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## JOURNAL OF LANGUAGE AND LINGUISTIC STUDIES

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ISSN: 1305-578X

*Journal of Language and Linguistic Studies*, 18(1), 931-937; 2022

### TEACHING PSYCHOLOGY IN LAW SCHOOL

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#### APA Citation:

Gunawan Widjaja (2022). TEACHING PSYCHOLOGY IN LAW SCHOOL, *Journal of Language and Linguistic Studies*, 18(2), 931-937

Submission Date:04/11/2021

Acceptance Date:08/01/2022

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#### Abstract

Law is a multidiscipline and complex subject to learn. It regularly involves understanding other disciplines in order to make a sound and good legal solution, either in or outside the court. Psychology is one among many disciplines that a law person must understand, however, almost no law school has a psychology subject in their curriculum. This research aims to discuss the origin of psychology in the legal discipline (jurisprudence), its applicability, and the contents that must be taught to law students to understand the importance of psychology in the legal discipline. This research is transdisciplinary research that will use secondary data, considering the Covid-19 situation. Data were obtained through literature research using google data machine with the relevant keywords in teaching, psychology, and legal or law.

*Keywords:* psychology and law; law school psychology, psychology of law.

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#### 1. INTRODUCTION

Law is an institution attached to human activities. Almost any and all human conduct or transaction has legal effects, even though many of us never realized it until some threat or injury or loss or something

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uncomfortable happens. From the life of a fetus in a womb, until after death, there are almost no activities that are free from legal exposure. The woman who carries the fetus has legal obligations to the fetus until the fetus is born alive. However, the obligation of the woman is not ended, she has further obligations to the born child.

Law is not a stand-alone institution. It co-mingled with other human-life institutions. To understand how the law works in society, the law can be seen and taught as a pure science of law or an interdisciplinary science that needs an inter-discipline approach and methods. The latest is mostly used in understanding the behaviors of the actors in law as well as the socio-cultural aspects and influences on the law that direct human behaviors.

The purpose of this research is to discuss the science tree of law education and then elaborate on the place of psychology in law education, the applicability, and the contents that must be taught to law students to understand the importance of psychology in the legal discipline.

## **2. RESEARCH METHOD**

The research is normative legal research, that aims to explain the position of psychology in the science tree of law, its relevant content, and its importance for law school. The research will use secondary data, which are data available to the public. Due to Covid-19 pandemic data were obtained through a literature search using google machine with specific keywords such as law/ legal and psychology.

The analysis is conducted qualitatively using a descriptive-analytical approach. Descriptive means to explain dan explore the content of the research norms, which are the place of psychology in the science tree of law. Analytical is discussion given to provide understanding and solution to the purpose of the research.

## **3. FINDINGS AND DISCUSSIONS**

To understand the science tree of law, the legal scholar must understand how the law was seen and worked in society. Law, in fact, can be defined in a lot of meaning, which in the end can be seen as an inseparable that made up the importance of law in human life. Soekanto & Purbacaraka (1993) quoting Duncan Mitchell, identified nine definitions of law from the perspective of society. They are:

- a. Law as knowledge;
- b. Law as discipline;
- c. Law as a (legal) norm;

- d. Law as a (legal) system;
- e. Law as officers;
- f. Law as the Ruling class's decision;
- g. Law as government process;
- h. Law as steady behavior;
- i. Law as a chain of value.

Law as a norm cannot be separated from the law as a set of (steady) behavior in the society where the norm is affected and enforced. Only when society has the same behavior and value as the legal norm then the law will become effective in practice. Legal norms will form a legal system together with the legal institution that is given the right to make, enforce and punish those who breach the law. The current norms, future norms, the value and behavior in the society, the ruling class decision, the process of (judicial) making the law, the officers that will use and enforce the law will become legal knowledge that will be learned as a legal discipline in law school by the legal scholar. The nine perspectives of law form an inseparable concept of law.

Law as norms must be seen in the perspective of law as a legal discipline. Legal discipline consists of legal sciences, legal politics, and legal philosophy. Legal sciences itself consist of the science of legal norms, the science of legal definitions, and the science of legal facts (Purbacaraka & Soekanto, 2018). As a norm, the law provides the conduct or behavior that form legal principles that will become the chain of legal values about what is right and what is wrong, that can be accepted in a certain society (Soekanto & Salman, 2020). The norms will consist of imperative norms, facultative norms, and prohibition norms. Usually, legal norms exist with other kinds of norms, such as religious norms, ethical norms, and moral norms. These norms usually did not contradict one another. They live side by side in society and complete each other. Legal norms are the norms that will provide legal certainty in society. A collection of legal norms that belongs to the same conceptions will create legal principles. There will be a lot of legal principles that will create legal values. These legal values will become the philosophy that lives in society (Purbacaraka & Soekanto, 2019). To understand the legal system that works in a society, lawmakers and the law officers shall also understand the legal philosophy that exists, is life, and is believed in by society. As law cannot be separated and exists in society, learning about the law in a society will not be complete without studying the legal facts that exist in society. These legal facts build and support the understanding of people's behavior and the reasoning of making the law, directing the law, using the law to act against any person that violates the law, and for judges to make decisions per case. There are five sciences of legal facts that can be used to understand the behavior in society from time to time. They are sociology of

law, anthropology of law, psychology of law, comparative of law, and history of law (Purbacaraka & Soekanto, 2018).

As law becomes the center of human life, either in past, present, or future, the law will be used to provide solutions for problems in human life. Therefore legal education becomes important. Legal education will teach parliament how to make good and sounding laws. It will also provide the understanding to the public servant to use and interpret laws for the benefit of the society. Judiciary officers need legal education to maintain legal order in society (Parameswaran, 2015).

Bull (2004) in his paper shows that sometimes, understanding legal facts is not as easy as it looks. It proves that in several events, ear-witness testimony has much more difficulty to be reliable. The identity parades by an eye-witness sometimes do not reflect the real guilty person. Some just go to jail without any further evidence, which is only based on the eye-witness testimony. Another thing that makes punishment biased is the police interviewing of suspects which in fact rarely recorded, even an audio or video recording. These matters were never or rarely considered. However, as Bull explains and discusses in his paper, most of the in-accuracy is caused by the psychology of the witness, in the case of ear-witness and eye-witness cases, or the suspects during interviewing by the police.

Manzanero (2015) stated that “legal psychology is the field of psychology that conducts search and methodology to improve the practice of law in general and the intervention of the justice system, in particular meaning the security forces, the judicial administration, and the penal institution.” From the definition given by Manzanero and the facts in criminal justice as discussed by Bull, it seems that the applicability of psychology in legal practice can be found mostly in criminal cases. It may be used to profile the criminal suspects to understand the motives behind a crime or to persuade and increase confidence for the crime victims and for many other purposes. As also pointed out by González-Sala, et.al (2017), legal psychology can be used to develop theories in legal science and education, that “will not only affect the proceeding of the law but goes beyond that by addressing aspects of human behavior related to criminal acts.

In a broader sense, Kopen & Hessing (1988) have discussed the importance of legal psychology in the determination of the competence of children, eye-witness testimony, instruction of jury which applies not only to criminal law but also to civil law. The use of psychology in civil law and criminal law has been identified by Diamond (1989). In his writing entitled “Using Psychology to Control Law; from Deceptive Advertising to Criminal Sentencing”, Diamond explains the very use of psychology to “manipulate” people’s perceptions, whereby the consumer may take civil action against the issuer of deceptive advertising, up to the use of psychology to assist the decision making in criminal sentencing. Soedjono (1983) in his book has explained the role of psychology in human life and the study of law and society.

Psychology can be used to settle the criminal aspect of law as well as its use in determining social phenomena.

From the explanation given in <https://thecourtroom.org/what-is-psychology-law/>, it is said that the term legal psychology “is used to describe a broad overview of how the law and psychological concepts are intertwined.” The approach to the term legal psychology is the same as mentioned by Koppen & Hensing (1988). In the conclusion in their paper, it is said that:

“the field of law and psychology needs both more psychology and more law. From the law side, research tackles too few general assumptions in the body of law and too few participants in the legal system. On the psychology side, research is guided too little by psychological theory and too much by practical questions.”

American Psychology Association (APA) in its website <https://www.apa.org/topics/forensics-law-public-safety> stated that “psychology’s goal is to understand behavior and law’s goal to regulate it, both fields make assumptions about what causes people to act the way they do. Many psychologists research how to improve the legal system.” Further in

<https://alleydog.com/glossary/definition.php?term=Legal+Psychology>, legal psychology is defined as”

“a modern term that refers to the study and use of psychology as it applies to the legal system and people who come into contact with the legal system. People who work in the area of legal psychology work with methods of understanding, evaluating and questioning suspects, evaluating jury candidates, investigating crimes and crime scenes, forensic investigation, and other legally-related situations. The term legal psychology is used to differentiate this field of applied psychology from the more theoretically-based clinical psychology.”

Soekanto (1983) describes legal psychology as a discipline in psychology that studies law as one of the manifestations of the development of the human spirit/ soul. The science of legal psychology research on a reciprocal relationship between specific factors (in psychology) of law. According to Soekanto, one of the “legal” problems that are difficult to answer and therefore needs special attention is to define which behavior is the normal behavior or which one is the abnormal behavior. In between normal-abnormal, there were many stages that need full attention before conduct made by people in a society can be accepted or not, or legal norms can be built on. The context of human behavior that is acceptable to the legal system is discussed by Djamali (1984) in his book. Even every human is unique, they share common behavior in society. Some people may not behave the same as it is perceived. To determine how the deviant behavior can occur and how far it can be understood and accepted psychology plays an important role, so that society may not take an inappropriate or injustice action against the deviance.

It can be seen that the important role of psychology in human life especially in the development of legal norms, behaviors, and values has been discussed and used in the court of law as well as law formation in legislative function. It is a study that is independent of the law itself. The psychology of law uses the law as the object of the research using an interdisciplinary methodology, the psychology approach as well as the legal approach. Therefore legal psychology is known as the science of legal facts, which described and explained how the law (shall/ can) works in society.

## CONCLUSION

From the above explanation, it can be said that legal psychology has been long known by scholars, including Indonesian law scholars. It can be seen by the publication, either in Indonesia or outside Indonesia. However, the importance of legal psychology as part of the science of legal facts that support the legal educations and legal systems in society, cannot be found in the legal psychology subjects in law school. The legal psychology subject as knowledge to understand the law is studied and researched in the school of psychology. The researcher recommends that the law school curriculum shall include psychology of law as one of the major subjects together with legal politics, legal philosophy, comparative law, and sociology of law.

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