



Therapeutic Jurisprudence: A Legal Practice for Offenders' Wellbeing

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DESCRIPTION

The study of therapeutic jurisprudence focuses on how people's emotions, behaviour, and mental health are impacted by the legal system. It is a relatively recent discipline that derives its name from both therapy and jurisprudence, or the study of law and the power to heal.

It explores the potential effects of legislation and those who enacted it on people's wellbeing and mental health as well as potential solutions, such as special informal courts for specific instances like the juvenile justice system. The juvenile justice system plans to prevent any detrimental therapeutic effects that could result from treating juvenile offenders in the same manner as adult criminals. The juvenile justice system is aware that taking an adversarial stance with young people might stunt their growth and coarsen their minds. Therefore, it comprises juvenile homes rather than jails for rehabilitation, therapeutic aids, and the renewal of the capacity to reintegrate into society, as well as a particular informal court process for the trial of juvenile offenders.

It has been said that therapeutic jurisprudence is a subset of legal psychology, which is the study of how the law affects or is impacted by the human mind and behaviour. The study of the law as though it were influenced by and affecting behaviour is known as psychological jurisprudence, and another idea that is frequently tied to it is restorative justice. The discipline of forensic psychology also stated that the idea that the law can play a therapeutic role should not be confused with the idea that psychological therapy should be tried to be utilised for legal glasses at the intersection of law and mind. This jurisprudence was originally designed with a related strategy that assures that psychological therapies are carried out properly and in accordance with the legal notions of justice. A positive criminology viewpoint, or conceptual approach to criminology, is connected to therapeutic jurisprudence as well. This perspective depicts societal inclusion on social and spiritual levels as being connected to the eradication of crime.

According to therapeutic jurisprudence, practising attorneys should appreciate their clients' psychological well-being as well as their legal rights and interests. They should also possess an empathetic care ethic. It seeks to actively prevent legal issues through innovative drafting and problem-solving techniques. Additionally, therapeutic jurisprudence has started to change legal education, especially clinical legal education. Because drug treatment courts were created to apply therapeutic jurisprudence methods including procedural justice, judge client personal engagement, demonstration of empathy, and active listening, these courts were historically strongly linked to and restricted to therapeutic jurisprudence. Many academics advocate for the growth of problem-solving courts, although this is unlikely due to a number of constraints, especially financial ones. In fact, economic concerns have resulted in the total abolition of such courts in some countries.

CONCLUSION

However, nations like America and Canada have supported the development of problem-solving courts. It is also considered to be a contemporary area of interest for therapeutic jurisprudence scholars and supporters, who attempt to apply therapeutic jurisprudence methods and concepts in regular court, particularly in cases involving criminal, juvenile, and family affairs. In order to mainstream therapeutic jurisprudence, analytical steps must be established to determine how friendly and in line with therapeutic jurisprudence the current legal judicature provisions are, as well as to determine whether the current legal framework is adequate to inculcate therapeutic jurisprudence practises. If so, educational initiatives should be launched to examine how the law may be applied in a way that is more in line with therapeutic jurisprudence; otherwise, a discussion on the merits and viability of legislative reform would be required.

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