



# Psychosocial determinants of false testimonies: The role of social pressure and cognitive vulnerability

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## Abstract

False testimony represents a critical challenge in criminal justice, not only as a legal infraction but also as a complex psychological and social phenomenon. This paper explores the multifaceted influence of social pressure and psychological factors on the emergence and persistence of false testimonies, particularly in high-stress legal environments. Drawing on empirical studies from forensic psychology, the research highlights how conformity, obedience to authority, and groupthink can distort memory and judgment, leading witnesses or defendants to provide inaccurate or fabricated accounts. Furthermore, psychological vulnerabilities such as suggestibility, cognitive dissonance, anxiety, and traumatic experiences may significantly increase susceptibility to external influence during interrogation or testimony.

The paper also addresses the interplay between systemic pressures—such as prolonged trials, adversarial questioning, and coercive interviewing techniques—and individual psychological dynamics that shape testimonial accuracy. Special attention is given to vulnerable populations, including minors, individuals with cognitive impairments, and those with heightened dependency on authority figures, for whom the risk of false statements is particularly acute. Through a critical review of recent case studies and experimental data, the study argues for the implementation of protective legal mechanisms and trauma-informed procedures to safeguard

the reliability of testimonies. The findings support a multidisciplinary approach, integrating legal reform, psychological screening, and specialized training for legal professionals.

Ultimately, the paper underscores that false testimony cannot be understood in isolation from its psychological and social context, and that justice depends not only on legal evidence but on the cognitive integrity and autonomy of those who testify.

**Keywords:** false testimony, social pressure, suggestibility, forensic psychology, legal reliability

## **I. Introduction**

The witness constitutes a central actor in criminal proceedings, often perceived as the “eyes and ears of justice” (Stati V., Spînu (Dumneanu) L., Ștefănoaia M.,2024). Their testimony frequently represents the primary source of evidence in numerous cases, although it is subject to limitations and risks arising from subjectivity, selective memory, psychological pressures, or external threats (Gudjonsson, 2003; Loftus, 2005). The importance of the witness in uncovering the truth is indisputable; however, the probative value of their testimony is strongly influenced by psychological and social factors (Bull, 2010).

Especially in complex criminal cases, where material evidence may be insufficient or entirely absent, the witness’s deposition can have a decisive impact on the outcome of the trial (Stati V., Spînu (Dumneanu) L., Ștefănoaia M.,2024). Moreover, the witness is not merely a passive recipient of events but an active participant whose perception is shaped by their own cognitive filters, the emotional context in which the events occurred, and the conditions under which they are questioned (Gudjonsson, 2003). In this regard, forensic psychology has demonstrated that the witness does not faithfully reproduce reality but reconstructs it in a process influenced by memory, suggestibility, and various emotional states (Loftus, 2005).

Thus, there is a dual nature of the witness: on the one hand, they are indispensable for uncovering the truth; on the other hand, they represent a potential source of uncertainty and judicial errors. Empirical studies show that the witness’s memory can suffer distortions even in ordinary situations, all the more so in traumatic contexts or under conditions of stress, fear, or intimidation (Bull, 2010; Pozzulo et al., 2012).

Furthermore, external pressures, such as direct threats, blackmail, or fear of retaliation, can lead witnesses to be reluctant to testify or to alter their statements in order to avoid negative consequences (Gudjonsson, 2003). In cases involving organized crime, corruption, or extreme violence, these risks become even more pronounced, which is why modern legislation has introduced measures for the protection of witnesses, including anonymity, video-conference testimony, or identity changes (Neagu, 2021).

In the context of respecting fundamental rights and the requirements of a fair trial, research concerning witnesses emerges as a complex field located at the intersection of criminal law, forensic psychology, and criminology (Pozzulo et al., 2012). This interdisciplinary approach is essential because the protection of witnesses cannot be reduced solely to legal measures but also involves psychological interventions aimed at mitigating the emotional impact of participating in the legal process (Bull, 2010).

Forensic psychology has made significant contributions to understanding the mechanisms of memory, the factors influencing the credibility of witnesses, and interviewing techniques that can reduce the risk of contaminating statements (Loftus, 2005). At the same time, criminology examines the social dynamics within which the witness formulates their deposition, including the effects of environmental factors, group pressures, and community culture on their behavior in court (Pozzulo et al., 2012).

Therefore, the role of the witness in criminal proceedings cannot be analyzed in isolation but must be integrated into a broader framework that considers the interaction between law, psychology, and legal sociology. Only in this way can both the efficiency of criminal proceedings and the respect for the fundamental rights of individuals, including those of the witness—who, although not a party to the trial, often bears significant emotional and social consequences—be ensured (Bull, 2010).

## **II. The importance of the witness in criminal proceedings**

The witness's statement remains one of the essential pieces of evidence in criminal proceedings, often proving decisive in determining the guilt or innocence of the defendant (Bull, 2010). In legal doctrine, the witness is regarded as an “instrument for discovering the truth”; however, their human nature inevitably entails subjectivity and cognitive limitations. Psychological studies show that human memory does not function like a video camera but is instead a reconstructive process, in which details are often supplemented, omitted, or modified depending on emotions, social contexts, and external suggestions (Loftus, 2005). Loftus (2005) has demonstrated through numerous experiments that eyewitnesses can develop false memories when exposed to erroneous information or suggestive questioning, a phenomenon known as the “misinformation effect.”

This fragility of the witness's memory has major implications for justice, as witness statements are often considered highly valuable evidence, especially in situations where other material evidence is lacking (Pozzulo et al., 2012). Furthermore, research by Wells and Olson (2003) has shown that mistaken identifications by eyewitnesses represent one of the main causes of wrongful convictions, highlighting the vulnerability of the judicial system in accurately assessing the credibility and accuracy of testimonies.

In addition to cognitive vulnerabilities, witnesses can be subjected to external pressures, intimidation, or manipulation, particularly in complex criminal cases involving organized crime, terrorism, or corruption (Gudjonsson, 2003). Gudjonsson (2003) emphasizes that witnesses can become victims of psychological pressure, threats, or promises, which can affect the authenticity and spontaneity of their statements. Such pressures may lead witnesses either to be reluctant to cooperate with authorities or to provide false statements dictated by fear or a desire for self-protection (Bull, 2010).

Moreover, there are situational factors that influence the quality of a witness's statement, such as the duration of exposure to the event, lighting conditions, distance from the incident, or the level of stress experienced at the time of perceiving the events (Wells et al., 2006). Studies have shown that high levels of stress and anxiety can diminish the ability to observe and retain details (Pozzulo et al., 2012). Additionally, young witnesses, elderly

individuals, or those belonging to vulnerable groups are considered more susceptible to external influences and suggestibility (Gudjonsson, 2003; Pozzulo et al., 2012).

This reality makes it necessary to critically analyze each statement, considering the context in which it was obtained, the interviewing methods used, and the emotional and cognitive conditions of the witness at the time of giving testimony (Fisher & Geiselman, 1992). Fisher and Geiselman (1992) proposed the technique of the cognitive interview, designed to reduce external influences and increase the accuracy of memories—a method that is now regarded as a standard in investigative psychology.

Therefore, the importance of the witness in criminal proceedings is indisputable; however, the probative value of testimony must always be evaluated in light of the psychological and contextual vulnerabilities to which the witness is exposed (Bull, 2010; Loftus, 2005; Wells et al., 2006). Only in this way can the witness be prevented from transforming from a source of discovering the truth into a potential vector of judicial errors.

### **III. The witness's vulnerabilities and psychological implications**

The vulnerabilities of the witness derive from a multitude of sources, exerting their influence both at the cognitive level and the emotional, social, and procedural levels. Understanding these vulnerabilities is essential for accurately assessing the probative value of testimony and ensuring a fair criminal trial (Bull, 2010).

#### **Cognitive Factors**

Distorted memory constitutes one of the most critical vulnerability factors in eyewitness testimony, with substantial implications for the reliability of judicial outcomes. As demonstrated in Loftus's seminal work (2005), memory does not operate as a fixed recording device but rather as a dynamic, reconstructive process. This reconstructive nature makes it highly susceptible to external influences. The "misinformation effect" exemplifies this vulnerability: when witnesses are exposed to misleading or false post-event information, their original memory can be altered, either by incorporating new, erroneous details or by replacing accurate recollections with fabrications. Such distortions may arise inadvertently—without any intention to deceive—yet can profoundly mislead investigators and adjudicators.

The cognitive fragility of memory underpins why even well-intentioned eyewitnesses may convey events inaccurately. The problem is exacerbated under conditions of psychological strain. Research by Pozzulo et al. (2012) underscores that factors such as extreme fatigue, acute stress, and trauma significantly impair the encoding, consolidation, and retrieval of episodic memories. In states of high arousal, attentional focus becomes narrowed—often to central stimuli—while peripheral details, though potentially vital for legal inquiry, are more likely to be omitted or misremembered. Wells et al. (2006) further highlight that such conditions affect the completeness and internal consistency of witness accounts, which can vary substantially across recountings even in the absence of malice or fabrication.

These insights necessitate a nuanced interpretation of testimonial evidence within criminal proceedings. From a legal-psychological perspective, the reliability of witness statements must be assessed not merely by the witness's demeanor or confidence, but in light

of the cognitive and environmental conditions under which the memory was formed and later retrieved. Courts are increasingly urged, in alignment with ECtHR standards, to corroborate testimonies with independent forms of evidence to prevent wrongful convictions or acquittals based solely on potentially contaminated statements.

In sum, distorted memory—especially under conditions of stress or post-event misinformation—presents a formidable challenge to the administration of justice. It requires courts to employ a multidisciplinary approach that integrates cognitive psychology with evidentiary prudence, ensuring that the fallibility of memory does not undermine the fairness of criminal adjudication.

### **Emotional and social factors**

In addition to cognitive vulnerabilities, emotional and social factors exert a significant and often underestimated influence on the reliability of witness testimony. Emotional states such as anxiety, fear, shame, or guilt can deeply affect both the decision to testify and the quality of the information provided. Witnesses involved in cases of interpersonal violence, sexual assault, or other traumatic events frequently exhibit psychological responses that compromise their ability to give coherent, linear, or complete narratives. According to Bull (2010), the psychological burden associated with recounting traumatic experiences may lead individuals to avoid testifying altogether or to provide minimal, fragmented, or selectively suppressed information. In cases involving shame—particularly in sexual offense trials—witnesses may consciously or unconsciously omit critical details to protect their self-image or avoid retraumatization.

Gudjonsson (2003) underscores the clinical impact of trauma on memory by pointing to the potential onset of post-traumatic stress disorder (PTSD) among witnesses. PTSD is known to impair autobiographical memory, often manifesting in symptoms such as intrusive recollections, dissociation, memory fragmentation, or even partial or complete amnesia for the traumatic event. These phenomena can result in inconsistent or incomplete statements, which, if not properly contextualized by forensic experts or legal professionals, might erroneously be interpreted as signs of deception or unreliability.

Moreover, the social context in which testimony is provided plays a pivotal role in shaping the witness's account. Social pressure—whether implicit or overt—can influence individuals to conform their recollections to perceived expectations from law enforcement, legal actors, or societal narratives. Gudjonsson (2003) introduces the concept of *interrogative suggestibility*, describing how vulnerable witnesses, especially those who perceive themselves as lacking authority or being under psychological pressure, may alter their responses during questioning in an effort to please the interviewer or to avoid conflict.

This tendency is closely related to the well-documented phenomenon of social conformity. As shown in numerous experimental studies, including those cited by Pozzulo et al. (2012), individuals are inclined to adjust their statements to align with majority opinions or authoritative cues, particularly when they experience uncertainty, fear of social judgment, or isolation. In legal settings, this conformity can subtly reshape testimony, leading to

inaccuracies that reflect not the witness's true memory, but rather an adaptive response to external pressure.

Taken together, these emotional and social influences necessitate a trauma-informed and context-sensitive approach to evaluating witness credibility. Legal professionals must remain cautious not to misinterpret emotional dysregulation, hesitations, or inconsistencies as signs of intentional falsification. Instead, they should consider the broader psychological and social dynamics that influence witness behavior, and where appropriate, involve forensic psychologists to assist in the interpretation of such evidence. This multidisciplinary understanding is essential for safeguarding the rights of vulnerable witnesses while maintaining the integrity of the judicial process.

### **Legal and procedural factors**

Another critical layer of vulnerability in witness testimony stems from the legal and procedural environment in which statements are elicited. The courtroom, as a highly formalized and hierarchical setting, can exert psychological pressure that disproportionately affects witnesses—especially those unfamiliar with legal proceedings or coming from marginalized, low-literacy, or socioeconomically disadvantaged backgrounds. As Bull (2010) notes, the technical language used in judicial contexts, combined with rigid procedural protocols, can confuse, alienate, or overwhelm witnesses, thereby impairing their ability to communicate clearly and confidently.

The solemn atmosphere of the courtroom—characterized by formality, ritualized behavior, and the physical layout that places the witness under observation—can heighten feelings of anxiety. This stress is compounded by the presence of adversarial parties, particularly in criminal trials, where the accused may be physically present and where cross-examination often takes on an aggressive or confrontational tone. Gudjonsson (2003) emphasizes that such procedural dynamics can inhibit spontaneous speech, lead to verbal blocking or cognitive overload, and diminish the accuracy and comprehensiveness of testimony. In extreme cases, witnesses may become evasive, overly cautious, or emotionally dysregulated, not as a result of deception, but as a defensive reaction to the intimidating judicial environment.

An even more serious vulnerability arises when protective measures for witnesses are inadequate or absent. This is especially critical in cases involving serious violent crimes, organized crime networks, or high-profile corruption cases, where witnesses may be subjected to intimidation, threats, surveillance, or actual physical violence. As Bull (2010) highlights, the lack of effective witness protection mechanisms can directly undermine the willingness of individuals to testify truthfully or at all. Fear for personal safety or for the safety of family members can drive witnesses to retract statements, withhold information, or deliberately provide false or misleading testimony as a means of self-preservation.

Gudjonsson (2003) further elaborates that this risk-driven behavior must be carefully distinguished from perjury or non-cooperation stemming from ill will. In many instances, the decision to alter testimony is a rational response to perceived or real danger in the absence of

credible protection. The witness may be placed in the impossible position of choosing between their civic duty and the protection of their own life.

Therefore, from a legal-psychological standpoint, the procedural context must be treated not merely as a neutral backdrop, but as an active variable influencing the reliability and authenticity of witness statements. Courts and legal practitioners have an obligation to implement trauma-informed, witness-sensitive protocols that minimize intimidation and maximize safety. This includes simplifying legal language where possible, providing psychological or legal support during testimony, and ensuring that robust witness protection frameworks are in place—especially in high-risk cases. Failing to account for these procedural vulnerabilities risks compromising not only the testimony itself, but the legitimacy of the entire trial process.

### **Psychological implications**

#### **ChatGPT said:**

The psychological implications of a witness's participation in criminal proceedings are profound and multifaceted, affecting both their emotional well-being and cognitive functioning. Far from being passive bystanders, witnesses are often involuntary participants in a process that can reawaken trauma and induce acute psychological distress. Particularly in cases involving violent offenses, abuse, or sexual assault, confronting the defendant in the formal, often adversarial setting of a courtroom can serve as a powerful trigger. As Pozzulo et al. (2012) emphasize, this exposure can reactivate symptoms of post-traumatic stress disorder (PTSD), such as flashbacks, dissociation, anxiety attacks, and emotional numbing. These symptoms not only affect the witness's overall mental health but can directly impair the clarity, coherence, and reliability of their testimony.

Given the psychological toll of judicial participation, the specialized literature strongly advocates for the provision of pre- and post-testimony psychological support for vulnerable witnesses. Bull (2010) underlines the necessity of such measures, not merely as auxiliary forms of care but as essential components of procedural fairness. Appropriate psychological counseling can help prepare witnesses for the demands of testimony, equip them with coping strategies for stress, and provide a critical space for emotional debriefing after their courtroom appearance. Failure to provide such support not only endangers the mental health of witnesses but may also discourage their cooperation or distort the evidentiary process.

In recognition of these challenges, modern investigative practices have begun to integrate psychologically informed techniques aimed at minimizing harm and enhancing the accuracy of witness accounts. One such technique is the *cognitive interview*, developed by Fisher and Geiselman (1992), which is structured to align with the natural processes of memory retrieval. Unlike traditional question-answer formats that may induce stress or suggestibility, the cognitive interview encourages open-ended recall, reinstatement of context, and multiple perspectives on the event. It avoids leading questions and instead fosters a psychologically safe environment, enabling witnesses to retrieve more accurate and comprehensive memories without undue influence.

These procedural and psychological safeguards are not optional add-ons—they are fundamental to preserving the integrity of justice. As Wells et al. (2006) argue, the vulnerabilities of witnesses, if unaddressed, can result in serious miscarriages of justice, including wrongful convictions or the acquittal of guilty parties. A fair trial is not possible without credible, uncoerced, and psychologically unburdened testimony.

In conclusion, the complex vulnerabilities of witnesses must be fully acknowledged and systematically addressed. These vulnerabilities are not only individual psychological challenges but structural issues with profound implications for legal fairness. An interdisciplinary approach that integrates insights from clinical psychology, forensic interviewing, and legal safeguards is essential. By aligning legal procedures with psychological realities, the justice system can ensure that witnesses are not re-victimized by the very processes designed to protect society, and that the quality of evidence presented is both ethically and epistemologically sound. This comprehensive protection serves the dual imperative of human dignity and legal truth.

## **IV. Research Methodology**

### **Purpose of the Research**

The purpose of this study is to conduct a comprehensive analysis of the role of the witness in criminal proceedings, focusing on the probative importance of their testimony, the vulnerabilities to which they are exposed, and the psychological implications associated with participating in judicial procedures.

### **Research Objectives**

- To identify psychological and contextual factors that affect memory and the veracity of witnesses' statements.
- To evaluate existing legislative and procedural measures for the protection of witnesses.
- To examine the psychological implications of witnesses' participation in criminal proceedings.
- To propose directions for improving witness protection and enhancing the quality of testimonial evidence.

### **Research Questions**

**RQ1: To what extent does social pressure influence individuals to provide false testimonies in legal contexts?**

Social pressure exerts a significant influence on individuals' willingness to provide false testimonies in legal contexts. Classic research on conformity, such as Asch's (1951) experiments, demonstrates that individuals may change their responses to align with group norms, even against their own perceptions. In legal settings, this pressure can be amplified by the authority of law enforcement, courtroom dynamics, or the presence of co-witnesses, leading individuals to alter or fabricate statements to avoid conflict, gain approval, or reduce stress (Gudjonsson, 2003; Kassin et al., 2010).

Studies have documented that during interrogations, witnesses may comply with suggestions or adopt false narratives, particularly when subjected to persuasive questioning techniques or when feeling intimidated (Leo & Ofshe, 1998). Therefore, social pressure can be a powerful determinant in the emergence of false testimonies, posing critical risks to justice and the reliability of legal outcomes.

**RQ2: How do cognitive vulnerabilities, such as memory distortions or suggestibility, contribute to the production of false testimonies?**

Cognitive vulnerabilities, such as memory distortions and suggestibility, play a significant role in the production of false testimonies. Memory is not a perfect recording of events but a reconstructive process that can be influenced by various internal and external factors (Loftus, 2005). For example, exposure to misleading information after an event can alter a witness's recollection, leading to the incorporation of false details into genuine memories (Loftus & Palmer, 1974). Individuals with high levels of suggestibility are particularly susceptible to adopting information suggested by authority figures or other individuals, believing it to be true (Gudjonsson, 2003). Moreover, stress, fatigue, and anxiety can impair memory encoding and retrieval, increasing the likelihood of errors or confabulations (Morgan et al., 2004). Such cognitive vulnerabilities mean that even well-intentioned witnesses may unknowingly provide false testimonies, which can have severe consequences in legal contexts.

**RQ3: What is the relationship between social pressure and cognitive vulnerability in shaping individuals' susceptibility to giving false testimony?**

The relationship between social pressure and cognitive vulnerability is deeply interconnected in shaping individuals' susceptibility to giving false testimony. Social pressure can exploit existing cognitive vulnerabilities, making individuals with poor memory, high suggestibility, or low self-confidence more prone to altering their statements under external influence (Gudjonsson, 2003; Kassin et al., 2010). For instance, a person with high suggestibility may be more likely to internalize false information introduced during coercive questioning or group discussions (Loftus, 2005). Moreover, cognitive overload or stress can weaken resistance to social influence, increasing compliance and conformity (Morgan et al., 2004). Thus, social pressure does not operate in isolation; it amplifies the effects of cognitive weaknesses, creating a compounded risk for false testimony. This dynamic interplay highlights why certain individuals are particularly vulnerable during legal proceedings and underscores the need for tailored interviewing techniques to mitigate these risks.

**RQ4: What protection mechanisms and psychological support measures are necessary for witnesses in criminal proceedings?**

Witnesses involved in criminal proceedings, especially in complex or violent cases, frequently face intense emotional pressures, fear of retaliation, and psychological stress (Bull, 2010; Gudjonsson, 2003). To safeguard both the physical and psychological integrity of witnesses and to ensure the quality of justice, it is essential to implement integrated mechanisms of protection and psychological support.

## **Legal Protection Mechanisms**

1. **Witness identity protection** – utilizing measures such as anonymity, video-conference testimony, or written statements to prevent the identification of the witness by defendants or the public (Gudjonsson, 2003).
2. **Witness protection programs** – particularly in cases involving organized crime or terrorism, which may include the relocation of witnesses and changes of identity (Bull, 2010).
3. **Special procedural rules** – limiting direct confrontations with the defendant and allowing testimony to be given in the absence of the public or media (Pozzulo et al., 2012).

## **Psychological Support Mechanisms**

1. **Psychological counseling** – providing emotional support to witnesses before, during, and after their testimony to reduce anxiety, stress, and the risk of trauma (Bull, 2010). Studies show that traumatized witnesses may develop symptoms of post-traumatic stress disorder (PTSD), which affect memory and the ability to provide coherent testimony (Pozzulo et al., 2012).
2. **Adapted interviewing techniques** – using non-suggestive questioning methods, such as the cognitive interview, which increases the accuracy and detail of the witness's account while reducing external influences (Fisher & Geiselman, 1992).
3. **Procedural preparation** – informing witnesses about the stages of the trial, their rights, and possible questions, to alleviate fears related to the judicial environment (Bull, 2010).
4. **Social support** – allowing the witness to be accompanied by trusted individuals or advisors in court to reduce anxiety and feelings of isolation (Gudjonsson, 2003).

## **The importance of integrated measures**

The combination of legal protection and psychological support is crucial not only for the emotional well-being of witnesses but also for the truthfulness and reliability of their testimony (Wells et al., 2006). As a result, testimony becomes more detailed and accurate, reducing the risk of judicial error (Loftus, 2005).

Therefore, witness protection is not merely a matter of physical safety but also a psychological and procedural necessity to guarantee a fair trial and effective justice (Bull, 2010; Gudjonsson, 2003).

## **Conclusions and discussions**

The witness remains a fundamental actor in criminal proceedings; however, the probative importance of their testimony must be analyzed with the utmost caution, as it is influenced by psychological, cognitive, and contextual vulnerabilities (Bull, 2010). The specialized literature emphasizes that witnesses are not merely objective instruments for discovering the truth but individuals subject to emotional, social, and procedural factors that can significantly alter the quality and veracity of their testimonies (Loftus, 2005; Gudjonsson, 2003).

A modern approach to criminal justice requires a rigorous balance between the defendant's right to a defense and the need to protect witnesses, ensuring that criminal proceedings are conducted fairly and lawfully (Bull, 2010). On the one hand, the witness is indispensable for establishing the truth, particularly in cases where material evidence is insufficient. On the other hand, the possibility of memory contamination, external pressures, and the stress associated with participating in judicial procedures transform the witness into a potential source of uncertainty (Wells et al., 2006).

Traumatic experiences, aggressive interrogations, or exposure to the defendant can generate post-traumatic stress, anxiety, and avoidance behaviors, thus affecting both the quality of testimony and the witness's mental health (Pozzulo et al., 2012; Bull, 2010). In this regard, scholars highlight the importance of implementing modern interviewing methods, such as the cognitive interview, which aims to reduce suggestibility and increase the accuracy of witness accounts (Fisher & Geiselman, 1992).

It is essential that legislation and judicial practice include concrete measures for psychological support and effective witness protection, in order to guarantee both the respect of witnesses' rights and the quality of the act of justice (Gudjonsson, 2003; Bull, 2010). Witness protection should not be viewed merely as a procedural measure but also as a psychological necessity, as the mental and emotional health of witnesses directly influences the accuracy of their statements and, consequently, the integrity of justice (Loftus, 2005).

Thus, modern criminal justice must be not only effective but also sensitive to the human dimension of criminal proceedings, integrating psychological and criminological perspectives into the evaluation of testimonial evidence (Bull, 2010; Wells et al., 2006). Only through such an interdisciplinary approach can the fairness of criminal proceedings be ensured, and the witness protected as a person, not merely as an evidentiary tool.

The analysis of the witness's role in criminal proceedings underscores that, although the witness is a key element in establishing the truth, the reliability of their testimony is never absolute. The specialized literature has repeatedly demonstrated that a witness's memory is a reconstructive process and highly vulnerable to distortions (Loftus, 2005). Therefore, witness statements must be evaluated not only based on their apparent content but also on the conditions under which they were obtained and the psychological state of the individual providing them (Gudjonsson, 2003).

Discussion on cognitive vulnerabilities of the witness highlights how easily false memories can be implanted through subtle suggestions or erroneous information presented after the event (Loftus, 2005). This issue is particularly relevant in cases where material evidence is lacking, and the conviction or acquittal of the defendant substantially depends on witness statements (Wells et al., 2006). Studies indicate that mistaken identifications by eyewitnesses are one of the primary causes of wrongful convictions, underscoring the need for critical reflection on how courts assess such evidence (Wells & Olson, 2003).

From an emotional and social perspective, witnesses often face intense stress, anxiety, and fear of retaliation, especially in cases involving organized crime, severe violence, or corruption (Bull, 2010; Gudjonsson, 2003). These factors can lead to hesitation, omissions, or

even alterations in statements, either to protect themselves or to avoid social stigma (Pozzulo et al., 2012). Additionally, social pressure can cause witnesses to adjust their statements to align with the expectations of investigators, public opinion, or their social group, thereby endangering the fairness of criminal proceedings (Gudjonsson, 2003).

A significant concern also arises from the long-term emotional impact on witnesses, who may develop symptoms of post-traumatic stress as a result of participating in judicial proceedings, especially in situations where they were victims or witnesses to traumatic events (Pozzulo et al., 2012). This underscores the necessity of incorporating psychological support measures within the judicial system to protect the mental health of witnesses and ensure testimonies that are as faithful to reality as possible (Bull, 2010).

Along the same lines, specialized literature recommends adopting modern interviewing methods, such as the cognitive interview, which can increase the quantity and accuracy of information obtained from witnesses while reducing external influences and suggestibility (Fisher & Geiselman, 1992). However, the implementation of these techniques requires the professional training of judicial personnel and the creation of procedural frameworks that enable their effective use (Bull, 2010).

Discussions on this topic highlight the need for an interdisciplinary approach, in which legal, psychological, and criminological perspectives are integrated to provide real protection for witnesses and to maintain the integrity of criminal proceedings (Wells et al., 2006; Bull, 2010). Protecting witnesses is not merely a legal obligation but also an essential condition for ensuring justice and preventing wrongful convictions.

In conclusion, although the witness remains a crucial instrument in criminal proceedings, modern justice must recognize their human limitations and vulnerabilities, continually adapting procedures to ensure both the rights of witnesses and the quality of justice (Loftus, 2005; Bull, 2010).

## **Theoretical and practical implications**

### **Theoretical implications**

The analysis of the witness's role in criminal proceedings contributes significantly to the understanding of the complex interaction between psychology, criminal law, and criminology. From a theoretical perspective, research confirms that human memory is reconstructive and susceptible to external influences, contradicting the traditional notion that the witness acts as an "objective recorder" of reality (Loftus, 2005). This understanding redefines the evidentiary status of testimony, necessitating a more nuanced and critical evaluation of witnesses' statements within judicial procedures (Wells et al., 2006).

Furthermore, the specialized literature emphasizes the importance of studying the phenomenon of suggestibility and the psychological mechanisms that influence a witness's ability to recount events accurately (Gudjonsson, 2003). The theoretical implications extend to the development of predictive models regarding the conditions under which witnesses' memories become vulnerable and the factors that can enhance the reliability of testimony (Pozzulo et al., 2012). Thus, forensic psychology provides an essential conceptual framework

for the critical interpretation of testimonial evidence and for the prevention of judicial errors (Bull, 2010).

### **Practical implications**

Practically, the conclusions of this research have direct implications for judicial procedures and the methods of interviewing witnesses. The implementation of the cognitive interview, developed by Fisher and Geiselman (1992), represents a significant step in reducing external influences and increasing the quantity and accuracy of information provided by witnesses. Studies have shown that this technique results in more detailed and accurate accounts, thereby contributing to the enhancement of the quality of justice (Fisher & Geiselman, 1992).

Additionally, there are crucial practical implications regarding witness protection. The traumatic experiences of witnesses in criminal contexts underline the necessity of special protective measures, such as anonymity, video-conference testimony, and specialized psychological support (Bull, 2010; Gudjonsson, 2003). These measures not only protect the witness from physical harm or retaliation but also help reduce anxiety and emotional stress, thereby enhancing the fidelity of their statements (Pozzulo et al., 2012).

Furthermore, the practical implications highlight the necessity of continuous training for professionals in the justice system—including judges, prosecutors, and police officers—in modern interviewing techniques and in recognizing signs of psychological vulnerability in witnesses (Bull, 2010). Modern justice must integrate this psychological knowledge to prevent judicial errors and to protect the fundamental rights of all participants in the legal process (Wells et al., 2006).

Thus, the theoretical and practical implications converge toward a common goal: strengthening a judicial system that is fairer, more effective, and more sensitive to the human dimension of criminal proceedings (Bull, 2010; Loftus, 2005). Integrating knowledge from forensic psychology into criminal procedures is not merely a scientific necessity but an essential condition for ensuring justice and protecting witnesses.

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