



THE ROLE OF CRIMINAL PSYCHOLOGY IN THE JUDICIARY AND PRISONS

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Abstract

Criminal psychology is a dynamic field that combines psychological investigation with the complexities of crime behavior and legal frameworks. This research attempts to explore the role of criminal psychology in the legal field in general, and in particular in criminal justice, as many crimes are committed due to psychological and mental disorders that are not visible. Knowing the criminal history, personal background, and psychological characteristics help in estimating the possibility of recidivism and responsibility for it.

The role of criminal psychology extends beyond prison walls to support prisoners in their successful return to society. Psychologists provide psychosocial support to prisoners who are close to being released.

This paper seeks to understand the degree of ongoing collaboration between criminal psychologists, legal professionals, and prison staff to determine the importance of criminal psychology in promoting fairness, effectiveness, and humanity in the judicial system.

Keywords: *mental illness, perception, responsibility, freedom, law.*

INTRODUCTION

Justice is the goal sought by all civilized societies. We believe that one of the primary areas to explore in the pursuit of justice is in criminalization and punishment. A fundamental aspect of justice in this context is that wrongdoers should not escape punishment, and the innocent or those with a legitimate excuse should not be punished.

One of the highest forms of justice may seem to be giving an opportunity to the convicted offender to rehabilitate their deviant behavior by helping them face society and overcome the fear of imprisonment, rehabilitating them, and preparing them to improve their psychological state.

The problem addressed in this article falls within the context of investigating the relationship between forensic psychology and the judicial and prison systems and how it influences law enforcement, both in terms of the criminal responsibility of the accused and the treatment of prisoners inside and outside prisons.

Forensic psychology is a field that examines the complex interaction between human behavior and the legal system. It seeks to understand the psychological processes that drive individuals to engage in criminal activities and the subsequent implications for law enforcement, criminal justice, and societal understanding. By examining cognitive, emotional, and environmental factors that contribute to criminal behavior, forensic psychology aims to provide insights that can enhance the accuracy of criminal profiling, rehabilitation strategies, and comprehensive crime prevention.

Problem of Research: The use of criminal psychology as a tool in the judicial system and prisons has garnered significant attention in recent years, raising important questions about its effectiveness in improving outcomes and potential ethical concerns. This leads us to pose the following problem:

Does the integration of criminal psychology into the judicial system and prisons contribute to reducing recidivism rates, improving rehabilitation processes, and achieving more just legal outcomes?

Research Objectives:

1. To contribute to enhancing the understanding of the complex relationship between psychology and criminal justice.
2. To explore the practical effects of criminal psychology within law enforcement agencies, offender analysis, and the judicial system.

3. To address emerging challenges related to issues such as offender rehabilitation and the potential for bias in crime analysis practices.

RESEARCH METHODOLOGY:

Since the research falls within multiple disciplines, namely psychology and law, a multidisciplinary approach is necessary. The research employs descriptive, analytical, and comparative methodologies. It begins by describing some concepts related to criminal psychology and analyzing their connections with legal aspects. Subsequently, it critiques and draws conclusions about the implications of the intersection between criminal psychology and the law. The research follows a two-part plan, as follows:

Chapter 1: The Impact of Psychological and Mental Disorders on Criminal Responsibility.

Chapter 2: Legal regulation of a job for a psychologist in prisons

Chapter 1: The Impact of Psychological and Mental Disorders on Criminal Responsibility:

Criminal responsibility is directly and inherently linked to the problem of freedom and the role of human will in individual decision-making. This study is primarily philosophical because it deals with determinism and free will, which are among the fundamental philosophical concepts and the most challenging ones. The study of criminal responsibility is the path through which philosophical and social doctrines enter the domain of law, both in general and in criminal law specifically.

The First Requirement: The Concept and Scope of Criminal Responsibility.

Responsibility is an inherent aspect of human life, and wherever there is a human, there is responsibility, as they are always part of a relationship, whether with themselves, others, or their Creator. This means that individuals are responsible in all circumstances. The study of criminal responsibility is one of the most important legal research topics because responsibility is not merely a legal issue; it is primarily a human issue.

First Branch: Definition of Criminal Responsibility

Criminal responsibility is based on a dual philosophical and social foundation. From a philosophical perspective, responsibility is linked to the freedom of choice, meaning it only applies when directed against a person who has the freedom to choose. From a criminal perspective, the effectiveness, not just the legitimacy, of punishment depends on the degree of rationality and the ability of the offender to control their behavior. If an individual cannot adapt their actions or control their behavior, then the deterrent value of punishment is lost.

The fundamental concept of criminal responsibility can be traced back to historical and philosophical roots that are essential for understanding it. Legal scholars and those interested in philosophical and social sciences have debated the concept of human freedom of choice - whether it is absolute or restricted. Several prominent viewpoints have emerged:

1. **The Free Will Doctrine:** According to this doctrine, the basis of criminal responsibility lies in the offender's use of their mental faculties and will, even if they were aware that their actions posed a danger, and despite having the choice not to commit the act.¹
2. **The Deterministic Doctrine:** This doctrine denies freedom of choice as the basis for criminal responsibility and asserts the inevitability of criminal behavior. Advocates of this doctrine argue that individuals are not free in their actions and that crime results from two types of factors: internal factors related to the offender's organic and psychological makeup, and external factors related to their environmental circumstances.²

¹ Farid El-Zaghlouli, *The Criminal Encyclopedia*, Volume One, Introduction to Criminal Law and Sciences, Third Edition, Dar Sader for Printing and Publishing, Beirut, 1995, pages 289 and 290

²The doctrine of determinism is the most important principle embraced by the Italian positivist school, which originated in Italy during the nineteenth century (19th). Its most prominent founders include Cesare Lombroso (1836-1909), an Italian professor of forensic and neurological medicine who emphasized the role of heredity in criminal behavior over other factors leading to crime. In his well-known book titled "The Criminal Man," published in 1876, he categorizes criminals into five categories:

- A. Criminal by nature or inheritance
- B. Criminal by chance

3. **The Conciliation School:** This school seeks to reconcile the traditional and situational viewpoints. It establishes criminal responsibility on the basis of freedom of choice while also considering the internal and external circumstances surrounding the offender. Thus, according to this perspective, an offender's freedom of choice is not absolute, but is influenced by both the crime and the offender's³ circumstances.

In conclusion, the concept of freedom of choice in criminal responsibility has been a topic of extensive historical and philosophical debate, with various schools of thought attempting to define its boundaries and implications.

Fodlick observed that insanity is used as a solution or a legitimate and legal way to escape moral condemnation. Perhaps the accused's insistence on pleading insanity to avoid conviction reflects a fundamental belief that civilized society does not punish individuals incapable of controlling their behavior.⁴

In early attempts to define the relationship between insanity and criminal responsibility, courts in the 1700s used phrases like "cannot distinguish between good and evil" or "does not know what they are doing." In 1760, the phrase "cannot differentiate between right and wrong" was used, and it became the prevailing legal definition. In the early 19th century, judges were supposed to be able to clearly determine whether the accused was genuinely insane or not.⁵

The second branch : the scope of criminal responsibility.

In ancient legal systems, the scope of criminal responsibility extended to include both humans and animals, and animals were punished with execution or abandonment. The concept of abandonment was not limited to animals but also targeted humans, where families, clans, and tribes would abandon individuals engaged in criminal activities. However, as human societies evolved, criminal responsibility began to be influenced by modern principles that form the basis of criminal responsibility.⁶

The general rule is that only humans can be held criminally liable. The will is the core of the moral element of the crime, and the law only recognizes it when it is conscious. It is only considered conscious when it is a psychological power of a person. Therefore, it is impossible for the elements of the crime and criminal responsibility to be present except in the case of a human.

Additionally, a person is endowed with legal personality that is established for them from the moment of their birth in most legal systems worldwide. Legal jurisprudence recognizes this as the capacity of a person to establish rights and bear responsibilities. However, despite this, legal personality has been recognized for non-human entities, such as the legal person in some legislations⁷ like Algerian law. Consequently, they can be subject to criminal liability in some cases.

The second requirement: Psychological expertise.

Psychiatry plays a significant role in criminal cases, as its role is evident in providing an appropriate diagnosis for the psychological condition of the perpetrator and demonstrating the impact of psychological disorders on the commission of the crime. This is achieved by explaining whether the perpetrator was aware of their actions and whether they did it willingly. This allows the court judge

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- C. Criminal by habit.
 - D. Criminal as a lunatic.
 - E. Criminal by passion.


³ These schools include the French schools led by Professor Saba Tini and Gabriel Tard, the Spanish school led by Saldaña, and the International Association for Penal Law (International Association for Penal Law).

⁴ Salem Al-Damiry, *Forensic Medicine and Crimes of Attacking Money and Persons*, University Press, 1999, pg. 45.

⁵ Muhammad Shehata Rabie, *Criminal Psychology*, Dar Gharib for Printing, Publishing and Distribution, Cairo, 1999, pg. 432

⁶ Saeed Al-Wardi, *Explanation of the Moroccan General Criminal Law, a jurisprudential and judicial study*, Al-Omnia Press, Rabat, 2017, p. 131

⁷ Sherif Sayed Kamel, *Criminal Responsibility of Legal Persons*, Dar Al-Nahda Al-Arabiya, Cairo, 1st edition, 1997, p. 8.



to make a decision, which can either involve dropping criminal responsibility for the offender, reducing it, or not dropping it.

The first branch: Mental and psychological disorders related to crime.

The relationship between mental and psychological disorders and criminal behavior remains unclear, subjective, and inconclusive. The reason for this lies in significant methodological issues. The diagnostic framework for mental disorders is still subject to clinical biases of researchers, issues of truth and stability, as well as the matter of sample representation⁸.

Currently, there are many psychological and neurological disorders, but there is no clear, universally accepted definition in medical or psychological circles. Among the definitions proposed in this regard is the Arabic definition for mental health: "Disturbance in the patient's mental, emotional, cognitive, perceptual, or sensory state, resulting in seeking treatment."⁹

Mental disorders are diverse; some affect all mental faculties of the patient and are characterized by their persistence. These are referred to as insanity, which is a disorder that affects mental faculties after their complete development, leading to a deviation in their activity from the usual and customary course. Insanity refers to the mental disorder that impairs an individual's mental capacity to distinguish between right and wrong actions¹⁰. The law has left it to the discretionary power of the criminal judge to determine the issue of insanity. However, expert psychiatric and neurological opinions are often sought to establish this matter, either by appointing a psychiatric and mental health expert or neurology expert.

Some of the most important psychological and neurological disorders related to crime include:

Psychiatric Disorders: These are divided into organic psychosis, which is a fundamental form resulting from a cognitive impairment due to a disease or injury. It can be primary, such as in diseases, or secondary, such as in systemic brain disorders.¹¹ The second category is functional psychosis, including schizophrenia, characterized by disturbances in thinking, emotions, perception, will, and behavior, as well as affective disorders, which include mania and depression.¹²

Neurotic Disorders: These disorders are among the most prevalent and are particularly relevant to criminal behavior. They include dissociative and conversion disorders.¹³

Second Branch: Judicial Assessment of Psychological and Mental Expertise.

Proving the mental and psychological condition of the accused to establish criminal irresponsibility is a technical and scientific matter that judges may encounter when dealing with various cases. Therefore, the judge must appoint an expert in the field. Medical expertise refers to the procedure that the judge resorts to either on their own or upon the request of one of the parties whenever a scientific issue in the medical field is beyond their understanding¹⁴.

After the judge issues a decision to conduct psychiatric and psychological evaluation and selects the forensic doctor responsible for conducting the evaluation, a new phase begins. The term

⁸ Muhammad Kamel al-Din Imam, *Criminal Responsibility, Its Basis and Development: A Comparative Study in Positive Law and Islamic Sharia*, 2nd edition, University Institute for Studies, Publishing and Distribution, Beirut, 1991, p. 52.

⁹ Mohamed Jawdat, *Mental Illness and its Impact on Functional Behavior*, *Journal of Human Sciences*, Algeria, Issue 10, 2006, p. 231.


¹⁰ Sébastien Soetta, *the intervention of the psychiatrist's expert in criminelles' affairs: the production d'un discourages his participation in the jugment, this is for obtenir of the garde academy of doctors, université de Toulouse, France, 2012*

¹¹ Ayed Awad Al-Wreikat, *Criminal Psychology*, Dar Wael for Publishing and Distribution, 1st edition, Amman, 2014, p. 154.

¹² Akram Nashat, *Criminal Psychology*, Dar Al Thaqafa for Publishing and Distribution, 2nd edition, Amman, 2005, p. 177

¹³ David Kanter, translated by Dia Warad, *Forensic Psychology*, Hindawi Foundation for Education and Culture, 1st Edition, Cairo, 2014, pg. 34

¹⁴ Abd al-Rahman Fatnasi, an electronically published article in the *Annals of Guelma University for Social and Human Sciences*, Issue 32, Part 3, 2018.



"psychological and mental expertise" refers to the tools and methods used by psychiatrists and psychologists to diagnose mental and psychological disorders claimed by individuals who have committed criminal acts.

Firstly: The boundaries of forensic psychology and medical expertise in criminal cases.

Some define expertise as "a procedure aimed at using specialist knowledge to shed light on an issue that depends on a technique the judge does not possess." Expertise presupposes the existence of a material fact or something on which the expert bases their opinion.

Mental and psychological expertise, in particular, is where the judge seeks the help of specialists to assess the mental and psychological state of offenders as a preliminary step in determining their criminal responsibility through medical reports related to their mental health. Experts cannot provide opinions on any aspect related to court proceedings; their opinions must fall within their area of expertise, and this is also defined by legal restrictions. One of these limitations arises from what is known as the "threshold question" and is sometimes referred to as the "dispositive issue."¹⁵

Psychologists must provide the courts with a certificate that reveals the truth about the criminal, whether they suffer from any psychological or mental disorders or if they are sound, so that they can be tried and punished based on the expert's certificate. This certificate, available as psychological expertise, is a contribution in which the expert provides a final opinion on the detection and diagnosis of the criminal.

The testimony given by forensic psychologists, as experts in legal procedures, is largely derived from individuals using clinical interviews and diagnostic tools. This contradicts the growing application of psychology to study and influence the court, leaning more directly on social psychology than on clinical psychology and psychological measurement tests.¹⁶

Secondly: The assessment of criminal judges of psychological and mental expertise.

The legislator has obliged its judges to justify the judgments they issue under Article 379 of the Algerian Code of Criminal Procedure. The term "reasons for judgment" refers to the legal and factual foundations on which the criminal judgment is based, or in other words, the factual and legal arguments from which the judgment's pronouncement is derived. These are the logical supports and premises that lead to the conclusion reached, whether in terms of convicting the accused, declaring their innocence, releasing them, or finding them not criminally responsible for a specific act in the case. They represent the accurate and complete record of the judicial activity carried out by the judge until the judgment is pronounced.

The assessment of the mental state of the accused and its impact on criminal responsibility is one of the objective matters for the court to decide. When the judge has doubts about the mental state of the accused, they order a psychiatric and psychological assessment. The accused or their lawyer can request a medical assessment, but if the investigating judge deems it unjustified, they can issue an order to reject the request.¹⁷

In Article 47 of the Algerian Penal Code¹⁸, it is stated that criminal responsibility is lifted for individuals who were in a state of insanity at the time of committing the criminal act. It discusses insanity without defining its nature, implying that this matter is determined by the report of the forensic psychiatrist specializing in mental disorders. Simultaneously,¹⁹ according to some judicial decisions, mental disability may not necessarily exempt an individual from criminal responsibility.

¹⁵ Moroccan law and judiciary website: mofawad.blojsput.com

¹⁶ David Kanter, translated by Dia Warad, *Forensic Psychology*, Hindawi Foundation for Education and Culture, 1st Edition, Cairo, 2014, p. 54.

¹⁷ Abu Amer, Muhammad Zaki, *Criminal Procedures*, Cairo, Dar Al-Kitab Al-Hadith, 1994, p. 239.

¹⁸ Article 47 of the Algerian Penal Code stipulates that "there is no penalty for anyone who was in a state of insanity at the time of the commission of the crime..."

¹⁹ "Intellectual disability is considered mental retardation, and is not a state of insanity that entails criminal liability." Supreme Court decision, Criminal Chamber, Decision No.: 819475, Decision Date 27/12/2018, File No. 0819475. <https://www.coursupreme.dz/>

On the other hand, Article 68 of the Algerian Code of Criminal Procedure, in its final paragraph, allows the investigating judge to order a medical examination and entrust a psychiatrist with conducting a psychological examination. This means that the accused undergoes a psychological assessment as well. However, under Algerian law, psychological disorders do not necessarily exempt someone from criminal responsibility; they may be considered as mitigating circumstances.

By examining some Supreme Court decisions, it becomes clear that a verdict of acquittal based on insanity can only be issued if insanity is proven by an official medical assessment.²⁰

Chapter 2: Legal regulation of a job for a psychologist in prisons

Prisoners in correctional facilities, especially those aimed at rehabilitation and education, form a parallel society to the outside world, which enjoys a certain level of normalcy. Correctional institutions are governed by regulations and laws that new inmates automatically learn upon entering prison. Consequently, aspects of normal social life are limited within prisons. Entertainment is regulated and often unavailable to inmates on a continuous basis. In such conditions, incarceration becomes a significant psychological burden on prisoners. This is why psychologists play a crucial role in helping inmates cope with the prison experience and the challenges they face after their release. The role of psychologists in prisons is regulated by laws that vary from one country to another.

The First Requirement: Psychological Pressures in Prisons.

Prisons are involuntary gatherings of a specific segment of society, and they have their own characteristics and features. It is natural for certain types of illnesses, most of which stem from the isolation characteristic of these institutions, to manifest among inmates. Some of these include:

- Prison psychosis, which leads to behavioral and cognitive disorders in inmates who cannot control their emotions and desires, often resulting in deviant behavior and isolation.
- Depression and suicide attempts, characterized by a profound dislike for life, withdrawal from participation, and engagement in deviant behaviors.²¹

First branch: Psychological Effects of Imprisonment.

Reports from the World Health Organization (WHO) indicate a significantly high rate of mental disorders among prison inmates. Approximately one in every seven inmates suffers from serious psychological disorders. Involvement in daily prison life and rehabilitation activities is especially challenging for inmates with psychological disorders. This often leads to a cycle of repeated offenses. For women in prisons, psychological disorders are more complex and severe compared to those experienced by men. These disorders are often linked to past traumas resulting from violence²².

Dainius Pūras, a United Nations expert on the right to health, considers mental health and deprivation of liberty to be closely connected. He points out that rates of mental health problems in prisons surpass the general population. He also notes that the suicide rate in prisons is three times higher than the general population.²³

Branch Two: The Right to Mental Health for Prisoners

Among the international instruments of significance in protecting the rights of prisoners are the United Nations Standard Minimum Rules for the Treatment of Prisoners, known as the Nelson Mandela Rules. These rules emphasize the right to healthcare for prisoners, stating that it should be provided by the community, with each prison having a healthcare service responsible for assessing, enhancing, protecting, and improving the physical and mental health of prisoners²⁴.

²⁰ The accused may not be excused due to insanity except on the basis of an expert report, Supreme Court decisions, Misdemeanors and Violations Chamber, Decision dated: December 19, 1993, No.: 10179, Judicial Magazine, Issue: 3, 1994, p. 283.

²¹ Ouanes Amziane, What is the role of the psychologist in penal institutions? Journal of Psychological and Educational Research, Issue 3, 2010, pg. 39.

²² https://www.psycho-side.info/2021/12/blog-post_19.html

²³ <https://www.ohchr.org/ar/stories/2018/06/what-know-about-detention-and-right-health>

²⁴ The first paragraph of Article 25 of the Nelson Mandela Rules

The Mandela Principles also stipulate that all prisoners should be treated with the due respect for their inherent dignity and worth as human beings. No prisoner should be subjected to humiliation, and prisoners must be protected from torture and other forms of cruel, inhuman, or degrading treatment or punishment, which can never be justified under any circumstances. The safety and security of prisoners, staff, service providers, and visitors must be ensured at all times.²⁵

Respecting the human dignity of prisoners can help alleviate feelings of self-contempt that may arise from their incarceration, as well as promote a sense of their humanity.

The Second Requirement: Legal Regulations for the Work of Psychologists in Prisons.

Psychologists are considered part of the public service in Algerian legislation, with their own specific law. The first basic law for psychologists dates back to 1973 through Decree No. 73-69 dated April 16, 1973, which established the basic law for psychologists in the public health sector. Subsequently, it underwent revisions through several other laws.

This led to the emergence of two fundamental laws for psychologists:

1. Executive Decree No. 09-240 dated July 22, 2009, which established the basic law for employees belonging to the psychology profession in the public health sector. This law is specific to psychologists in the public health sector.
2. Executive Decree No. 09-353 dated November 8, 2009, which established the basic law for employees belonging to special branches within the National Solidarity Administration. This law is specific to all branches within the National Solidarity sector and includes provisions related to the field of psychology in articles 87 to 117.

As for other sectors, psychologists continue to be employed within their respective sectors without having specific basic laws for them. They are hired under ministerial decisions issued jointly.

Branch One: Psychological Specialist Services Inside Prisons.

Psychological specialists in Algerian correctional institutions operate under a joint ministerial decision dated August 23, 2011, which includes assigning some psychologists to public health service while working for the Ministry of Justice²⁶. They perform their duties under the authority of the prison institution's director and the supervision of a sentencing judge.

They are responsible for understanding the incarcerated individual's personality and assisting them in resolving their personal and family problems. Caring for inmates often requires the collaboration of committees comprising educators, social workers, doctors, psychologists, and prison staff, all working together to prevent suicide, classify prisoners, and guide them towards work and training for rehabilitation based on their capabilities and personal characteristics.

Baron-Laforet has pointed out that caring for incarcerated patients is essential for the proper functioning of the institution but at the same time, this care is somewhat foreign and potentially harmful to the penal system.²⁷

Usually, exploratory interviews are conducted for the benefit of inmates upon their arrival at the correctional institution, even though they are automatic. However, these interviews help encourage them to seek assistance, which is the basis of the therapeutic contract. In many cases, inmates interact with the psychological specialist.

²⁵ Basicprinciples Rule1

All prisoners shall be treated with respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.

²⁶ ministerial decision dated August 23, 2011, which includes the establishment of some public health psychologists' wires in the event that they carry out service with the Ministry of Justice, JR 42 issued on July 22, 2012

²⁷ Sayel Haddah and those with her, areas of intervention of the clinical specialist in the penal institution, an intervention published in the magazine (the name of the magazine is unknown), the third issue of the activities of the international conference between the institution between public service and human resource management, the research was published on the Internet

Psychological care for criminal prisoners is part of the rehabilitation strategy implemented in correctional programs. It is prepared and supervised by a team comprising representatives from the institution's management, physicians, psychologists, social workers, and social service specialists. Its aim is to accompany the criminal during their punishment period, paving the way for their rehabilitation and social reintegration.

Branch Two: Legal Responsibility of the Psychological.

Specialist Psychological specialists are subject to legal responsibility just like other professionals or employees. They may be under the authority of a specific administration, such as a hospital or prison management, or they may work in a private clinic. In all cases, they bear legal responsibility in various forms, including disciplinary, criminal, or civil, which is determined by the nature of the violation or breach of duty.

Firstly: The obligations of the mental health specialist towards the patient.

Article 125, in its first paragraph of the Algerian Health Law²⁸, states that it "includes the care of patients suffering from mental or psychological disorders, preventive measures, diagnosis, treatments, rehabilitation, and social reintegration." These obligations are at the core of the work of mental health specialists, and there are other obligations stipulated by laws that are binding on psychologists either in their private capacity or due to their affiliation with the sector in which they work. Therefore, these obligations are explained as follows:

- Ethical obligations of the profession: These are a set of literary texts that impose themselves on the specialist, not allowing them to act freely in their interactions with those they serve. They are regulated and controlled texts that all practitioners must respect, or they could be considered in violation of them²⁹. One of the most important of these obligations towards the patient is the obligation of professional secrecy, where the specialist is not allowed to disclose the patient's secrets, whether they are social or even legal³⁰, except with permission from the judicial authorities in cases of necessity.
- The obligation to inform the psychological patient: The doctor's obligation to provide sufficient information clearly highlights the concept of the patient's informed consent, as the patient does not give their consent to treatment except on the basis of the information provided by the treating psychologist regarding its purpose, expected results, or the consequences of undergoing or not undergoing it. From the obligation of the psychologist to inform the patient comes their satisfaction with understanding.³¹
- The obligation of follow-up and monitoring: These obligations are at the core of psychological medical work, in addition to their importance in other health fields. Follow-up and monitoring occur after treatment to ensure its success³².

In French legislation, there are also laws that clearly emphasize the protection of mental patients: Mental Health Law.³³ In addition to general laws regulating the profession, there are specific laws in France related to mental health. These laws define the rights and protection of patients and the responsibilities of professionals in the field of mental health, including psychological specialists.

Secondly: Cases in which the responsibility of the mental health specialist arises from an error.

²⁸ Decree No. 20-02 of August 30, 2020 amending and supplementing Law No. 11-18 of July 2, 2018 relating to health, Algerian Official Gazette No. 50 issued on October 30, 2020.

²⁹ Bosna, Abdel-Wafi Zuhair, Lectures on Research Methodology and Professional Ethics. www.univ-biskra.dz/fac/fshs/index.php?

³⁰ Hamid Abdel Salam Zahran, *Mental Health and Psychotherapy*, The World of Books, Egypt, 1997, p. 3, p. 158.

³¹ Muhammad Al-Saeed Rushdi, *Medical Treatment Contract*, first edition, Dar Al-Fikr Al-Jami'. Alexandria, Egypt, 2015, p. 76

³² Mona Hamid Fares Al-Obaidi, *The Civil Responsibility of the Psychiatrist (Comparative Study)*, First Edition, Dar Al-Fikr, an article entitled *The Difference Between Psychology and Psychiatry*, Publication - Al-Jami', Alexandria, Egypt, 2015, pp. 34-41, on the website: www.mawdoo3.com

³³ Law of 27 June 1990 on the rights and protection of people hospitalized due to mental disorders: This specific law governs the hospitalization of people with mental disorders in France. It defines the conditions and procedures for involuntary hospitalization and establishes the rights and guarantees of patients

When a mental health doctor violates their previous commitments and commits professional errors, they are subject to legal responsibility. Legal responsibility, as is known, can be disciplinary, civil, or even criminal. Each of these responsibilities has its own scope and rules, which are influenced by the manner of treatment. A psychiatric patient may seek treatment voluntarily and request admission to a psychiatric hospital, or their admission may be involuntary or mandatory, such as when they are a prisoner.

Studying the legal responsibility of a psychiatric doctor requires research into the general rules of liability in legislation, with reference to mental health law.

1. **Disciplinary Responsibility of the Mental Health Specialist:** Disciplinary responsibility for mental health specialists primarily depends on adherence to the ethical and legal standards of the profession.³⁴ Psychiatrists must follow the code of ethics that defines their responsibilities towards patients, society, and themselves. Key ethical standards that psychiatrists must adhere to include confidentiality, informed patient consent, integrity, competence, and respect for patient rights. Violations of these standards can lead to disciplinary actions, including revocation of professional licensure, financial penalties, or even legal lawsuits. Common reasons for disciplinary responsibility in the field of psychology include breaching confidentiality, professional misconduct, and abuse of power.³⁵
2. **Civil Responsibility of the Mental Health Specialist:** Civil liability for mental health specialists arises under general rules and can be contractual or tortious. The nature of the error committed determines the type of civil liability for the specialist. In general, for a mental health specialist providing services in prisons, their commitment is to exercise due care. Any negligence in the treatment of a prisoner or failure to monitor and follow up, resulting in harm to the patient, makes the specialist liable for compensation.
3. **Criminal Responsibility of the Mental Health Specialist:** Criminal responsibility for mental health specialists is subject to criminal law. Any criminal behavior committed by them makes them liable for legal prosecution. For example, if they provide a patient with hallucinogenic drugs without a therapeutic purpose, their behavior is considered a crime and is punishable.
4. **Consequences of Legal Responsibility for the Mental Health Specialist:** There are multiple penalties and sanctions that a mental health specialist may face for violating the laws regulating their profession or the laws applicable in the country. Among the penalties are: dismissal from employment, revocation of the professional practice license, financial fines, and imprisonment.

CONCLUSION:

In conclusion of this research on the use of criminal psychology in the judicial system and prisons, we can emphasize the crucial role that criminal psychology plays in the criminal justice system and prison reform. Throughout this research, we have arrived at several important points:


³⁴ Law Kouchner, officially known as "Law No. 2002-303 of March 4, 2002 relating to patients' rights and the quality of the health care system", is an important law in France aimed at strengthening patients' rights and improving the quality of health care. This law is named after the French physician and politician Bernard Kouchner, who played a major role in its preparation. Here are some of the most important provisions of the Kushner Act: 1_ Right to informed consent: The law provides for the principle of obtaining the patient's informed consent. This means that every patient has the right to receive complete, clear and truthful information about their health and the treatments proposed to them, as well as to understand the benefits and risks of these treatments and their alternatives. The patient's consent must be free and informed, and may be withdrawn at any time.

2_ Respect for the patient's dignity: The law recognizes the right of every patient to respect his dignity and his private life. Any kind of inhuman or degrading treatment is prohibited. Patients must be treated with respect and kindness, regardless of their health condition.

3_ Free Doctor Choice: Patients have the right to choose their own doctor, including a general practitioner. They can change their doctor freely, without having to give justifications.

4_ The right to access the medical file: The law guarantees patients the right to access their medical files, so that they can view the medical information related to them. Patients can also request copies of their files.

³⁵ Hamed Abdel Salam Zahran, previous reference, p. 123

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1. Understanding Crime and Criminals: We have shown how criminal psychology can help understand the root causes of crime and the thought and behavior factors of criminals. This can contribute to the development of prevention and intervention strategies.
 2. Individual Assessment: We presented the role of criminal psychology in assessing criminals and defendants. This assists judges and lawyers in making better legal decisions based on objective evaluations of the accused.
 3. Prisoner Rehabilitation: We discussed how criminal psychology can aid in developing rehabilitation programs within prisons based on a scientific understanding of prisoners' needs and factors affecting their rehabilitation.

We value this research with some recommendations:

- Expand Psychological Services in Prisons: Increase budget allocation for providing psychological therapy and assessment services in prisons. Provide continuous training opportunities for psychologists to enhance their expertise in dealing with prisoners.
- Establish Psychiatric Teams in Courts: Appoint qualified psychiatrists to provide psychological medical reports to the court regarding defendants and victims. Provide psychological consultations to judges and lawyers for a better understanding of psychological issues.
- Training and Education: Offer regular educational courses for judges and judicial staff on the latest developments in criminal psychology. Encourage collaboration between law schools and medical schools to develop joint training programs.
- Promote Scientific Research: Fund research in the field of criminal psychology to better understand the causes of crime and the interplay between psychological and criminal factors. Encourage universities and research institutions to conduct studies on the impact of psychological therapy on prisoner behavior.

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