

# The Role of Psychology in Law

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## **Abstract**

*This article provides a broad analysis of the role of psychology in the contemporary legal system. The study addresses the connections of forensic psychology with general psychology and explores the objectives of forensic psychology. Personality is examined as the central object of study in forensic psychology, with an emphasis on the model of orientations and behaviors of the personality of the offender. It also highlights the methods used in forensic psychology. The study highlights Pinatel's fundamental contributions to the field for understanding criminal behavior, and through interdisciplinary analysis, it is demonstrated that the integration of psychological knowledge into legal practice not only improves the accuracy of judicial decisions, but also contributes to the development of a more humane and efficient justice system.*

**Keywords:** legal psychology, criminal behavior, personality, psychological assessment, judicial system.

**JEL Classification:** D91, K14

## **1. Introduction**

The word *psychology* comes from the Greek *psyche* - *soul* and *logos* - *teaching, science*, meaning that psychology is the science of the soul, of the subjective inner world of man. The name of the field *Legal Psychology* (from the Latin *juris*, meaning *law*, and the Greek *psyche*, meaning *soul*, and *logos*, meaning *study, science*) suggests that legal psychology is an integrated science, encompassing both psychology and jurisprudence. The subject of psychology is the human psyche. The psyche (from the Greek *psychikos*, meaning *spiritual*) is a systemic property of highly organized matter, which consists in an active reflection of the objective world, a person's construction of an image of this world and self-regulation of his behavior and activity based on it.

Judicial psychology is defined as *a distinct discipline, with a pronounced pragmatic, informative and professional culture of the magistrate in the rule of law, which aims at the nuanced and in-depth study of the human being (person) involved in the judicial drama, in order to obtain knowledge and highlight psychological laws, capable of substantiating the correct interpretation of human behavior with judicial or criminogenic purposes*<sup>4</sup>.

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<sup>4</sup> Tiberiu Bogdan, *Problems of legal psychology*, Bucharest: Scientific Publishing House, *Psyche* Collection,

The presence of judicial psychology in the field of law is confirmed by the fact that, before the emergence of legal relations in society, natural interpersonal relations developed, which had psychological content and motivation, and the interests of the parties were determined by motives and goals, activated by the mobilization of the physical and psychological will of law enforcement officials, which, in cognitive terms, were preceded by more or less complex processes of reflection in terms of foresight and prediction of consequences<sup>5</sup>. As an example, we can consider the fundamental institution of legal relations - the will (whose original psychological origins are beyond any comment). Legal acts of all times are the result of the legal will - the *understanding* - of legal entities (natural and legal persons), which, in foreign legal literature, is based on the principle of contractual freedom in its most general sense. The legal will was based on the concept of freedom and individual initiative of the legal person. In order to exercise their contractual freedom, legal persons are guaranteed the expression of free will, manifested in the creation of legal consequences, which are clearly based on the psychological concept of will as a whole. In fact, legal will is viewed throughout the legal system as a cardinal or eternal category, on which the evolution of the entire legal order depends and encompasses the relationship between individual will at the level of the private sphere and collective will at the level of state institutions and civil society. In the case of the rule of law, the balance between the individual and society is based on the full influence of the legal will in building its consensus. If we want to accurately imagine the power of legal will, it is enough to recall the impressive results recently achieved in international law: the unification of Germany and the destruction of the Berlin Wall, the consensus between states and powers with otherwise different interests, the legal will that reconciles the interests of the states concerned and is reflected in acts of international law<sup>6</sup>. The legal will, expressed in consensual legal acts in authentic (written) form, must manifest itself free from any defects of consent. The problem is to establish whether the will expressed in the legal acts is truly impeccable, whether the freely expressed will corresponds to the inner will.

Ultimately, determining the validity of an act from the perspective of expressing intention requires introspective psychological analysis. The methods currently used are relative in these aspects, as the classical evidence system is not always capable of achieving this fundamental objective. This fear stems from the existence of simulated legal acts, disguised sales, which, according to illicit experience, may represent secret agreements and simulated understandings with third parties. It follows that the psychological dimension in civil law, in relation to the legal and psychological category of expression of intention, represents a significant problem.

The solution lies in using modern means of identifying simulated behaviors in civil cases, statements of contracting parties in commercial cases, testimonies presented in civil cases, etc. Only in this way can the contracting parties mutually verify the agreements and the correspondence between their freely expressed will and their inner

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1973, p. 9.

<sup>5</sup> Rithin Joseph. "The Importance of Psychology in Law and Investigation: Exploring Forensic Psychological Investigative Techniques and Criminal Psychology." Chap. 18 in Beulah Shekhar, Purvi Pokhariyal (eds.). *Forensic Justice*, 1<sup>st</sup> ed. London: Routledge, 2024.

<sup>6</sup> Ioana Teodora Butoi, Alexandru Butoi, Tudorel Badea Butoi, *Psychology of criminal behavior*, Enmar Publishing House, 1999, p. 70 et seq.

will.

## 2. The connections between legal psychology and general psychology

Legal psychology, defined as a formative and applied discipline and professional culture of magistrates in the field of law, whose object of study is the study and deep and detailed understanding of the personality of the human individual involved in the judicial process, is in a relationship of mutual subordination and mutual conditioning primarily with general psychology, from which it borrows and applies methods of approaching this field, knowledge of psychological laws and research tools with a wide range of applicability, constituting, from a certain point of view, an experimental field of psychology and law.

By studying the laws of mental phenomena, general psychology creates a solid basis for solving practical problems characteristic of the judicial system. Instead, by striving to facilitate the resolution of practical problems through its applied branch - forensic psychology - it can extract and scientifically substantiate its more general legal truths.

General psychology studies the universal human dimension of the psyche as a reflection in the individual of a general social plan, which is formed from what is common throughout the history of human existence. Therefore, the perspective of his approach to the human psyche is more abstract and general. However, it provides a conceptual and methodological framework for applied disciplines and, consequently, for forensic psychology, which, in turn, is adapted to the specific problems of these disciplines. Legal psychology verifies a number of data on the laws identified by general psychology in individual areas of human existence and, at the same time, provides new information, highlights new aspects of the legality characteristic of a particular area, based on the research and investigations carried out<sup>7</sup>.

Since the human personality, which is the object of study of forensic psychology, is a participant in the judicial drama, the connection of forensic psychology with social psychology is implicitly recognized, which, in turn, will provide the methodology, tools and knowledge necessary for understanding the emergence and development of judicial drama, as well as its main characters in their natural social environment of evolution, in teams and environments, groups and social subcultures.

The connection with social psychology is so close that some authors consider forensic psychology as one of its applied fields. Thus, according to P. Golu, socio-legal psychology studies the psychological aspects of the relationship between legislation and individual life, citizens' awareness and knowledge of socio-legal norms, the causes and consequences of deviations from them, methods of correcting behaviors that contradict socio-legal norms (criminal behavior), as well as the psychosocial problems of juvenile delinquency and overcoming it<sup>8</sup>.

Of course, without diminishing the links with general psychology, legal psychology is indeed very closely linked to social psychology, which, studying the particularly social aspect of human structure, is characterized by a more concrete

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<sup>7</sup> Ibid, p. 75.

<sup>8</sup> Pantelimon Golu. *Social Psychology*, Bucharest: Didactic and Pedagogical Publishing House, 1974, p. 35.

approach to man, following the individual and group effects of specific historical definitions<sup>9</sup>.

### 3. Objectives of legal psychology

The object of study in legal psychology is certain types of people and their communities as subjects of legal activity within the framework of existing legal regulation processes. The subject of legal psychology is the study and identification of psychological facts, patterns and mechanisms of people's activity in the process of lawmaking and law enforcement, as well as the psychological support of the work of lawyers and the development of psychopractice in various areas of legal reality. Based on the subject and object of legal psychology as a science and field of psychopractice, it seems appropriate to identify the following main objectives<sup>10</sup>:

1. Methodological and theoretical: development, in accordance with the requirements of general scientific methodology and epistemology, of the problems of the object, subject, methodological principles, historical development, categorical apparatus, structure and interrelation of this discipline with related sciences; creation of a socio-psychological methodology for studying the problems of combating crime and psychological support for legal activity.

2. Analytical: the study of psychological models and mechanisms for the development of legal awareness, law-abiding behavior, criminal acts of an individual and group nature, the psychological aspect of the process of rehabilitation of convicts and the rehabilitation of persons who have served their sentences; issues of the effectiveness of psychological support for legal regulation; and the development of the personality of subjects of legal activity.

3. Prognosis: development of scientifically substantiated hypotheses about the possible dynamics of determination, psychological models of change in legal consciousness and crime as social phenomena, personality development trends of individual categories of criminals and criminal groups, specialized psychological assessments and forecasting the effectiveness of legal regulation.

4. Practical: development and implementation of legal psychology recommendations aimed at increasing the effectiveness of lawmaking, legal education, law enforcement, law enforcement and penitentiary activities, professional and acmeological development of individual and collective legal specialists, as well as the participation of psychologists in jurisdictional processes, forensic psychological examinations, psychological counseling and psychocorrectional work with deviant individuals.

The main objectives discussed above reflect the general functions of legal psychology. Its further development, conditioned by external social orders in legal practice and internal logical-subjective laws as a field of applied psychological knowledge, will lead to the clarification of tasks, both current and prospective.

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<sup>9</sup> Ibid, p. 25.

<sup>10</sup> Tiberiu Prună, *Judicial Psychology*. Iași: Chemarea Foundation Publishing House, 1994, p. 87.

#### 4. Methods of legal psychology

Most methods of legal psychology are borrowed from general psychology and specialized psychological disciplines. However, in some cases, they are not used in their pure form, but are modified to suit the goals of specialized research.

Observation is a purposeful and purposeful perception determined by the task at hand. A distinction is made between external and internal observation<sup>11</sup>. Internal observation is the process of observing someone's feelings, states, and actions during any activity. External observation is the process of observing someone or something in the observer's environment.

The following forms of observation are distinguished: general (non-standardized) and standardized. Standardized observation is observation based on the fulfillment of clear requirements, which include: defining the object and its parameters to be observed; using a questionnaire to record the results of observation; establishing criteria for evaluating the results of observation; providing rules for interpreting the results of observation; and preparing draft formulations of conclusions based on observation<sup>12</sup>.

An interview is the collection of facts about mental phenomena during a personal conversation using a specially designed program.

The biographical method involves the analysis of documents, information, and materials about a person's life. These include diaries, letters, autobiographies, and various medical and educational documents. This method studies a person's mental development and personality by intentionally extracting facts of psychological significance from neutral documents<sup>13</sup>.

Testing is of great importance in legal psychology. A test is a standardized method of psychological measurement designed to diagnose the expression of certain traits or psychological states in an individual. Tests allow the diagnosis of personality traits and, with a high degree of certainty, the current level of intellectual development, creative abilities, and other factors.

In legal psychology, tests are widely used in psychological assessments, in studying the personality of criminals and persons sentenced to prison, as well as in psychological selection for law enforcement personnel. Existing tests, and especially those most frequently used by specialists (experts) - law enforcement psychologists - can be roughly divided into the following large groups:

1. Psychophysiological and psychometric methods for diagnosing the functional states of an individual. These methods examine various indicators of the central and autonomic nervous system, the degree of development of a particular mental function, and assess the accuracy and coordination of movements, the speed of motor reactions, etc.

2. Intellectual psychological tests. These tests examine the qualitative

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<sup>11</sup> Paul Popescu Neveanu, Mielu Zlate, Tinca Cretu. *Psychology*, Bucharest: Didactic and Pedagogical Publishing House, 1995, p. 121.

<sup>12</sup> Dvinin, A. P., Romanchenko, I. A., (2012). *Modern psychodiagnostics: a teaching tool*. St. Petersburg, p. 71-72.

<sup>13</sup> Sitkovskaya, O. D., Andrianov, M. S., Kroz, M. V., et al., (2011). *Legal Psychology* (textbook), Moscow, p. 472.

characteristics of a subject's cognitive abilities, including mental performance, attention, memory, thinking (operational, logical and semantic), level of intellectual development (degree of general information and knowledge, learning ability), speech development, the presence of certain abilities and skills, etc., ultimately determining the level of intellectual development of the individual.

One of the IQ-based testing methods is the *Wechsler Adult Intelligence Scale (WAIS)*<sup>14</sup>, developed by American psychologist David Wechsler (1896-1981). The Wechsler battery consists of 11 different tests - subtests - of which the first six are verbal. These tests assess the subject's general awareness, comprehension, ability to concentrate, working memory, mental agility, thinking skills, and vocabulary. The test assesses two important aspects of intelligence - verbal, abstract-logical thinking and nonverbal, object-oriented thinking - and also provides a summary assessment of general intelligence.

3. Personality tests (questionnaires) in the form of various questionnaires. These testing methods allow exploring and assessing individual psychological characteristics that define the character traits of a subject by obtaining monosyllabic answers (for example, *true-false* or *yes-no-not sure*) to strictly defined questions.

4. Projective tests. Projective research methods are used to identify the subconscious impulses and unconscious needs of individuals undergoing psychodiagnostic evaluation.

5. The experimental method is a method that intervenes effectively by deliberately causing a phenomenon, isolating the dependent variables from others that could interfere, deviate or disrupt the manifestation of the phenomenon under study - the independent variables.

## 5. Personality as an object of study in legal psychology

Personality integrates (as a system) the individual organism, the human psyche and, simultaneously, the social relations in which the individual is involved, as well as the cultural resources at his disposal<sup>15</sup>. Personality is fundamentally formed by the conditions of existence and activity from the initial stages of an individual's development in society. Personality is one of the central problems of psychology and is interdisciplinary in nature. Along with the concept of *personality*, terms such as *man*, *individual* and *individuality* are also used. Each of these concepts has its own specificity, but they are all interconnected. The original generic concept is *human*. Humans are biosocial beings. As a biological species belonging to a specific class of mammals, humans are characterized by a unique bodily organization, the essential features of which include an upright posture, a highly developed brain, and the ability to perceive and conceptualize the world. Unlike other animals, humans are endowed with consciousness, and their way of life is social, this being their most essential characteristic.

Most of us have an intuitive understanding of personality. While there is no universal definition of personality yet, most psychologists agree on some general aspects. The lack of consensus on the nature of personality and the most appropriate

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<sup>14</sup> Wechsler, D., (2008). *Wechsler Adult Intelligence Scale*, Fourth Edition (WAIS-IV).

<sup>15</sup> Ana Bogdan-Tucicov et al, *Dictionary of social psychology*, Scientific and Encyclopedic Publishing House, 1981, p. 165.

approach to it is reflected in disagreements over the definition of the term itself. We propose a definition of personality that has been adopted by representatives of several modern psychological schools. According to them, personality represents those human characteristics that justify consistent parental behavior.

## 6. The personality of the criminal in Pinatel's vision

Contemporary research on the psychology of criminal activity is invariably interdisciplinary, not bidisciplinary, as might be assumed based on the principles of some works on this topic, which use the term *psychosociology of deviant behavior*<sup>16</sup>. In reality, however, there is a tendency to study the *synergistic type* of crime when discussing its genesis or, in other words, when defining *criminogenesis*. A purely psychological analysis of a criminal act, based exclusively on the requirements of defining the legal content of a crime, involves analyzing how the offender's psyche, its elements - intellect, affectivity and will - manifest themselves during preparation, commission and post-crime behavior.

From a legal perspective, a criminal act is the result of the negative behavior of a responsible individual in relation to the requirements of positive criminal norms. In any definition of crime, be it legal or doctrinal, we will find these minimum conditions necessary for an antisocial act to be considered a crime.

Jean Pinatel developed a comprehensive theory of criminal personality, considering that the *transition to action* is a crucial element in criminal behavior<sup>17</sup>. The conditions for the transition to action in criminals who commit serious crimes are determined by the basic personality, the components of which include: egocentrism, lability, aggression and affective indifference. The core personality of a criminal is a dynamic structure, a reunification and unification of the aforementioned components, none of which are abnormal in themselves. Jean Pinatel emphasizes that the core personality of a criminal is not a given, but a result.

For Eysenck, his study of criminals focused on psychological analysis<sup>18</sup>, while for Jean Pinatel, it primarily follows the path of psychosocial analysis. Thus, he believes that the most important source of the increase in crime is the accelerated development of society and technology in relation to culture, which leads to the abandonment of morality, ideas and beliefs. People find themselves unadapted to life in conditions of social disorganization, where nothing is stable, everything is in flux, constantly changing.

J. Pinatel emphasizes that what he calls the criminal personality is not an anthropological type, but a variant of the human species. Far from being connected to the innate criminal of the 19th-century Italian positivists, *Pinatel's criminal personality, as he demonstrates, is a model that criminological analysis uses in its research. It is a clinical tool, a working instrument, an operational concept. It is a frame of reference, an abstract construct that replaces subjective reality.*

The ideas developed by J. Pinatel naturally lead to the conclusion that *in*

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<sup>16</sup> Nicolae Mitrofan, Voicu Zdrenghia, Tudorel Butoi. *Judicial psychology*, Bucharest: Șansa Publishing House, 1992, p. 80.

<sup>17</sup> Jean Pinatel, *Le phénomène criminel*, Paris: M. A. Editions, 1987, p. 163.

<sup>18</sup> H. J. Eysenck, *Crime and personality*, London: Routledge and Kegan Paul, 1965, p. 95.

*exceptional circumstances, any person can become a delinquent.* If this is true, the question arises: where does Pinatel see the difference between a delinquent and a non-delinquent? The answer is obvious. The difference between delinquents and non-delinquents should be sought in the *threshold of delinquency*, that is, some delinquents need significant events, pressures, to provoke a criminal reaction, while others are pushed to action by very few external stimuli. In contrast, a mature delinquent - unlike a non-delinquent - does not wait for the right opportunity, the right external stimulus, but rather creates opportunities within which to act.

Finally, as Pinatel further demonstrates, what undoubtedly allows us to distinguish not only criminals from offenders, but even criminals, is a more or less pronounced tendency to move on to crime. *Fundamental criminology is the science of the transition to crime and nothing else*<sup>19</sup>, Pinatel concludes.

The logical arguments used by Pinatel, based on years of clinical experience, represent the best modern arguments for combating nativism in criminogenesis. Continuing his analysis of criminal behavior, Pinatel demonstrates that criminals are not deterred from committing crimes by social censorship because they are unstable and incapable of long-term self-organization. They are also unable to overcome obstacles that arise in their criminal activities because they are dynamic and highly aggressive. At the same time, they are able to overcome their revulsion towards vile acts, as they are emotionally indifferent, they do not care about anyone and do not feel sympathy for anyone, and therefore are capable of committing any crime.

## 7. Conclusion

From ancient times to the present, thinkers have been interested in the fate and future of man, in the contrast between good and evil, striving to develop norms and principles of moral behavior based on common sense, which would lead them towards a profound and dignified life, towards truth and happiness. The relationship of the good with the social and natural world around us is strictly individual and is expressed through internal behavior (subjective experience) and external behavior (objective behavior). Human behavior in relation to the environment encompasses the entire spectrum of adaptive behavior. No person exists without a purpose, an environment, or an interest; individual thoughts, feelings, attitudes, and actions underlie all purposeful behavior.

An analysis of the role of psychology in law reveals the complex and dynamic intersection of two fundamental areas of understanding and organizing human society. This interdisciplinary convergence is not just an academic collaboration, but a practical necessity for the efficient and equitable functioning of the judicial system in a constantly evolving society<sup>20</sup>.

Psychology's contributions to the legal system are numerous and manifest at different levels<sup>21</sup>. At the conceptual level, psychology provides theories and models for

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<sup>19</sup> Jean Pinatel, J., *Le phénomène...*, op. cit., 1987, p. 164.

<sup>20</sup> For some differences between inter, multi and transdisciplinarity see recently Cristina Elena Popa Tache, Cătălin-Silviu Săraru, Florent Pasquier, Mirella Tarmure-Vădean, Sergio de Souza Salles, *A Transdisciplinary Legal Methodology Guide and Lexicon for Crisis Response*. Cham: Springer & Palgrave Macmillan, 2025, p. 1-23. <https://link.springer.com/book/9783032046529>.

<sup>21</sup> For a comprehensive view see Monica K. Miller, Logan A. Yelderman, Matthew T. Huss, and Jason A.

understanding human behavior in the context of social and legal norms. These theoretical foundations allow for a more nuanced understanding of human motives, abilities, and limitations, providing the information necessary for the development of fair and effective laws and legal procedures. At the methodological level, psychological assessment tools and methods have significantly improved the ability of the legal system to make informed decisions based on scientific evidence. The assessment of mental capacity, judicial competence, risk of violence, and other legally significant issues benefit from the methodological rigor and empirical validity offered by psychology. At a practical level, psychological interventions in the criminal justice system, from prevention to rehabilitation programs, have demonstrated their effectiveness in reducing antisocial behavior and promoting the social reintegration of offenders. These interventions not only benefit the offenders themselves, but also contribute to public safety and the effectiveness of the justice system.

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