

## PSYCHOLOGICAL METHODOLOGY OF CRIME DETECTION (ZIGMUND FREUD ON CRIME)

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### Abstract

Sigmund Freud is recognized worldwide as the original psychoanalyst founded to form theories and concepts surrounding the existence of mental illness and its nature in relation to human behavior. Throughout his psychological and psychoanalytic studies, Freud concluded that behavior can be explained through the investigation of one's experiences and traumas by accounting for the motivation of a person's actions. Interpretation of his findings concluded that a person can adapt his/her behavior from childhood experiences to become part of the hidden state of consciousness. He studied unobservable behaviors, parts of personality that are not clearly visible within one's nature and at a basic level, cannot be explained.

In 1923, Freud created a psychological idea or theory that the human mind had three elements that conceptually make up the "Psyche". The Id (instincts), Ego (reality), and Superego (morality) are not tangible physical areas within the brain, but rather entities that Freud concluded make up the human personality. What Freud called the "psychic apparatus," three elements of the human personality are now established as the unconscious level that dictates biological desires and instincts.

Psychoanalytic criminology is a method of studying crime and criminal behavior that is based on Freudian psychoanalysis. This theory or school of thought examines the personality and psyche (especially the unconscious) for motive in crime. Other areas of interest are fear of crime and the act of punishment.

Criminal behavior is attributed to maladjustment and dysfunctional personality. According to Buhagiar, "psychoanalytic criminologists were not against the principle of solitary confinement and often favored increased punishment."

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### 1. Introduction

The criminal offense aims to attack those human behaviors that affect goods that have a fundamental value for the whole society. Precisely in order to understand the legal value of the facts provided in the law as criminal offenses in relation to the legal goods which the legislator intends to protect, it is necessary to separate and scientifically analyze all the constituent elements of the criminal offense. In order for a criminal offense to exist, it is not enough only to realize the image of the criminal offense, it is also necessary to be guilty on the part of the author. <sup>1</sup>So, the scientific research of this thesis will focus on Guilt as an institution of criminal law, as well as the forms in which this institution is manifested, on which criminal responsibility is based. Guilt represents in itself the psychic attitude that the person holds against the socially dangerous act that comes or can come from it, illegal and harmful consequence.

This institute represents the foundation or legal basis on which criminal responsibility is created and supported. Starting from the principle of Roman law "Nullum crimen, nulla poena sine culpa" (There is no crime and there is no punishment without guilt), <sup>2</sup>we can easily approach the research of this institute as well as the purpose of the principle in question, according to which for every act caused by guilt by the author of the criminal act, the

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<sup>1</sup>Modly, D., 1990, Internal organs of implementation čl. 154. ZKP, Ministry of Internal Affairs of the Republic of Hrvatske, Zagreb

<sup>2</sup>Bošković M., 2005, Kriminalistička metodika, Policijska akademija, Belgrade

<https://doi.org/10.62792/ut.jus.v12.i21-22.p2780>

limitation and setting in certain frameworks the right of the state to punish is foreseen. The research of this thesis will mainly be based on the clarification of the subjective side of the picture of the criminal act, where the investigation of Guilt and the forms in which it manifests itself will be considered, always based on the Principle on Guilt that: " *No one can be punished for an action or omission provided by law as a criminal offense, if the offense was not committed guilty* ". Guilt is therefore defined as the mental attitude that a person holds towards illegal action or inaction and its harmful consequences. As an institute of criminal law, it is one of the most fundamental and complex issues, especially for criminal responsibility and punishment.<sup>3</sup>

How does Freud's Psychoanalytic Theory explain the situation of Crime?

According to the theory of criminality, criminal behavior is caused by the mind, the idea, the brain, as an overly active consciousness of a person who does not control the idea and action, has no control over the impulse and needs for immediate gratification, the feeling for the Party appears. According to Froj, criminality is caused by a very active superego from the conscious nature. Psychoanalytic theory as a theory and theoretical approach was proposed for the first time by Sigmund Freud - the world-renowned psychoanalyst. Psychological theory suggests that there are three parts to the human psyche: id, ego and superego. The id is the part of the psyche that is responsible for our basic needs and desires. The ego is the part of the psyche that is responsible for our conscious thoughts and actions. The superego is the part of the psyche that is responsible for our moral values and beliefs.

The theory suggests that when the id and ego are in conflict, the ego may turn to crime as a way to resolve the conflict. <sup>4</sup>If we are looking for a connection between psychodynamic theory and crime, it seems that using the material of Freud 's theory , we find that these two concepts are related to the fact that its problems in development lead to imbalance in the personality, which later lead to the development of development and crime. Criminal behavior as a psychological entity usually as a conflict between the id, ego and superego from psychodynamic theory. Psychoanalytic criminology is a theory of crime and criminal offenses that is based on Freudian psychology. A change for the offensive change is based on the influence of all her children in her ministry. As explained by Freud's concepts of the unconscious mind and the tripartite personality, criminal behavior can be traced to the unconscious mind. Our adult lives are shaped by our children, according to psychodynamic theory. Psychodynamic (psychoanalytic) theory was developed by Sigmund Freud in the late 1800s and has gained increasing popularity in the history of criminality (Siegel, 2005). Freud believed that each individual carries "residues of the most significant emotional attachments of our childhood, which then guide our future interpersonal relationships" (Siegel). Freud theorized that personality is a tripartite structure consisting of the id, ego, and superego. These three components work together to create a behavior. The id creates the demands, the ego puts the demands created by the id into a larger context using reality, and finally the superego suppresses the id and tries to make the ego behave morally rather than realistically . Psychodynamic theory is important to criminology because it explains that "criminal" or "abnormal" behavior is the result of abnormal development of the psyche.<sup>5</sup>

## 2. The feeling of guilt

So, the scientific research of this thesis will focus on Guilt as an institution of criminal law, as well as the forms in which this institution is manifested, on which criminal responsibility is based. Guilt represents in itself the psychic attitude that the person holds against the socially

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<sup>3</sup>Bošković M., 2005, Kriminalistička metodika, Policijska akademija, Belgrade

<sup>4</sup><https://www.leicestershirevillages.com/how-does-the-psychoanalytic-theory-explain-crime/>

<sup>5</sup><https://www.bartleby.com/writing/sign-up>

dangerous act that comes or can come from it, illegal and harmful consequence. This institute represents the foundation or legal basis on which criminal responsibility is created and supported. Starting from the principle of Roman law "Nullum crimen, nulla poena sine culpa" (There is no crime and there is no punishment without guilt), we can easily approach the research of this institute as well as the purpose of the principle in question, according to which for every act caused by guilt by the author of the criminal act, the limitation and setting in certain frameworks the right of the state to punish is foreseen. The research of this thesis will mainly be based on the clarification of the subjective side of the picture of the criminal act, where the investigation of Guilt and the forms in which it manifests itself will be considered, always based on the Principle on Guilt that: <sup>6</sup> " *No one can be punished for an action or omission provided by law as a criminal offense, if the offense was not committed guilty* ". Guilt is therefore defined as the mental attitude that a person holds towards illegal action or inaction and its harmful consequences. As an institute of criminal law, it is one of the most fundamental and complex issues, especially for criminal responsibility and punishment. *Guilt* or lack thereof in the commission of the criminal offense is assessed by the court and declared in its final decision. In the context of such a point of view on the definition of guilt, the forms in which Guilt is presented will also be researched, such as: *Intention (dolus )* and *Carelessness (culpa )*. Intention is defined as the conscious and desirable commission of a criminal offense. In the structure of the notion of guilt, it is presented as one of the elements through which the psychological relationship of the perpetrator to his act is expressed and at the same time the basic psychological substrate of Guilt. <sup>7</sup>Bearing in mind that *the Will* appears in several forms, precisely during the research we will focus on the forms of this component that are closely related to the consciousness of the perpetrator, although it is worth emphasizing that the special types of the Will according to their psychological structure are not distinguished from the elementary structure of Intention in general, as a conscious and desirable commission of a criminal offense. Negligence as a form of Guilt will also be part of this scientific research, but it is important to emphasize that in contrast to Intention, this form of Guilt is a criminal offense it is carried out when the person, even though he does not want the consequences, foresees the possibility of their arrival and with his light-heartedness hopes to avoid them, or does not foresee them, although according to the circumstances he should and has the opportunity to foresee them. Negligence and Intention differ between themselves due to the different psychic attitude of the person towards the socially dangerous action or inaction. This conception of these two forms of guilt will enable us to approach the distinguishing aspect between carelessness with excessive self-confidence and indirect will, as a way of thinking about the possible consequences that can prevent them. The degree and character of the prediction of the consequences in carelessness with overconfidence are neither equal nor the same as those of intention. Carelessness in the form of excessive self-confidence is a characteristic of criminal offenses of violation of the rules of protection at work, violation of the rules of road traffic, etc.<sup>8</sup>

### 3. Killing conscience

Consciousness, according to traditional psychology, is the human ability to acquire knowledge voluntarily. Conscience is the ability to self-judge, to feel remorse and regret when we do things that are against the moral norms of the individual or the relevant social group. Such feelings are not achieved by the mind, although they may cause us to "examine our conscience" and revise these moral norms, or perhaps manage to avoid repeating behaviors.

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<sup>6</sup>Kanevčev M: 2000: Practice of criminal debt (general part), Skopje

<sup>7</sup>Kanevčev M: 2000: Practice of criminal debt (general part), Skopje

<sup>8</sup>Kanevčev M: 2000: Practice of criminal debt (general part), Skopje

Common metaphors we use in relation to consciousness are: "voice of conscience", "inner voice", "rodent of conscience", "clear conscience", etc.

Many people think that conscience is a special level of human consciousness, which pushes us, even forces us, for ethical and moral reasons to perform or not certain actions. The decisions we make may appear to us as inevitable or conscious, that is, in the expected and conceivable knowledge of the consequences (responsibility).

Although philosophers have debated the nature of consciousness for hundreds of years, the modern study of the psychology of consciousness begins with William James who defined consciousness as the capacity to be aware of experiences and knowledge (James, 1904). In his 1890 book, James described the most important features of consciousness. First, every thought is part of an individual's personal consciousness. Second, consciousness is always changing. Third, consciousness is a continuous process that cannot be divided into segments. And fourth, consciousness selects from its environment those of which it will be aware. Thus, according to James, who compared consciousness to a flowing river, our "stream of consciousness" is personal, changing, continuous, and selective.

Psychologist Sigmund Freud (Sigmund Freud) thought of consciousness as derived from the über-Ich (orig. Über-Ich), which in turn is guided by our parents during childhood. According to Freud, the consequence of disobeying our conscience is "guilt", which can be a factor in the development of neurosis. Distinctive views of consciousness

#### **4. The psychological method of criminality detection**

In the methodology of discovery, clarification and witnessing of some types of criminal offenses, in addition to the lessons of criminalistic technique and tactics, the comprehensive application of the knowledge of forensic medicine, criminal psychology and criminal psychology comes to full expression. It is incorrect the worldview that the methodology does not dare to process the facts which are studied by these auxiliary disciplines of criminology. Although there are still some skeptics, criminology is now considered a scientific discipline. This is based on the fact that it has its own methodological structure, through which it critically observes the existing criminalistic rules (*de lege lata*), and organizes and analyzes them. In addition, it shapes and defines the principles and institutes of criminology and proposes changes (*de lege ferenda*) depending on the current and future development of criminality. By defining the mutual relations of its content as rules on the discovery (heuristic aspect) and the argumentation (syllogistic aspect) of punishable acts, criminological science uses the notions and terms it has created in its bosom (criminological terminology) and contributes to the explanation of its own rules and their adequate implementation. When talking about criminology, we can talk about criminological science in the narrow sense, about criminological theory and dogma, which with its authority and scientific support becomes a necessary and inevitable source for the implementation of criminology. Criminological theory and practice complement each other and jointly contribute to the performance of criminalistic tasks (*in ultima linea*), prevention and destruction of criminality. Recent studies and trends are increasingly focusing on the construction of psychological profiles. Profiling is related to the typology and totality of external and internal characteristics of the individual, - and not only, - which helps police officers and investigators, in making accurate predictions about the probability that a person has committed a crime, the possibility of the dangerousness of a form of crime in society, etc. The purpose of this paper is to deal with an analytical point of view the necessity of building and using psychological profiles in the field of investigation, and beyond, stemming from the high level of attention worldwide, in Europe and America, for this relatively new practical science. The methodology followed, within the framework of fulfilling the purpose of the work, is specific and the applied methods

are qualitative ones, where literature research in foreign and Albanian languages was carried out; logical, didactic and block analysis was used; as well as case studies of building and applying profiles. Profiles can be general, which can refer to the typology of different forms of crime, - like the case treated in the text, of the profile of cybercrime in Albania, - and help to determine the degree of the problem of a crime, for understanding the level of dangerousness, etc. Profiles can also be special, related to the collection of data during the occurrence of a crime related to the author, the victim, or even the crime itself. In this case, profiles provide a historical view of the behaviors, preferences, characteristics of the person or event. They are based on the main source that is the crime scene and serve to make predictions, build a "type suspect" and help find the culprit or culprits. These explanations are accompanied by a case study, which addresses the building of the profile according to the five stages, according to the FBI model, that are concretized by means of a concrete event. Psychological profiles are used in all areas of life, especially in the field of investigation, legal, psychological and police practice. Despite the not entirely absolute results they provide, they are necessary to use as they develop the interpretive and analytical ability of the event and affect the efficiency of the investigation process and the study of the broad field of criminality in general.

## **5. Conclusion**

The importance and reasons for the research of this paper are numerous, but one of the most important is that this paper will be a kind of help to understand in detail the institution of Guilt, the forms of its manifestation and the importance of these forms in criminal jurisprudence. Therefore, the realization of this work will serve the design of an internal functional structure of all state structures, in particular the State Prosecutor's Office and the Judiciary regarding the case-by-case identification of the constituent elements of the criminal offense, mainly Guilt, with the aim of helping to make the difference clear between the criminal offenses and on the basis of which the author will be accused. The more grounded the judicial process of determining guilt will be, the more legal will be the activity of the criminal proceedings and criminal justice bodies in the continuation of further actions. So, the work, in fact, in a modest way, will have an impact on the modernization of our criminal legislation, especially in the part of the subjective side of the picture of the criminal offense, but also of the criminal procedure. In this part, our Criminal Code needs to be reformed, according to the general legal-penal principles, to be perfected and to be closer to the contemporary attitudes of the Criminal Law as well as to the relevant European practice.

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