

COMPARATIVE ANALYSIS OF THE CONSTANTS OF LAW AND PSYCHOLOGY

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ABSTRACT: *This comparative Analysis of Constants of Law and Psychology concerns the relationship between law and psychology, emphasizing their impact on human behavior. This article explains key concepts in both domains, such as fundamental rights in the legal field and developmental theories in psychology. The analysis indicates both similarities regarding rulemaking and differences regarding the scope and approach. The paper underscores the importance of collaboration between legal experts and psychologists, emphasizing their roles in investigative psychological assessments for legal actors. Furthermore, it highlights the need for continued research on the interplay between social norms, psychological effects, and legal enforcement.*

KEYWORDS: law; psychology; human behavior; social norms; compliance.

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1. INTRODUCTION

The relationship between law and psychology has always been a complex and interdependent one. It significantly influences human behavior and the way societies manage their norms and values. (Cialdini, 2021)

This paper highlights the similarities and differences between the constants of law and those of psychology. It emphasizes the fundamental principles that support each of the two fields, as well as their relevance in the judicial context and in evaluating human behavior. The paper also examines how the two disciplines interact and the important role of psychologists within the legal sphere (Gass & Seiter, 2018).

2. CONCEPTUALIZING THE CONSTANTS

2.1. Constants of Law

Constants are fundamental, recurring elements within a specific field of knowledge, essential for understanding its structure and function (Rawls, 1971), and good faith (Dworkin, 1978), a principle that demands honesty, integrity, and loyal cooperation between parties involved in legal relationships. (Rawls, 1971). Likewise, good faith plays a central role in legal relationships, being both a moral and legal requirement for parties to act honestly and with integrity. (Dworkin, 1978).

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In Romanian civil law, good faith is enshrined as a general legal principle, with a transversal function throughout all contractual stages – from negotiation to execution and even termination. According to Article 14 of the Civil Code, no party may exercise a right abusively, and disloyal conduct can incur legal liability. This principle upholds the idea that subjective rights must be exercised with respect for the legitimate interests of the other party.

The principle of immediacy requires that the court have direct contact with the administered evidence and heard witnesses, thereby ensuring the authenticity of fact perception. A notable application of this principle appears in the European Court of Human Rights case *Barberà, Messegue and Jabardo v. Spain* (1988), where the Court found that the absence of direct hearing of witnesses by the trial judge constituted a violation of the right to a fair trial, compromising impartiality and fairness.

The principle of the right to a fair trial, governed by Article 6 of the European Convention on Human Rights, is a crucial guarantee of impartial and efficient justice. The ECtHR has consistently reiterated this principle, using it as grounds in multiple condemnations of signatory states. A landmark case is *Salduz v. Turkey* (2008), where the Court ruled that the lack of legal assistance during the initial investigation – particularly during a juvenile's first interrogation – was a serious violation of the right to defense and, by extension, the right to a fair trial. This ruling established the obligation for authorities to ensure effective access to a lawyer from the very beginning of custody.

Immediacy, another essential principle in criminal proceedings, implies that judges must directly analyze the evidence and hear witnesses without intermediaries to ensure an authentic perception of the facts. This approach enhances the impartiality and accuracy of judicial decisions.

Penalty individualization, in turn, reflects the need to tailor sanctions to the profile and circumstances of each defendant. Courts often implement educational measures, medical treatment, or specialized supervision for minors or individuals with mental disorders instead of custodial sentences. This mechanism promotes a justice system focused on rehabilitation rather than solely punishment. (Ashworth, 2006).

To illustrate how these cognitive mechanisms affect judicial practice, several empirical examples and real cases are relevant. A common example of confirmation bias occurs when investigators fixate on a suspect and ignore contradictory evidence. This cognitive error was documented in the case of Brenton Butler (USA), in which an African-American teenager was wrongfully accused of murder, and authorities ignored exonerating evidence, maintaining their hypothesis until his eventual acquittal.

Another notable model supporting these findings is the study by (Rachlinski, J. J., Guthrie, C., & Wistrich, A. J., 2001), which empirically examined the influence of cognitive biases on decisions made by U.S. federal judges. In the study, judges were presented with hypothetical scenarios containing misleading information, such as irrelevant numerical values (anchors). The results showed that judges significantly adjusted their rulings based on these anchors, demonstrating susceptibility to anchoring, confirmation, and hindsight biases. The study highlights the need for awareness and ongoing training in managing cognitive distortions in legal practice.

Recent research by Rachlinski and colleagues (2023) further emphasized unconscious tendencies among judges to be influenced by cognitive biases such as anchoring and confirmation. These studies support the need for continuous education of legal

professionals to recognize and counteract such biases to enhance impartiality in decision-making.

2.2. Constants of Psychology

Psychology offers insight into the internal mechanisms that influence human behavior, using theories and principles to explain individuals' cognitive and emotional development. (Piaget, 1952) proposed a theory of cognitive development that outlines the stages children go through in learning and understanding the world.

(Erikson, 1963) developed the psychosocial development theory, identifying eight stages that individuals progress through during life, each characterized by a specific conflict that must be resolved to ensure healthy development.

Behavioral principles, such as B.F. Skinner's operant conditioning theory, explain how rewards and punishments shape behavior. (Skinner, 1953) This theory is applied in correctional institutions where prosocial inmate behaviors are positively reinforced (e.g., access to activities or visits) to reduce recidivism and facilitate social reintegration.

Sincerity and authenticity are also key principles in psychology, essential for establishing healthy interpersonal relationships. (Rogers, 1959) These principles are central to client-centered therapy, where a climate of unconditional acceptance and authenticity facilitates self-reflection and personal development, including in legal counseling for victims.

(Bandura, 1977). This theory is reflected in the analysis of criminal behavior in disadvantaged environments, where children constantly exposed to aggressive models may reproduce such behaviors in adolescence, as documented in studies on juvenile delinquency.

As (Costache Colareza, 2023) notes, "motivational structures rooted in real-life social environments shape adolescent behavior patterns and influence their response to authority, including legal rules."

In the last decade, research in neuropsychology and the use of virtual reality in forensic assessments have expanded psychologists' ability to analyze complex behaviors under simulated conditions, contributing to greater diagnostic accuracy and intervention adaptation (DeMatteo & Edens, 2021).

Similarly, (Colareza, C., & Neacșu, I., 2021) emphasize that *"early identification of addictive behavior patterns is essential in forensic evaluations, especially when assessing diminished responsibility in youth."*

3. COMPARATIVE ANALYSIS

3.1. Similarities between the Constants of Law and Psychology

Both law and psychology are concerned with regulating human behavior, each approaching this regulation from a different perspective. Both disciplines promote adherence to social norms and fairness in interpersonal interactions (Foucault, 1977) (Bandura, 1977), (Rawls, 1971).

In addition, both fields recognize the influence of contextual factors on human behavior and the need to consider these influences in the decision-making process. (Kahneman, 2011)

3.2. Differences between the Constants of Law and Psychology

The differences between law and psychology primarily concern how the two disciplines

approach human behavior. Law relies on external rules and sanctions, aiming to control and regulate behavior in a predictable and uniform way. (Hart, 1961)

A common practical situation involves Piaget's cognitive development theory, applied to determine the criminal responsibility of minors, where the stage of concrete operations indicates a child's limited ability to understand the consequences of their actions. (Piaget, 1952)

Psychology, on the other hand, explores internal processes such as thinking, emotions, and motivations to understand why people act in certain ways.

Another significant difference lies in the methods used: law uses a formal and structured framework based on legislation and clearly defined legal procedures, whereas psychology relies on empirical research and experimental methods to understand and predict human behavior. (Melton, 2007)

These methodological differences reflect the different objectives of the two fields: law seeks to apply norms and maintain social order, while psychology aims to explain and predict individual behaviors. (Kahneman, 2011)

4. INTERACTION BETWEEN LAW AND PSYCHOLOGY

The interaction between law and psychology has become essential in many legal contexts, contributing to a better understanding of human behavior and equitable application of the law. One of the most important areas of interaction is the use of psychological evaluations in judicial proceedings. Psychologists are called upon to assess the mental state of individuals involved in legal cases, providing crucial information for making fair decisions. (Bartol, C. R., Bartol, A. M., 2018)

Psychologists also play a key role in cases of abuse or domestic violence. By counseling victims and evaluating the behavior of perpetrators, they help protect vulnerable individuals and prevent recidivism. In criminal investigations, psychologists can provide behavioral profiles of suspects, helping investigators understand criminal motivations and anticipate future behavior. (Greene, E., & Heilbrun, K., 2014)

Collaboration between legal professionals and psychologists is not limited to criminal or civil cases. In family law, psychologists are often asked to assess parent-child relationships in custody proceedings. They offer valuable perspectives on the child's well-being and help make decisions that ensure the child's healthy development. (Melton, 2007), (Bartol, C. R., Bartol, A. M., 2018)

Psychologists also contribute to developing public policies in the legal field by providing information on the impact of social norms on human behavior and how legislation can promote prosocial behavior. (Haidt, 2001)

As (Costache, 2025) highlights, "legal language must be comprehensible to non-specialists to ensure that educational communities internalize and respect legal norms."

More recently, in the field of neurolaw – an emerging branch that investigates the implications of neuroscience findings on criminal and civil law – neuroscientific research has helped understand discernment and criminal responsibility. Neurolaw integrates neurological evidence, such as functional MRI (fMRI) scans, into evaluations of competence, diagnosis, and criminal intent, offering objective insights into cognitive functioning. (Petoft, 2015)

However, these advancements also raise ethical concerns about the use of neurobiological evidence in court.

A landmark case is that of Herbert Weinstein, a man accused of murder, whose defense cited brain scans showing a cyst that allegedly affected his impulse control. Such cases raise essential questions about the extent to which neurological evidence can or should influence criminal responsibility and sentencing. Artificial intelligence is also increasingly used in risk assessment within legal contexts, requiring the development of ethical and interdisciplinary frameworks for its use. (Tene, 2022)

Another current application is using psychological research in developing restorative justice programs that focus on empathy, reconciliation, and repairing harm – contrasting traditional retributive approaches.

5. CONCLUSIONS

The comparative analysis of the constants of law and psychology highlights the importance of close collaboration between the two fields. Greater awareness of the impact of legal norms on human behavior can improve legal practice and lead to more empathetic application of the law. (Haidt, 2001)

Law, through the regulation of external behavior, and psychology, through the analysis of internal mechanisms that determine this behavior, can work together to promote social justice and improve individual well-being. Psychologists can help legal professionals better understand the psychological factors that influence legal decisions, contributing to more informed and fair rulings. (Greene, E., & Heilbrun, K., 2014).

Furthermore, collaboration between legal professionals and psychologists can help prevent judicial errors and reduce recidivism by accurately identifying psychological risk factors. By involving psychologists in legal processes, the law can be applied with consideration not only for legal aspects but also for the psychological state and needs of the individuals involved. (Melton, 2007)

In conclusion, collaboration between law and psychology is essential for developing a fairer and more empathetic legal system. By integrating psychological constants into legal processes, the law can be applied in a way that promotes not only compliance with norms but also the emotional and psychological well-being of those involved. (Kahneman, 2011)

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