

## **Fundamentals of legal psychology**

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**Abstract:** Together, legal psychology and forensic psychology form the field more generally recognized as "psychology and law". Following earlier efforts by psychologists to address legal issues, psychology and law became a field of study in the 1960s as part of an effort to enhance justice, though that originating concern has lessened over time. The multidisciplinary American Psychological Association's Division 41, the American Psychology-Law Society, is active with the goal of promoting the contributions of psychology to the understanding of law and legal systems through research, as well as providing education to psychologists in legal issues and providing education to legal personnel on psychological issues. Further, its mandate is to inform the psychological and legal communities and the public at large of current research, educational, and service in the area of psychology and law. There are similar societies in Britain and Europe.

**Key words:** legal psychology, conative, cognitive and affective aspects.

### **Introduction**

Psychology has been defined as a science which studies the mental aspect that determines human behaviour. In short, it studies the human mind and its effects on human behaviour. This includes conative, cognitive and affective aspects. Psychological studies cover the conscious and unconscious states of mind. Over time, many things have been included under the ambit of psychology. In the legal realm, it is helpful in determining the veracity of witnesses, mens rea of a criminal while committing the crime and above all, what punishment should be granted to a person keeping in mind his psychological frame of mind. Psychology to some extent has started seeing a criminal as a person having a mental disorder and therefore suggests that such persons should not be punished and should rather be medically treated. Hence, there are many pros and cons of psychology under legal studies for which it is sometimes appreciated and other times criticised. However, it has undeniably become an integral part of the legal system in this era.

A legal system is necessary for the proper functioning of a society since it tries to solve numerous problems existing in the society in today's times. Though some legal authorities do not consider psychology as a discipline relevant to law, it is relevant as law embodies the theories of behaviour. The legal rules, procedures and doctrines reflect the basic assumptions of human nature.

- Psychology can help the present decision makers in making decisions by providing more accurate images and pictures of human perceptions and preferences.
- It helps to check the veracity of witnesses, as eyewitnesses are often known to be influenced by or afraid of the accused.
- It can also help in reducing false confessions by adopting peace models such as those that are highly used by the U.K. police.
- Psychological studies include the examination of different areas which have legal and social significance.
- It is based on the empirical and psychological research of legal institutions as well as law and focuses on legal psychology rather than clinically oriented forensic psychology.
- Pronouncing judgements considering the psychological aspects of the accused's mind ensures justice in its real meaning.

Legal psychology deals with cognitive and social principles and their usage in the legal system. It is based on empirical and psychological research of law along with legal institutions. It is different from forensic psychology which is based on the clinical orientation on experimentation. The relevance of legal psychology can be seen in legal proceedings in different manners: Academics and research— Legal psychologists basically conduct empirical research on new legal topics, which are yet to be popularised. They also work as mentors and guide the upcoming legal representatives. Advisory role— Many a time it is seen that legal psychologists play an advisory role in court systems. They advise the judges and legal decision makers on some psychological issues pertaining to the concerned case. Trial consulting— Sometimes, legal psychologists also work for trial consulting. In some cases, a psychologist who works as an academician is called up as a trial consultant when their expertise is helpful in any particular case. Trial consultants play different roles such as picking up the jurors, performing mock trials, etc. Policy making and legislative guidance— A legal psychologist's work is based on empirical research and many a time there is a need to establish some policies based on empirical research. Hence, in those times of crises they help the state and national lawmakers. Amicus briefs— Amicus briefs primarily means to provide opinions with a scientific backup and statistics. But the assistance which a legal professional provides in the form of amicus briefs is questionable. Expert witnesses— Legal psychologists are well trained to handle legal issues even though they have no formal training. They are helpful in testifying the witnesses. They also test the memory of eye witnesses whereas the forensic psychologist particularly testifies the competency of the defendant. Psychologists specifically trained in legal issues, as well as those with no formal training, are often called by legal parties to testify as expert witnesses. In criminal trials, an expert witness may be called to testify about eyewitness memory, mistaken identity, competence to stand trial, the propensity of a death-qualified jury to also be "pro-guilt," etc. Psychologists who focus on clinical issues often testify specifically about a defendant's competence, intelligence, etc. More general testimony about perceptual issues (e.g., adequacy of police sirens) may also come up in trial. Experts, particularly psychology experts, are often accused of being "hired guns" or "stating the obvious." Eyewitness memory experts, such as Elizabeth Loftus, are

often discounted by judges and lawyers with no empirical training because their research utilizes undergraduate students and "unrealistic" scenarios. If both sides have psychological witnesses, jurors may have the daunting task of assessing difficult scientific information. Many people who study some aspect of legal psychology have no particular legal training. Some may argue that specialized legal training actually dilutes the psychological empiricism of the researcher. For instance, to understand how eyewitness memory "works," a psychologist should be concerned with the whole picture instead of only aspects relevant to law (e.g., lineups, accuracy of testimony). Many psycholegal researchers focus on one aspect of psychology with no formal legal training and later apply that training to the law.

Today, several schools offer specialized training in legal psychology in some form. Some schools offer joint training in psychology and the law (through law schools) while others just focus on psycholegal issues. See US courses in psychology and the law

## **Conclusion**

As it has already been seen through various instances, no legal system is perfect. However, psychology is a step towards making a legal system perfect. Any study which relates psychological principles with legal applications is considered as legal psychology. Where on one hand, forensic psychology provides knowledge about the mental state of accused and witness and also provides information regarding the treatment of those mentally ill accused; on the other hand, the legal psychologists in the form of researchers and academicians help in developing the legal system by providing new perspectives to legal issues and by providing different solutions to it. Hence, the role which psychology plays in the legal system modifies our legal system and helps in maintaining justice, equity and good conscience.

## **References**

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6. ^ Examples of legal psychologists in these positions can be found at the American Bar Foundation (Website) and Federal Judicial Center (Website), among others.
7. ^ See, e.g., Court Appointed Scientific Expert Program Archived 2008-02-29 at the Wayback Machine, American Association for the Advancement of Science