

## PSYCHOLOGICAL EXPERTISE OR/AND LEGAL PSYCHOLOGY: A META-SYSTEM REVIEW

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*Psychological expertise and legal psychology are the most often used practical applications of psychology in law. The focus of psychological expertise is the mentally healthy person, whilst the focus of the legal psychology is the mind and behavior of people who encounter the law (i.e. eyewitness memory, jury decision-making, investigations, and interviewing). However, analyzing correlations between psychological expertise and legal psychology using logical operator “OR” evidence the impact of global challenges in jurisprudence reported as “social and psychological jurisprudence”, while the logical operator “AND” highlights the importance of advocacy in psychological expertise.*

**Keywords:** legal psychology, forensic psychology, social jurisprudence, psychological expertise, expert research, mentally healthy person, advocacy.

### EXPERTIZA PSIHOLOGICĂ SAU / ȘI PSIHOLOGIA JURIDICĂ: O REVIZUIRE META-SISTEMICĂ

*Expertiza psihologică și psihologia juridică sunt cele mai frecvent utilizate aplicații practice ale psihologiei în drept. În centrul expertizei psihologice se află o persoană sănătoasă din punct de vedere psihic, iar în psihologia juridică - mintea și comportamentul persoanelor care s-au confruntat cu legea (de exemplu, memoria martorilor oculari, luarea deciziilor juriului, investigațiile și interogatoriile). Cu toate acestea, analiza corelațiilor dintre expertiza psihologică și psihologia juridică utilizând operatorul logic „SAU” indică influența problemelor globale în jurisprudență, desemnată drept „jurisprudență socială și psihologică”, iar operatorul logic „ȘI”, subliniază importanța apărării în expertiza psihologică.*

**Cuvinte-cheie:** psihologie juridică, psihologie criminalistică, jurisprudență socială, expertiză psihologică, cercetare expertă, persoană sănătoasă mental, advocacy.

### EXPERTISE PSYCHOLOGIQUE OU / ET PSYCHOLOGIE JURIDIQUE: UNE REVUE MÉTA-SYSTÈME

*L'expertise psychologique et la psychologie juridique sont les applications pratiques les plus souvent utilisées de la psychologie en droit. L'expertise psychologique se concentre sur la personne en bonne santé mentale, tandis que la*

psychologie juridique se concentre sur l'esprit et le comportement des personnes qui rencontrent la loi (c'est-à-dire la mémoire des témoins oculaires, les décisions du jury, les enquêtes et les entretiens). Cependant, l'analyse des corrélations entre l'expertise psychologique et la psychologie juridique à l'aide de l'opérateur logique «OU» met en évidence l'impact des défis mondiaux de la jurisprudence rapportés comme «jurisprudence sociale et psychologique», tandis que l'opérateur logique «ET» souligne l'importance du plaidoyer dans l'expertise psychologique.

**Mots-clés:** psychologie juridique, psychologie médico-légale, jurisprudence sociale, expertise psychologique, recherche d'experts, personne en bonne santé mentale, défense des droits

## ПСИХОЛОГИЧЕСКАЯ ЭКСПЕРТИЗА ИЛИ/И ЮРИДИЧЕСКАЯ ПСИХОЛОГИЯ: МЕТА-СИСТЕМНЫЙ ОБЗОР

Психологическая экспертиза и юридическая психология - наиболее часто используемые практические приложения психологии в праве. В центре психологической экспертизы находится психически здоровый человек, а в юридической психологии - разум и поведение людей, столкнувшихся с законом (например, память очевидцев, принятие решений присяжными, расследования и допросы). Однако, анализ корреляций между психологической экспертизой и юридической психологией с использованием логического оператора «ИЛИ» свидетельствует о влиянии глобальных проблем в юриспруденции, обозначенных как «социальная и психологическая юриспруденция», а логический оператор «И» подчеркивает важность защиты в психологической экспертизе.

**Ключевые слова:** юридическая психология, судебная психология, социальная юриспруденция, психологическая экспертиза, экспертное исследование, психически здоровый человек, адвокатура.

### Introduction

Legal psychology is one of the oldest disciplines of classical applied psychology that refer to using appropriate methods of understanding, evaluating, and questioning the behavior of suspects and evaluating jury candidates. Forensic psychology is more concerned with crimes and the criminal justice system. Both disciplines are concerning with human behavior that is and/or can be related to the legal process. The term “psychological expertise” is an invention of cognitive psychologists; nevertheless, the term “expertise” is used in psychology and law to the person who has special skills in, or knowledge of, a particular subject through professional training and practical experience. The origins of scientific developments in legal psychology, forensic psychology, and psychological expertise traced back to the end of the 19<sup>th</sup> century. All these inter-

disciplinary disciplines are currently experiencing a period of grown and expansion. The main impulse of the actual acceptance of legal psychology, forensic psychology, and psychological expertise is caused by development in social jurisprudence [1]. The term “social jurisprudence”, known also, as the sociology of law, refers to the philosophical approach to law stresses the actual social effects of legal institutions, doctrines, and practices [2]. Therefore, to understand the affordability of legal/ forensic psychology or/and psychological expertise in the actual societal challenges it is important to understand deeper the correlations between frontier areas of psychology and law. According to [3], the interaction between the disciplines of psychology and law has increased over the past few decades in three overlapping areas: forensic psychology, legal psychology, and psychological jurisprudence, which may be presented in the table 1.

**Table 1. The role of psychologists in the frontier area of psychology and law**

<b>Disciplines</b>	<b>The role of psychologists</b>
Forensic psychology	Experts, practitioners, researchers, and/or consultants concerning legally relevant clinical areas (such as competency to stand trial, insanity, or civil commitment to psychiatric hospitals)
Legal psychology	Use applied and empirical research methods to study a range of issues of importance to the legal system (e.g., eyewitness accuracy, police selection, procedural justice, jury decision making, and legal assumptions about human behavior relevant to the rights of defendants, victims, children, and mental patients)
Psychological jurisprudence	The main focus involves efforts to develop a philosophy of law and justice based on psychological value.

Source: developed by authors.

The importance of study the connections between psychology and law has experienced ups and downs during its history. The reason is the reciprocal distortion between psychology and law. As was noted by [4], knowledge in psychology allows law specialists to predict how dangerous a person is and how he/she will be in the future; what methods are useful in managing offenders; what systems need to be developed, or where the owner of a public venue may be liable for a crime that happens there. However, as was noted by Goodyear (1997), there almost certainly “threshold levels” of intellectual and interpersonal skills that trainees in professional psychology should have. Beyond these levels, though, it may be

that motivation and persistence are the most important variables in predicting the eventual attainment of expertise level in psychology and law. In our opinion, this professional competence is important to understand the mind and the behavior not only of a person who made a crime, but also the “psychological” potential of the person to manifest the abnormal behavior in certain unusual conditions.

This article aims to investigate the correlation between psychological expertise and legal psychology by using the logical operators “OR” and/or “AND” and to make suggestions for future development in this area of research. This aim was achieved through the following objectives:

- 1) Describe the theoretical background of psychological expertise and legal psychology;
- 2) Define the research problem at the frontier of psychology and law;
- 3) Search in Google Scholar the articles related to psychological expertise and legal psychology using the logical operators “OR” and/or “AND”.
- 4) Descriptive analyses of obtained results.

The study has the following research questions:

- 1) Do specialists in psychological expertise and legal psychology apply for the current funding in applied psychology?
- 2) Are there differences between psychological expertise and legal psychology?

In general, the interdisciplinary and transdisciplinary connections between psychology and law encompasses both civil and criminal sides of the justice system, as well as clinical and experimental aspects of applied psychology.

### **Theoretical background**

This article uses the idea of the metasystems approach to explaining the affordability of two concepts: “*psychological expertise*” and “*legal psychology*” and its practical importance in university pedagogy concerned with the development of professional competences.

**Psychological expertise.** Applied psychology is spreading through many aspects of the legal processes. However, the focus of the psychological expertise is the *mentally healthy person* (i.e. suspect, accused, defendant, acquitted, convicted, witness, victim, plaintiff, and defendant: minor; minors; adult and elderly). Psychological expertise can also be a part of comprehensive expert research if the body (the person) who has appointed an examination to have questions, whose solution requires synthesizing special knowledge from psycho-psychiatric expertise, psycho-medical-psychiatric, medico-psychological, psychological-auto technical examination, psychological-handwriting, and/or psychological and linguistic examinations.

The task of the psychological expert is to conduct psychological examinations. The aim of the psychological examinations to establish those peculiarities of mental activity and manifestations in the behavior of the person who has legal meaning and, therefore, causes certain legal consequences (i.e. individual-psychological features, character traits, leading qualities of personality; motivational factors; emotional reactions and states; patterns of mental processes, their level of development and its individual properties).

The question is *Who is a mentally healthy person?* According to [5] concerning World Health Organization, mental health is a state of well-being in which the individual realizes his or her abilities, can cope with the normal stresses of life, can work productively and fruitfully, and can make a contribution to his or her community. However, when is applied in psychological expertise, this definition raises some questions and leads to potential misunderstandings of “how healthy” was the mentally healthy person in unusual decision-making situations.

**Legal psychology.** The focus of legal psychology is analyzing eyewitness memory, jury decision-making, investigations, and interviewing. Shaw (2019, p.1) has observed the emergent forms of legal psy-

chology in the form of associations, partly by an effort of the European Association of Psychology and Law (EAPL). These associations are listed in the table 2.

**Table 2. Professional associations for legal and forensic psychology in Europe**

Country	Association
Pan-European	European Association of Psychology and Law (EAPL)
Finland	Legal Psychology at Åbo Akademi University (LEPÅ)
Germany	Deutsche Gesellschaft für Psychology (DGPs) Section of Legal Psychology
Italy	Associazione Italiana di Psicologia Giuridica (AIPG) Società Italiana di Psicologia Clinica Forense (SIPCF)
Netherlands	Nederlands Instituut van Psychologen (NIP) Section of Forensic Psychology
Portugal	Sociedade Portuguesa de Psiquiatria e Psicologia da Justiça (SPPPJ)
Spain	Sociedad Española de Psicología Jurídica y Forense (SEPJF)
Sweden	Nordic Network of Psychology and Law (NNPL)
United Kingdom	British Psychological Society (BPS) Division of Forensic Psychology

Source: developed by authors.

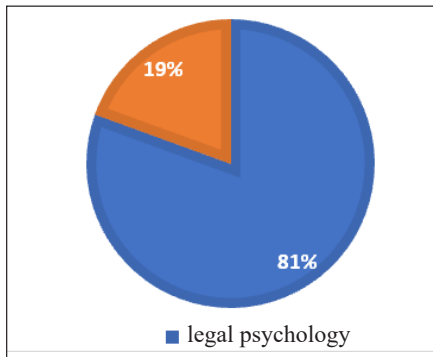
The global expansion of psychological expertise and legal psychology could be measure by an increased number of graduate programs in both psychology and law. This is a result of increased requirements for several jobs involving professional competencies in both specialties (i.e. lawyer, probation officer, social worker, forensic psychologist, etc.).

**Research question.** The above-mentioned contradictions between terminology and practical application of the psychological expertise and legal psychology have aroused the following research question: *How important is psychology in law?* This article will be investigated the main correlations between psychological expertise and legal psychology. Thus, the limitation of the study is the frontier area of cognitive psychology and law.

### Methodology of research

The method of research is based on the meta-systems' approach in the digital literature search. To identify the relevant studies the articles were searched in the Google Scholar database. The following keywords were used: a) psychological expertise and b) legal psychology. Initially, these terms were searched separately, then it was used the logical operator "OR" and then "AND". The search includes articles published up to 2015 (i.e. custom range 2015-2020). Due to page limitations, the details of the included articles and excluding the irrelevant are not provided.

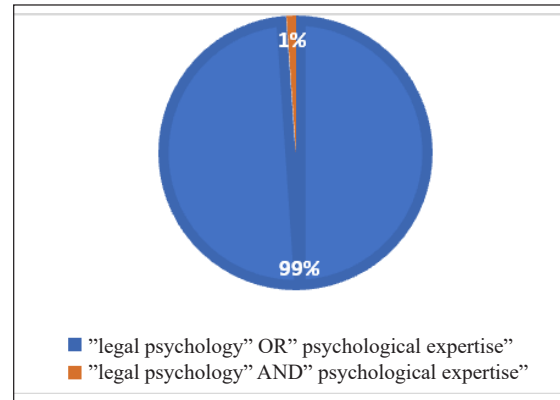
The articles were sorted by relevance. A comprehensive search of the literature yielded 493,000 results for legal psychology and 119,000 results – for psychological expertise (Fig. 1).



**Figure 1. Legal psychology versus psychological expertise**

Source: developed by authors.

Analyzing the correlation between terms "legal psychology" and "psychological expertise" through logical operators, it was noted 5,680 results for "legal psychology" OR "psychological expertise", and 63 results – for "legal psychology" AND "psychological expertise". Figure 2 presents this result: the research in both legal psychology and psychological expertise constitutes only 1% of investigations in legal psychology or psychological expertise.



**Figure 2. Using logical operators in the literature search**

Source: developed by authors.

Then the titles and the abstracts of all references were examined and were excluded the irrelevant ones. After the initial screening of both operators, 28 studies were identified for future screening. In the case of the duplicate date, it has used those publications that contain more information. Relevant studies were coded for sample characteristics (i.e. country of research, method, description of results). Then, it was analyzed as the most significant articles that add value to our research.

### Results

The results were obtained by the practical application of logical operators "OR" or/and "AND" in



searching the information in Google Scholar. The limitations of this research are full articles. The newest articles are in Russian, Romanian, and/or Ukrainian with abstract in English.

### **“Legal psychology” or “Psychological expertise”**

*Psychological expertise.* Analyzing the full articles, many examples of application the psychological expertise can be noted in practice. For example, in civil proceedings, the psychological expertise helps to establish true in cases of reimbursement of moral damages, invalidation of transitions, or related to spores on the right to raise children etc. In criminal proceedings, psychological expertise helps to understand emotional reactions or mental state (i.e. distress, panic, frustration, etc.) that have had or could have an irreversible impact on consciousness decision – making and behavior. According to [8, p. 10], the social life of psychological science is simultaneously a set of stories about the subject’s augmentation, exploitation, cooptation, appropriation, defiance, incredulity, and boredom. This situation needs to be changed.

Mocanu and Rebeleanu [2019, p. 355] noted that psychological expertise is required in situations when (a) the person who considers himself/herself to be prejudiced presents himself/herself to the psychologist for evaluation and (b) the court request the judicial expertise. In both situations, the injured person has the right to choose his or her psychologist to whom he or she will address, and this may be from the private or the state system.

*Legal psychology.* Some authors noted the differences between legal psychology and forensic psychology. In the Republic of Moldova, legal psychology has the statute of a discipline taught to the students of Law Faculties; whereas the forensic psychology recently began to develop separating slowly from the psychiatry / psychiatric expertise [10].

Legal psychology may be considered the big

brother of *folk psychology*. In the opinion of Tobia [2020], folk psychology is at the root of the legal understanding of the human mind (i.e. how the human mind is conceptualized within, for example, criminal law, tort law, contract law, or jurisprudence) [10]. This denotes that legal psychology is a cognitive science and that all innovations within this area need to be considered following global trends in philosophy, psychology, pedagogy, digital technologies, and knowledge management.

The learning outcomes of the legal psychology, as a university discipline, rely on developing practical skills such as making a psychological portrait of offenders with antisocial behavior; determining the psychosocial status of participants in legal procedures; analyzing the practical situations within legal cases and those verbal and/or non-verbal communication factors, psychological and behavioral barriers, etc. [12]

*Social and psychological jurisprudence.* Some authors conducted studies on the effectiveness of social jurisprudence. Thus, because of these investigations could be concluded that trends in understanding the criminal law in personality connect with global challenges to jurisprudence [12]. The author [13] reported the radical social changes in jurisprudence. In his opinion, the law is, by its very nature, an instrument of social influence. The social influence captures changes in our beliefs, attitudes, and behaviors induced by other persons. “Law” refers to the formal substantive laws that govern society and the legal process and procedures that implement them. Social influence and the law sits at the junction between these two subjects.

### **“Legal psychology” and “Psychological expertise”**

To achieve the objectives set in this research, the logical operator “AND” has been applied to full articles captured by Google Scholar in 2015-2020. In

line with previous research outcomes, we found the provident of an idea that “truthful statements could be distinguished from fabricated ones, lies embedded in truthful statements did not differ from lies embedded in deceptive statements” and that “lies embedded in otherwise truthful statements could be distinguished from truths embedded in truthful statements” [15, p. 8]. Moreover, the authors signed the article [16] observed that advocacy is important in highlighting the role of psycho-legal expertise during criminal probation of psychological harm. The term “*advocacy*” refers to an organized political process that involves coordinated efforts of people to change policies, practices, ideas, or values that perpetuate inequality, intolerance, and/or exclusion.

As noted in [17] the psychological expertize aims to solve problems that arise when assessing the phenomena related to human mental activity. It is an important activity conducted both in civil and in criminal procedures in order to explain circumstances related to the investigation. The decision of psychological expertize is submitted both at pre-judicial and judicial investigation with the obligatory compliance of examination’s order. The aim of the psychological expertize is to establish the psychological features of a person and to demonstrate that these features are legally significant and cause some legal and /or decisional implications. In other words, within the psychological – law examination may be attributed any questions with a psychological content that require the use of special psychological knowledge as well. The main task of the psychological expert is to reveal the content of specific people’ sanctions, involved in the case, to identify these people’s features of perception and to determine their relevance to the certain circumstances.

The most recent authors argue that psychological expertise contributes to the process of the civilizing of objectification. This issue arises from the

fact that global societal challenges affect the transformation of human capital in an irreversible way. Thus, “in order to make sense of this complex societal problem one needs to treat the language and discourse of applied psychology not as a resource for interpretation of the world of work but as a topic of investigation in itself”. [18]

A comprehensive study related to development of psychological expertise in relation to accused minors is reported in [19]. According to these authors, the emergence of the psychological expertise is associated with the increasing role of psychological science as a means of proof in criminal proceedings with the participation of a minor accused as well as the need to study the personality of a minor accused, his ability to fully understand the nature of his/her actions (inaction).

## Conclusions

The goal of our study was to examine correlations between psychological expertize and legal psychology by using the logical operators “OR” and/or “AND” and to make suggestions for future development in this area of research. The logical operators were used in searching for full articles stored in the database of Google Scholar. The articles were identified using the function “custom range” and setting the period of 2015-2020. Articles were sort by relevance. This article is the first attempt to understand the correlations between psychological expertize and legal psychology as the added value of psychology to law research and practice. Future research is needed to explore the statistical analyses of data and to analyze articles in other databases.

## References

1. KAPARDIS, A. *Psychology, and Law. A Critical Introduction*. Cambridge University Press, 2003.
2. Sociological Jurisprudence Law and Legal Defini-

tion, 2020. <https://definitions.uslegal.com/s/sociological-jurisprudence/>

3. ROESCH, R., ZAPF, P. *Psychology and the Law*. 2010, pp. 1-2. <https://onlinelibrary.wiley.com/doi/epdf/10.1002/9780470479216.corpsy0733>

4. CANTER, D., ZUKAUSKIENE, *Psychology, and law*. Bringing the gap. Ashgate Publishing Ltd., 2012.

5. GALLERIES, S., HEINZ, A., KASTRUP, M., BEZEHOLD, J., SARTORIUSN. Toward a new definition of mental health. *World Psychiatry*. 2015. 14(2), p. 231-233. DOI: 10.1002/wps.20231, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4471980/>.

6. GOODYEAR R.K. Psychological Expertise and the Role of Individual Differences: An Exploration of Issue. *Educational Psychology Review* 9, 251–265 (1997). <https://doi.org/10.1023/A:1024787208551>.

7. SHAW, J. (2019). *Expansion of Psychology and Law in Europe and the Importance of Diversity and Inclusion: A Practical Guide for Lasting Change* (pp. 1-16). Liber Amicorum. Peter van Koppen.

8. PETTIT, M. Subject matter: Human behavior, psychological expertise, and therapeutic lives. *Social Studies of Science*, 2015, p.1-13. DOI: 10.1177/0306312714546366.

9. MOCANU, L., REBELEANU, C. Psychological Expertise – A New Occurrence. *New trends in psychology*, 2019, p. 355-359.

10. MELENTIEVA, A. Vicol, D. The concepts of legal psychology vs forensic psychology and their interpretative translation. *Intertext*, 2016, p. 248-252.

11. TOBIA, K. Law, and the cognitive science of or-

dinary concepts. In *Handbook of Law & the Cognitive Sciences* (forthcoming, Cambridge University Press). 2020.

12. STAVITCKI, O. *Legal psychology*, 2020. ep3. nuwm.edu.ua

13. JIAN QING, L. On the Value of Criminal Jurisprudence of Personality. *Frontiers of Legal Research*. 2015, 3(2), p.1-9, DOI: 10.3968/7638.

14. DEMAINE, L., CIALDINI, R. The expanding, lop-sided universe of social influence and law research (pp. 395-413). In Harkins, S., Williams, K., Burger, J. (Eds.). *The Oxford Handbook of Social Influence*. Oxford University Press, 2017.

15. VERIGIN, B., Meijer, M., Vrij, A. Embedding lies into truthful stories that do not affect their quality. 2020. *Applied Cognitive Research: Wiley*, p. 1-10. DOI: 10.1002/acp.3642.

16. IONASCU, D., COSMAN, D. The importance of advocacy in highlighting the role of psycho-legal expertise during criminal probation of psychological harm. *Public health and management*. 2017, 22(2), p.19-25, <http://www.amtsibiu.ro/Arhiva/2017/Nr2-en/Ionascu.pdf>

17. Psychological expertize. 2020. <https://kise.ua/en/psychological-expertize/>

18. STACHOWIAK, J. On the civilising of objectification. Language use, discursive patterns and the psychological expertise of work planning. *Language and communication*. 74, pp. 52-60.

19. GIMRANOV R.F., AMINEV F.G. Formation and development of theory and practice of psychological expertise proceedings in respect of accused minors, 2020, 4(94).