barrier." The instructions further continue with several other points, such as: "Court interpreters are not lawyers and are prohibited from providing legal advice. They are neither social workers nor are allowed to provide social assistance to you or anyone else" (Mikkelsen 2000, pp. 45).

Research through the lens of forensic linguistics

Examining the statements of individual parties to the case, one needs to be aware of not only the scientific fields like sociology

and translation, but also of the fields of applied linguistics, like so-called forensic linguistics, for instance. In the Duden dictionary, several definitions of this term can be found, while the interpretation of "forensic/judicial" or "language" expertise is related to the topic presented in this paper. It is an interdisciplinary field between linguistics and legal science, especially criminalistics. Forensic linguistics examines written as well as spoken word, with communication in the courtroom increasingly gaining attention. The relation to that can be seen in free movement of people in the EU countries, often with not the best intentions. At the same time, when looking at that field it is being clarified whether language may favor or disadvantage the offender in a court.

Undoubtedly, the interpretation of a spoken word is an important part of any lawsuit and from the semasiological aspect it is a matter of capturing the real meaning of a text and the resulting truth, which is examined by other criminalistic methods, too. Revealing the truth is influenced by linguistic and non-linguistic factors, too, which are mainly related to psychology and some social factors, but also to the linguistic field - use of certain repetitive expressions, slang/jargon, archaisms, neologisms, dialect, foreign words and use of certain grammatical forms, e.g. repetitive parts of speech or grammatical errors in speech. One must not forget the pragma linguistic understanding of the meaning of testimony and the theory of statements of utterance, which are equally helpful in interrogations, in signs of threats, in warnings, accusations and confessions.

The interrogation is a direct verbal communication, i.e. the participants in the communication are in a direct contact and therefore the participants are expected to receive feedback. In general, this is unprepared spontaneous communication and therefore strict compliance with standard language is not a condition. Evidence of this are some of the means of expression that occurred during the interrogations and the following deviations from standard language norm related to them.

Examination of the first witness

The first important linguistic stimuli were found in the e-mail conversation of the Chief Criminal Commissioner and the defendant's wife, Mrs. C., after she was subpoenaed to the W. City Police Department as a witness in terms of the investigation of the case. She postponed the deadline several times and always gave brief reasons that led her to do so. „Wetter Herr K., da ich sie telefonisch nicht erreichen konnte, versuche ich es auf diesem Wege./"Dear Mr. K., since I could not reach you by phone, I'll try this way./Da meine große Tochter erkrankt ist, kann ich den Termin morgen nicht einhalten./Since my older daughter is ill, I cannot keep the appointment tomorrow. C.“

In this short e-mail of an apology, certain lexical and syntactic errors can be found that a native speaker should not make in order for his/her text to be understood properly. It's a mistake in addressing, the word „Wetter“ means „počasie“ in Slovak, the witness probably wanted to use the term „verehrter Herr“, that we would translate into Slovak as „ctený pán“. It is used in courtesy formulas and in addresses in letters, but in a modern day language it sounds rather obsolete. It could be also translated as „veľavážený pán“, which evokes some of the past centuries and may sound even ironic in modern language. In standard German, the address „sehr geehrter Herr“ is used here, which translates as „vážení pán“.

From a lexical point of view, the use of the adjective „groß“ in connection with „große Tochter“ is interesting. The literal translation is „veľká dcéra“, but the addressee certainly means the „older“/„staršia“ daughter, without using the form „ältere Tochter“, which should be mentioned there. In the text, she used the conjunction „da“ twice, in the Slovak translation „pretože“, which can be classified as a subordinate causal conjunction evoking an effort to explain the postponing of the date.

From a syntactic point of view, missing commas invalidate the comprehension of a text and the recipient is forced to read it at least twice to understand the text correctly.

The functional sentential perspective suggests that the rheme occurs in the introductory parts and thus the theme is moved to the second position. From this perspective, the intuitive placement of new information in front of the sentence is appropriate. However, if the investigator has more than one case and has to remember who and which case it is, in this respect, it would be more appropriate to choose the opposite method and to prioritize the theme over the rheme. The opposite procedure results in speculation that the addressee wanted to deal with the situation as quickly as possible by announcing a new circumstance at the beginning of the sentence.

From the pragma linguistic point of view it can be seen as an apology, but at the same time the text lacks a cataphoric reference form concerning the possible date in near future. When provided a new appointment by the Police Headquarters and a request for its confirmation, the subpoenaed person responds as follows and it is a matter of confirmation of the new appointment: „Ich bitte um einen Termin am Freitag zur Zeugenaussage.“ MfG C.“

In the Speech Act Theory (Austin 2004, Searle 2007) the verb „bitten“ is classified into the illocutionary category of directive narrative acts. Confirmation is one of the assertive acts of speech. So from a pragmalinguistic point of view, the witness didn't use the correct verb form. Similarly, it is rather inappropriate to use an abbreviation instead of a complete greeting form. „Mit freundlichen Grüßen“ is the final formula, which translates into Slovak as „s pozdravom“ and it is inappropriate to use the initials of the name stated under instead of its full wording.

Based on the next statement it can be concluded that the second proposed date of the subpoenaed person was inconvenient for her again and looking again for a new date (after the previous telephone call of the subpoenaed person with the director of the police headquarters), the following can be found in the e-mail communication:

„Am Donnerstag hätte ich frei und müsste mit meiner kleinen Tochter kommen. Müssen wir nach W. oder nach S.? C.“

The text is relatively incomprehensible. The conditional tense used evokes an option, but the use of the conjunction "und", "a" ("and") transfers the text to another level of perception. Therefore, several interpretations are possible in Slovak. „Vo štvrtok by som mala voľno a musela by som prísť s malou (mladšou) dcérou.“ The text is more comprehensible when the conjunction is changed. „Vo štvrtok by som mala voľno, ale (avšak) by som musela prísť s malou (mladšou) dcérou.“ The colloquial elements include the omission of the subject "ich", which the analytical form of language in language standard excludes and also the ellipse in the second sentence, which lacks the verb "kommen" in the sense of "prísť, pricestovať". Again, the name initials occur there.

During the interrogation process, the witness was asked questions in order to help to clarify the murder. One of them concerned the defendant's minor son of a previous relationship: „Die haben den für ein Jahr aus der Slowakei hier hergebracht“. In the statement there is a frequent use of determinative pronouns that have a substitutional function, replacing full-meaning nouns. In Slovak translation as „tí ho sem...“ or as „oni ho sem...“ as well. When asked who the child's biological father is, she answers: „Mein Ehemann. Das hoffe ich zumindest., er sieht zumindest so aus.“ It is an incomprehensible statement in which the pronoun "es" is replaced, or more precisely, speculatively one can also think that the witness could have meant a physical resemblance of the child with the father. If that's the case, the personal pronoun "er" would be appropriate and the translation would read „prinajmenšom tak vyzerá“ (dieťa). If it was not about the physical resemblance, the statement would have to read "es sieht zumindest so aus" which means „prinajmenšom to tak vyzerá“. When asked by the investigator what the defendant said about the biological mother of the child, she answers: "[...] Es wohl kurz vorher wieder in die Slowakei gegangen." The verbal form, which refers to near distances, is used incorrectly. In this case, the use of the verb "fahren" would be appropriate. In the following sections, we find colloquial verb forms without the

endings: "Ich glaub [...]", again there is the lexical error "meine große Tochter" instead of "ältere Tochter", incorrect use of the verb "dass ich auch für Dimitrios einen Platz besorgt hat". When describing the mother of the child, the subpoenaed person uses impersonal forms, which indicate that she did not know her personally: „eine Frau in der Slowakei gibt, mit der er das Kind hatte und dass die zu dem Zeitpunkt noch lebte.“ When translated into Slovak, it would read as „nejaká žena“ [...], s ktorou mal dieťa a ktorá v tom čase ešte žila“ as well as a reassignment of the pronouns shortly after each other.

The question about parental care is again answered colloquially, using double expressions such as "Es war ein Hin und Her" or "Ab und an hat er mir was gesagt", which would be translated into Slovak as "Bol tu i tam", and in the latter case "občas mi niečo povedal" or "príležitostne, z času na čas mi niečo povedal". There are a large number of particles in the text that are typical of oral expression, especially the "wohl" particle, translated in Slovak as "vraj". Sometimes it expresses assumption, probability. In some statements, it serves to emphasize the statement.

Positive emotionality of the statement can be felt in the short version of the boy's name. „Sie wollte das Kind wohl nicht, sie war wohl arbeiten, danach ging es wohl immer noch hin und her, wollte das Kind wohl zurück“, „dass er emotional wohl ziemlich hinterher ist“, „Er ist wohl auf dem Stand eines 2-jährigen“, „dass die Tante und die Mutter von Dimi wohl einen Job in der Schule hatten“, „aber das ist wohl über ein Jahr her“.

Similarly, the particle "mal", which has a temporal character and can be translated into Slovak in various ways, depending on the context: "war er mal zu Besuch", "Er hat nur mal erzählt", "Er hat mal die Tante erwähnt", „Ja, den habe ich schon mal geschrieben vor Augen gehabt“, etc. The translation options are as follows - „keď raz bol na návšteve“, „kedysi spomenul“, „raz spomenul tetu“, „áno, už som to videla napísané“, „zdá sa mi, že som to niekde čítala“, so it is necessary to choose the right option based on the context. There is a large number of short words in the

utterances, they are mostly simple one-syllable words arranged one after another: „Aber mein Mann hat mir dann gar nicht mehr viel darüber erzählt, weil er weiß, dass ich mich in so etwas immer rein steigere.“ In Slovak translation: „...veľa mi o tom nerozprával, lebo ma to vždy nahnevalo.“ The colloquial form "sich in etwas reinsteigern" also belongs to colloquial expressions, the meaning of which can be perceived in different ways. The point is that the recipient perceives a thing, an object or a situation much more seriously than it really is and so the result may be an exaggerated reaction on his part.

When asked if she knew permanent residence of the Slovak family, she answered: „Nein, irgendwo am Ende der Slowakei“, which means „niekde na konci Slovenska“. From the above mentioned, we can conclude that the witness does not have broad knowledge of life and institutions of the country. The questioning of the witness ends with the only term belonging to a higher language standard and thus with the verb phrase "Gebrauch machen", which can be problematic for a Slovak recipient as far as its

translation goes: "Ich mach aber jetzt von meinen Zeugnisverweigerungsrecht Gebrauch", which means "využijem právo nevypovedat".

Examination of the second witness

Another person being questioned was witness K. - a colleague of the defendant, who works as a polisher in the XY factory. His statements contained similar means of expression to Ms C., which is somewhat strange because Ms C. is a native speaker, unlike K., who is a foreigner, so it could be assumed that his statements will contain colloquial language and dialect elements to a much greater extent. However, this has not been confirmed.

The use of language common among young people prevailed there. The statements contained relatively simple sentences arranged one after another, with elements of the youth language: „und hat gefragt, krass, hast Du das gehört, im Cafe haben die erzählt, der soll seine Frau überfahren haben.“ The highlighted word

"krass" can be translated as "sila", "to je sila", "to je husté".

Again, the use of determinative pronouns with a substitutional function is very clear in this statement. The use of the verb "kommen" in the sense of "to arrive" sounds colloquial, too, e.g. „ist der nach Deutschland gekommen und hat panisch versucht“. The adverb "panisch" in Slovak translation "panicky" or "hystericky" belongs rather to the vocabulary common among young people and so does the form „byť dôležitý, zaujímavý“ in the example "dass Leute sich vielleicht auch wichtig machen wollen." The term "vielleicht hat der was in das Cafe getragen" can be translated as „prišiel s niečím (s klebetou) do kaviarne“. Or an example in which, when asked who the man who told him that M. is in custody was, he answers that he no longer knows that by the expression "ich bin auch durcheinander", which in translation means „už som celý dopletený“, or, „už si presne neviem spomenúť“. Or in another one, such as "er ist Inder, hängt aber viel mit Deutschen rum", there is a verb used that expresses his close contact with his German colleagues, although he himself is Indian and therefore automatically belongs to another social group. After asking which cafe is visited by the Greek community and after giving the address he adds: „Da hat der Täter auch die ganze Zeit verkehrt“. It could be translated as „tu sa v tom čase stretával s kamarátmi.“

In the testimony of this witness, some vulgarisms occurred, too: „Ich wollte ihn nicht weiterbelasten, wenn der Bruder so eine Scheiße gebaut hat“. The translation into Slovak looks quite odd, an experienced translator would perhaps try to make it easier for the person being questioned and used the term "nehoráznosť" - „ked' brat vyviedol takú nehoráznosť.“ Words like „hlúpost“ or „sprostost“ could be used instead, too.

From the morphological perspective, the witness makes mistakes in transforming direct speech into indirect speech, while ignoring all the morphological peculiarities and norms. „Der K. hat gesagt, dass der Täter zuerst nie da war, aber in den letzten Wochen war er oft da,“ or „...hat der B. mir gesagt, ja, das stimmt, dass er fest-

genommen wurde und es hat wohl mit dem Tod seiner Frau zu tun.“ The issue of the use of subjunctive mood forms in interrogations is one of the important morphological forms used in order to clearly distinguish what the person being questioned said and what is the interpretation of the phenomenon already heard. At the same time, the "wohl" particle expresses uncertainty. Translation of this phenomenon would read as follows: „K. Povedal, že vraj tam predtým nikdy nebol, ale v posledných mesiacoch často,“ or „B. mi povedal, áno bol zatknutý, vraj to má čosi spoločné so smrťou jeho ženy.“

An interesting element in the statement of this witness was the term „viacsedadlové auto“, in Slovak „väčšie auto“, „auto, do ktorého sa zmestí viac pasažierov“, which he used to answer the question of whether he knows which car the defendant had: "Ein älterer Mehrsitzer, so ein Familienauto." Both in the case of the first witness and in this case, a large number of filler words was present, as well as short inaccurate expressions such as "und wohnt auch irgendwo dort", "ich kann also nichts zu ihm sagen, zu seinem Verhalten, zu Auffälligkeiten oder so."

Examination of the third witness

In this part, there are few other examples from the statement of the witness A., a lawyer, who is the head of the human resources and employee relations department, a foreigner but of German nationality, and from the materials stated above it can be assumed that he completed his education in Germany. His statements were to a greater extent written, complemented only sporadically by the word "ja", which suggests that the recipient might know the content of the statement. „Er ist ja damals als Leiharbeiter übernommen worden,“ or „Aber zu dem Zeitpunkt habe ich ja nicht an sowas wie ein Tötungsdelikt als Hintergrund gedacht“ or „Er hatte aber wohl einen Fürsprecher“. There are also phraseologisms such as „Soweit ich weiß, stand er aber auf der Kippe.“ „Auf der Kippe stehen“ means „nachádzať sa v kritickej situácii“, which is related to the current life situation of the defendant.

He used a different phraseologism in relation to the second witness, whom he

advised not to spread unnecessary gossips: „Ich hatte ihn an dem Montag auch gebeten, erstmal die Füße still zu halten, bis Sie ja dann am Dienstag kamen.“ Phraseologisms are automatically classified as problematic expressions from translational perspective, mainly due to their linguistic properties, including their stability, idiomaticity, reproducibility and polylexicality. In his statement, he also used the term "Leiharbeiter", which is a literary equivalent of the colloquial term "Gastarbeiter". In Slovak it can be translated by a well-known calque "gastarbajter". Other options include „zahraničný robotník“, „cudzí robotník“, „cudzí pracovník“, while the third translated term mentioned is considered to be the most politically and sociologically correct. The term "Fürsprecher" in the already mentioned connection "Er hatte aber wohl einen Fürsprecher", which should be translated into Slovak as „orodovník“, is also lexical.

CONCLUSION

The history of research in the field of FSW in the Slovak Republic is much shorter than in Western democracies, where similar research has already been conducted for a long time. For this reason, we have focused on presenting our research in order to stimulate the development of this specific semi profession of social work. In the context of the research, we followed the interpretive research paradigm as interpreted by Guba, Lincoln (2005, pp. 25). Within this framework, the universal and absolute reality is unknowable and the objects of research are individuals' perspectives or constructions of reality. As an unknowable reality in the Slovak conditions we perceive the absence of FSW, which is in contrast with the Anglo-Saxon practice and the investigator's belief (who is educated as a social worker) about its benefits (through the Department of Criminal Police of the Regional Directorate of the Police Force). This confirms the theory stated above that defines the fact that there are numerous realities constructed by individuals who have their own experience with the world. Realities are enclosed in the form of abstract mental constructs that are local and specific.

In the case presented, other subjects involved, such as the Regional Prosecutor's Office in the city of P. (Slovakia) or the General Prosecutor's Office in W. (Germany) are convinced that the forensic social worker's approach is more effective compared to the previous practice.

The knowledge produced within this paradigm is presented in the form of content

analysis or extensive narratives that depict constructed interpretations as a part of the research process.

The collaboration between the investigator-social worker and a translator, based on the individual commitment of the investigator, has produced positive results in the form of emphasizing the possibility to work together, to achieve a translation of a better quality in order to make the initial information accessible to a recipient with a different cultural background, which will contribute to a fair conviction of the accused.

Thus, the investigation would be more well-aimed in terms of both time and content and a translator would contribute to the understanding of cultural differences (in this case of three cultures - Greek, German and Slovak) in the course of the investigation. At the same time, more methods of the FSW could be used, such as a case conference, which, given the number of persons involved, could create space for networking and subsequent classification of different parts of the evidence. Moreover, there would be more space for more active cooperation in dealing with the minor son, who remained in the care of the wife of the accused after the European Arrest Warrant had been issued. Subsequently, the child was separated from the family by the decision of the German Department of Social and Legal Protection of Children and Social Guardianship and placed in institutional care in Germany. This situation has been going on since October 2016, despite the fact that the Slovak grandparents were interested in raising their grandchild in Slovakia. The investigative and judicial delays are traumatizing for the child, whose development is at risk.

As a result of the court proceedings, M. C., accused of the particularly serious crime of murder, was convicted and sentenced to the maximum custodial sentence with preventive detention.

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