

PSYCHOLOGY AND THE LAW: LITERATURE REVIEW OF PSYCHOLOGICAL FACTORS IN THE JUSTICE SYSTEM

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ABSTRACT

In the context of the Indonesian justice system, these psychological factors can also play an important role. Individual trust in the Indonesian justice system can be influenced by personal experience, perceptions about the integrity and quality of judges, as well as belief in the effectiveness of the justice system in providing justice to society. If individuals have low trust in the justice system, they may be reluctant to involve themselves in the justice process or feel that the decisions taken are unfair. This research uses the type or research approach of Library Research. The Miles and Huberman data analysis model is the method used in this research. By understanding the psychological factors involved in the Indonesian justice system, we can increase the effectiveness and success of the justice system in enforcing the law and achieving justice. Research that has been conducted shows that psychological factors such as individual trust in the justice system, empathy and recognition in restorative justice, stress and trauma in military personnel, as well as cognitive biases and the tendency to avoid risk in administrative cases can influence decisions and performance in justice system. Therefore, it is important for parties involved in the Indonesian justice system, such as judges, bureaucrats, and military personnel, to consider these psychological factors in their decision-making processes.

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INTRODUCTIONS

The Indonesian justice system is an important component in maintaining justice and enforcing the law in this country. However, there are several factors that can influence the success of the justice system in achieving its goals. One important but often overlooked factor is the psychological factors involved in the judicial process. Psychology can influence various aspects of the justice system, from individual trust in the system to decision making by judges and bureaucrats.

Research shows that individuals' trust in the justice system can influence the success of international courts in enforcing international law. This trust includes an individual's belief in the justice, integrity and effectiveness of the justice system (Marwati Riza, 2018). Psychological factors such as empathy and recognition have an important role in the success of restorative justice in restoring the relationship between the perpetrator and the victim (Scholl, 2022). Psychological factors such as stress and trauma can influence military personnel's decisions in combat situations. Stress and trauma can affect an individual's ability to make rational and objective decisions, and can affect the mental health of military personnel (Flood, 2022).

In addition, psychological factors such as cognitive biases and the tendency to avoid risks can also influence bureaucrats' decisions in administrative cases. Cognitive biases can cause judgments that are not objective and can lead to unfair decisions (Doherty, 2020). Research also shows that individual perceptions of justice can influence the success of international courts in enforcing international law (Anne, 2021).

In the context of the Indonesian justice system, these psychological factors can also play an important role. Individual trust in the Indonesian justice system can be influenced by personal experience, perceptions about the integrity and quality of judges, as well as belief in the effectiveness of the justice system in providing justice to society. If individuals have low trust in the justice system, they may be reluctant to involve themselves in the justice process or feel that the decisions taken are unfair.

In addition, in the context of restorative justice, psychological factors such as empathy and recognition play an important role in restoring the relationship between the perpetrator and the victim. Restorative justice aims to replace traditional punishment with efforts to restore and reconcile between the perpetrator and the victim. In this process, psychological factors such as empathy from the perpetrator towards the victim and recognition of the mistakes made can help rebuild mutual trust and reduce the level of hatred or resentment that may exist.

Additionally, psychological factors such as stress and trauma can also influence military personnel's decisions in war situations. The stress and trauma experienced by military personnel can affect their ability to make rational and objective decisions. In addition, stress and trauma can also impact the mental health of military personnel, which in turn can affect their performance in carrying out military justice duties.

Likewise, psychological factors such as cognitive biases and the tendency to avoid risk may influence bureaucrats' decisions in administrative cases. Cognitive bias is our inability to process information objectively, which can lead to unfair judgments. In addition, the tendency to avoid risk can also influence bureaucrats' decisions in taking action or making decisions that may involve risk. This can impact the effectiveness and fairness of the administrative justice system.

By understanding the psychological factors involved in the Indonesian justice system, we can increase the effectiveness and success of the justice system in enforcing the law and achieving justice. Research that has been conducted shows that psychological factors such as individual trust in the justice system, empathy and recognition in restorative justice, stress and trauma in military personnel, as well as cognitive biases and the tendency to avoid risk in administrative cases can influence decisions and performance in justice system. Therefore, it is important for parties involved in the Indonesian justice system, such as judges, bureaucrats, and military personnel, to consider these psychological factors in their decision-making processes.

From the discussion above, the problem formulation is, 1) What are the psychological factors involved in the Indonesian justice system, 2) How can these psychological factors influence the success of the justice system in achieving its goals. The aim of this research is to analyze the psychological factors

involved in the Indonesian justice system and the benefit of this research is to provide a better understanding of the psychological factors involved in the Indonesian justice system.

RESEARCH METHOD

This research uses the type or research approach of Library Research. According to Mestika Zed (2018), library or literature study can be defined as a series of activities related to methods of collecting library data, reading and taking notes as well as processing research materials.

Literature studies can also study various reference books and similar previous research results which are useful for obtaining a theoretical basis regarding the problem to be researched (Sarwono, 2006). Literature study also means data collection techniques by reviewing books, literature, notes and various reports related to the problem you want to solve (Supranto, 2003). Meanwhile, according to Sugiyono (2012) library studies are theoretical studies, references and other scientific literature related to culture, values and norms that develop in the social situation studied.

Judging from its nature, this research is descriptive research, descriptive research focuses on a systematic explanation of the facts obtained when the research was carried out. Descriptive research is research that provides a description of the social phenomena being studied by describing the variable values based on the indicators being studied without making relationships and comparisons with a number of other variables.

This literature research method is used to develop concepts regarding Productivity which can later be used as a basis for developing practical steps as an alternative management approach. The steps in library research according to Kuhlthau (2002) are as follows:

1. Topic selection
2. Information exploration
3. Determine the research focus
4. Collection of data sources
5. Preparation for data presentation
6. Preparation of reports

The data sources used as material for this research are books, journals and internet sites related to the chosen topic. The data sources for this research consist of 15 books and 13 journals on Law and Psychology.

The data collection technique in this research is documentation, namely looking for data regarding things or variables in the form of notes, books, papers or articles, journals and so on (Arikunto, 2010). The research instruments in this research are a research material classification checklist, writing scheme/map and research note format.

The Miles and Huberman data analysis model is the method used in this research. In this methodology, qualitative analysis tasks are carried out continuously and interactively until completion. There are two steps in the data analysis process used in this library research, according to Kaelan. To better understand the substance or essence of the focus of the research that will be carried out through the sources collected and included in verbal linguistic formulations, analysis is first carried out during data collection. This procedure is carried out aspect by aspect, according to the research plan.

Data is collected in the form of raw data, which must be compared with each other, and then checked again when the data collection procedure is complete. Reanalyzing clarified data is important because the data obtained does not always provide a comprehensive solution to the problem presented in the research.

RESULT AND DISCUSSION

Through a literature review, it has been revealed how psychological factors can provide a deeper understanding of the motivations of criminal offenders. Psychology provides insight into the motives, drives, and emotions that may motivate criminal acts. The results of psychological research have assisted courts in identifying offenders with mental disorders that may affect their ability to control criminal behavior. This allows the justice system to better consider the perpetrator's psychological condition in the assessment process.

Psychology has provided the basis for a fairer determination of responsibility and punishment. Knowledge about the perpetrator's mental disorders and psychological condition can help people make more balanced decisions. Through reflection on the literature, we realize that a deeper understanding of psychological factors can provide the basis for a more supportive approach to rehabilitation. Offenders with mental disorders or psychological conditions can receive appropriate attention and treatment.

Research results have expressed concerns about injustice towards perpetrators of mental disorders. With better psychological understanding, the justice system can strive to avoid these injustices and offer more appropriate approaches. Psychological research has provided the impetus for changes in law and policy. These results have prompted updates in approaches to assessing the state of mind of criminal offenders.

Psychology has provided arguments for a more holistic approach in the assessment of an offender's state of mind. This includes considering not only external actions but also psychological conditions that might influence those actions. Psychological knowledge has provided a better understanding of how to protect the rights of perpetrators in the justice process. This includes the right to consultation with a psychologist, the right to undergo a psychological assessment, and the right to receive appropriate treatment if necessary.

Psychological research has assisted courts in dealing with repetitive behavior. With a better understanding of the psychological factors behind criminal acts, the justice system can design more effective rehabilitation programs. Psychology and law are increasingly collaborating in the assessment of the perpetrator's state of mind. This creates a more comprehensive, interdisciplinary approach to assessment and sentencing. Psychological knowledge has provided insight into the cognitive and emotional development of individuals, especially in the context of children and adolescents. This allows courts to consider individual development in their assessments.

The results of psychological research have also supported crime prevention programs. With a better understanding of the psychological factors that trigger criminal behavior, prevention programs can be more effective in preventing violations of the law. Psychological research has helped reduce the stigma of mental disorders. By realizing that many perpetrators have psychological conditions, society has become more empathetic and accepting of these individuals. Psychology has provided a better understanding of how the social environment and an individual's psychological state influence each other. This has helped in understanding the factors that motivate criminal acts. Psychological research has led to the development of better assessment tools to evaluate an offender's state of mind. These tools can help courts make more informed decisions.

Psychology has provided a better understanding of the factors that trigger violence. This can help in preventing violence in society. Psychological knowledge has provided the basis for a more comprehensive approach to the treatment of sexual cases. This includes understanding the trauma the victim may have

experienced. Psychology also helps in understanding the impact of psychological factors on witnesses and victims. This is important in ensuring that witnesses and victims get the protection and support they need.

With a better understanding of the psychological factors that influence criminal behavior, the justice system can be more effective in minimizing recidivism. This may include more appropriate treatment and rehabilitation programs. Psychology has provided insight into how substance use can influence criminal activity. This can help the courts in taking appropriate action in drug abuse cases. In the case of repeated criminal acts, psychology provides an understanding of the psychological factors that may influence this repetitive behavior. This is important in formulating effective treatment strategies.

Psychology has improved the mental health assessment process, which can help courts make better decisions about sentencing and treatment. Psychology has helped in realizing that psychological factors often play a role in cases of domestic violence. This may affect how the court handles the case. Psychology has also helped in avoiding discriminatory acts in the justice system. Knowledge of psychological factors can help courts decide without prejudice and stereotypes.

With a better understanding of psychological factors, courts can reduce racial and ethnic inequities in sentencing. This knowledge helps in making fairer decisions. Psychology has encouraged the integration of psychological assessment results into the legal process. This creates a more comprehensive and informative justice system. Psychology also helps in understanding the psychological factors that can influence a witness' testimony. This can help in making better decisions about the validity of testimony.

With an understanding of the psychological factors that influence criminal behavior, the justice system can be more effective in addressing future criminal behavior. Psychology has helped in identifying psychological factors that may lead to addiction and dependency. This can help in treating substance abuse cases. Knowledge of psychological factors has helped in minimizing the risk of legal errors. With a more comprehensive and evidence-based approach, courts can make more accurate decisions.

CONCLUSION

From the explanation above, the following conclusions can be drawn:

1. Psychological factors can provide a deeper understanding of the motivation of criminals. Psychology provides insight into the motives, drives, and emotions that may motivate criminal acts.
2. In the context of the Indonesian justice system, these psychological factors can also play an important role. Individual trust in the Indonesian justice system can be influenced by personal experience, perceptions about the integrity and quality of judges, as well as belief in the effectiveness of the justice system in providing justice to society. If individuals have low trust in the justice system, they may be reluctant to involve themselves in the justice process or feel that the decisions taken are unfair.

Suggestion

From this literature review, a potential outcome that can be achieved is a deeper understanding of the state of mind of criminal offenders. This can help the court make more appropriate and fair decisions. Additionally adopt a more holistic approach in assessing the perpetrator's state of mind. This includes considering psychological factors along with legal, social, and environmental aspects of the justice process.

The expected result is a more just and balanced punishment. With a better understanding of psychological factors, courts can avoid inappropriate sentences and impose sentences that are more appropriate to the offender's condition. Increased protection of the rights of perpetrators, especially those with mental disorders or psychological conditions. Courts can ensure that offenders have access to

psychological expertise and appropriate treatment. With a better understanding of mental disorders and psychological factors, the hope is that the stigma around mental disorders will decrease. Society can become more empathetic towards individuals with psychological conditions.

Development of more effective prevention approaches to crime. With a better understanding of the psychological factors that trigger criminal activity, prevention programs can be more targeted and efficient. Increased awareness of individual development, especially in the context of children and adolescents. Courts may consider cognitive and emotional development in their assessments. Adopt a more sensitive approach towards victims and witnesses, especially those who may have experienced trauma or psychological impact as a result of criminal acts. Better support for offender rehabilitation. With a better understanding of the perpetrator's psychological condition, rehabilitation programs can be designed more effectively.

Improvement in the identification of mental disorders in offenders. This can help in evaluating an offender's control abilities and directing them to appropriate treatment. Development of better assessment guidelines to measure an offender's state of mind. These guidelines may provide courts with clearer guidance in assessing psychological factors.

The hope is a better understanding of the factors that trigger violence. With this knowledge, the justice system can take more appropriate action in cases of violence. Reducing racial and ethnic injustice in sentencing. With a more evidence-based and non-discriminatory approach, courts can make fairer decisions.

The desired outcome is better knowledge of the link between substance use and criminal activity. This can help the courts in dealing with substance abuse cases. Increasing the use of psychological assessment tools in the justice system. These tools can help in assessing the perpetrator's psychological condition more accurately.

The hope is that with a better understanding of psychological factors, the justice system can be more effective in addressing mental health problems in legal contexts. A better understanding of the psychological factors that influence criminal reoffending. This can help in formulating effective coping strategies. Development of more specific crime prevention programs based on psychological factors. This can help prevent future crimes.

A better understanding of how the social environment and an individual's psychological state interact and influence criminal acts. Improved support provided to victims with a better understanding of the psychological impact criminal acts have on them.

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