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The Issue of Psychological Forensic Expertise in the Republic of Moldova

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**Питання психолого-криміналістичної експертизи
в Республіці Молдова**

Abstract. Psychological expertise in the Republic of Moldova is a young field compared to other types of forensic expertise. The peculiarities of the development of the society, in which we live, lately, impose different situations from those with which we were accustomed until recently. These also reflect on the changing problems that the modern judicial process has to solve, which is more and more of the non-traditional ones. Respectively, expert assistance in the current judicial process also requires a new approach in order to meet the requirements of up-to-date judicial practice. The article elucidates the stages of development of psychological judicial expertise in the Republic of Moldova. The authors will light on the premises for the development of this kind of expertise, drawing attention to the problems they encountered during the training of the experts and the methodological assurance of the process of investigating the objects of psychological expertise.

Keywords: Psychological expertise, expert assistance, methodological assurance, training of experts, premises for the development.

Анотація. Психологічна експертиза в Республіці Молдова — доволі молодий вид судової експертизи порівняно з рештою. Сьогодні особливості розвитку суспільства нав'язують інші ситуації, аніж ті, до яких фахівці вже звикли. Вони відображають мінливі проблеми, які має вирішувати сучасний судовий процес, набуваючи все більш нетрадиційної форми. Для того щоб відповідати вимогам сучасної судової практики, експертна допомога потребує нових підходів. У тезах висвітлено етапи розвитку психологічної судової експертизи в Республіці Молдова. Автори аналізують передумови розвитку цього виду експертизи, звертаючи увагу на проблеми підготовки експертів і методичного забезпечення процесу дослідження її об'єктів.

Ключові слова: психологічна експертиза, експертна допомога, методичне забезпечення, підготовка фахівців, передумови розвитку.

The Soviet practice of denying the importance of forensic psychological expertise, which is still preserved today, has led to a lack of scientific research in this field, as well as investigative methodologies, manuals and work instructions. There is also a lack of training programs for prosecutors, lawyers and judicial experts in the field of psychological expertise.

Similar conclusions regarding the psychological aspect in the investigation of crimes related to torture were made following the study of the Criminal Reform Institute (CRI), “Psychological-judicial expertise of victims of torture in the Republic of Moldova. Psychological-medical aspects”, carried out in 2015 [1].

At the time of the study, there was only one forensic expert in the Republic of Moldova with the right to conduct psychological forensic examinations, and he was active in the private sector. It is obvious that he did not have the capacity to provide the judicial process with scientific solutions at the required level.

According to the CRI representative, Igor Dolea, “In the Republic of Moldova there is a problem related to the performance of expertise. Our legislation stipulates that psychological expertise can only be done in a state institution. At the same time, we do not have accredited psychologists who can do this expertise. There is only one, but his expertise is not accepted by the court because he works in a private institution” [1].

Consequently, we find the same state of affairs 7–10 years ago, with reference to psychological judicial expertise and the investigation of other types of crimes, which require scientific clarification in the psychological field.

Although, in turn, about the cases related to torture, Ina Moraru, psychologist, university lecturer, mentioned that as a solution there are psychologists trained in the field, and the Free International University of Moldova, for example, also has a master’s program in Legal Psychology, the problem has not been resolved. No legal institution, however, is authorized to license these specialists, and the examination of the mental state of the victims of torture continues to be performed in most cases by specialists from psychiatric institutions. Moreover, the Republic of Moldova does not have a nationally recognized methodology for examining cases of torture. In this regard, Ina Moraru proposed that relevant institutions, such

as the Prosecutor’s Office, the Ministry of Health, CRI, the National Center for Judicial Expertise, with the support of specialists in the field, meet to develop a methodology accepted by all parties [1].

We consider that the path taken by the National Center of Judicial Expertise, starting with 2016 to facilitate expert assistance in the field of psychological forensic expertise of the judicial process. Is one corresponding to the gnoseological criteria of expertological and procedural, precisely, as long as he is untrained and professional, holds a degree in science and teaches in psychology, he cannot directly apply his knowledge for judicial purposes (solving scientific problems for the judicial process).

We remind you that the expertise outlines very clearly the profile of the competencies of persons exercising the profession of judicial expert:

1. Basic studies in a specific field mentioned above (legal studies with the condition set out);
2. Specialization in the detection, fixing, lifting and examination of traces and material means of proof, (possession of «special knowledge» in a particular field);
3. Experience in detecting, fixing, picking up and examining traces and material evidence (experience in applying «special knowledge» in a particular field);
4. Demonstrated skills and experience in scientific examination of evidence and material evidence (demonstrated experience in applying «special knowledge» in a particular field to the examination of evidence and material evidence) [2, p. 22].

Admission to the profession of judicial expert covers all the requirements from 2 to 4, stated above, the first candidate proving it by diploma of studies. At the same time, in the forms of training mentioned above, the tasks deriving from requirements 2–4 are performed and are based on requirement no. 1. This is the link between professional and special knowledge, as demonstrated by both science and the practice of forensic expertise [3, p. 54].

Thus, the psychological specialists have access to the profession of judicial expert under the conditions set out above, stipulated in the special legislation of the Republic of Moldova [4, art. 40–44] and obtained a license in the specialties in the psychological-judicial field (code 22) [5, p. 33] and clinical-psychological (code 29) [5, p. 38,

39]. Currently, eight judicial experts licensed in the specialties of psychological forensic expertise in both fields are registered in the State Register of Judicial Experts [6, p. 9, 24, 58 etc].

If we refer to the provision of the practice of psychological judicial expertise with methodological-scientific support, it should be mentioned that in this sense are developed standard methodologies for performing expertise for areas of expertise according to the nomenclature [7, p. 5, 6]. These methodologies have been developed with the scientific assistance of the academic environment, but also of the judicial experts with advanced experience, so that they serve until now as a basic methodological landmark. Of course, as this area needs considerable improvement, new approaches, advanced research are needed, continuous and oriented towards meeting the current requirements submitted to the field of psycho-judicial expertise by the judiciary.

We are satisfied that our colleagues from other countries, especially from Ukraine and Romania, are advanced in this field and we have where to study and enrich both theory and expert practice on segments of validation of methodologies, ensuring the validity of the psychological judicial results, and more.

Although the respective staged process, being according to the provisions of the scientific research examination, is currently successfully applied (with some logical transformations) in non-judicial expertise, at the moment, we cannot talk about the fact that psychological expertise is fully provided with methods. solid, stipulating very clearly the necessary steps (steps), research methods and operations that the expert must perform at each stage of the research.

An issue that we consider necessary to draw attention to, would be the unique scientific-methodical approach of the practice of psychological judicial expertise – a mandatory condition for obtaining objective results, on a scientific basis.

Such unification will allow comparable results to be obtained by different experts. This guarantees the observance of the essential principles in the activity of judicial expertise: the objectivity, multilateralism and fullness of the research, as well as ensures the possibility to verify the validity and reliability of the conclusions offered in this way. We believe that the standardization of forensic

methods and their unification will form the basis of the new processes of reforming the justice sector, at the international level.

In the European Union, since 2015 there is a guide to good practice in civil judicial expertise, which includes stipulations on this issue. The guide contains general principles of quality assurance of expert services, including that “The appointment of a legal expert natural or legal person must be based on a legal framework that includes a quality assurance system based on common rules, and uniforms, including accreditation and certification” [8, p. 24].

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