

## PSYCHO-BEHAVIORAL PROFILE OF THE CRIMINAL WHO PREMEDITATES THEIR OFFENSE

*Minodora Casandra MORARU, year II student*

*Bogdan Vodă University of Cluj-Napoca, Faculty of Law, Romania*

*Coordinator: Gheorghe BUNEA, Associate Professor Ph.D.,*

*Bogdan Vodă University of Cluj-Napoca, Faculty of Law, Romania,*

### ABSTRACT

*In a social context where forms of criminality are becoming increasingly diverse and sophisticated, the study of the psycho-behavioral profile of the criminal who premeditates their offense gains major importance both for the legal and psychological fields. While some acts are committed impulsively, in anger or frustration, others result from cold, deliberate thinking, in which the offender anticipates consequences and meticulously organizes their actions. This category of offenders, characterized by rationality, self-control, and lack of empathy, raises complex issues of interpretation from the perspective of culpability and social dangerousness.*

### KEYWORDS

*Premeditation, self-control, lack of empathy, moral rationalization, criminogenic personality, criminal planning, discernment, aggravated murder, criminal liability, criminological profile, behavioral analysis.*

**J.E.L. Classifications:** K42, K14, Z13

### 1. INTRODUCTION

In Romanian criminal law, premeditation constitutes an aggravated form of direct intent, being associated with a high degree of social danger. It implies the existence of a time interval between the moment of decision and the commission of the act, during which the offender reflects, plans, and consolidates their criminal intent.

This paper aims to analyze, from an interdisciplinary perspective, the personality traits, cognitive processes, and motivations underlying premeditated behavior, while also highlighting how these elements influence legal classification and the assessment of the degree of culpability. The main objective is to demonstrate that understanding the psycho-behavioral profile of the criminal has not only theoretical value but also significant practical utility in

judicial and investigative activities, as well as in developing strategies for preventing premeditated offenses.

## 2. THE LEGAL CONCEPT OF PREMEDITATION

To understand the complexity of premeditated criminal behavior, it is necessary to start with the analysis of the concept of premeditation from the perspective of Romanian criminal law. Only by clearly delimiting the legal elements — intent, form of culpability, and reflection period — can the theoretical framework in which psychological analysis intervenes be outlined.

Premeditation represents one of the most important forms of manifestation of direct intent in result-based offenses, particularly in cases of aggravated murder. According to Article 189 para. (1) letter a) of the Romanian Criminal Code, murder committed “with premeditation” constitutes an aggravated variant, justified by the high social dangerousness of an offender who acts with lucidity, reflection, and calculation. Romanian criminal doctrine has consistently defined premeditation as “an intent formed with a time interval prior to the commission of the act, an interval that allows the offender to reflect on the act, conceive it, and organize its execution” (Dobrinoiu & Neagu, 2023). The essential element is the existence of time for contemplation — a moment of detachment in which the criminal decision is consolidated, and the action is not the result of a spontaneous emotional state.

In judicial practice, the High Court of Cassation and Justice has ruled that “premeditation implies not only a prior decision but also persistence in its execution, demonstrating perseverance and planning” (Decision no. 3505/2008, Penal Section). Thus, mere passage of time is not sufficient; it must be evident that the defendant acted with cold-bloodedness and calculated anticipation.

From a criminal law perspective, the existence of premeditation constitutes an aggravating circumstance, leading to the classification of the act as an aggravated variant and the imposition of more severe penalties. According to Article 189 of the Criminal Code, murder committed with premeditation is punishable by life imprisonment or imprisonment from 15 to 25 years. This sanction reflects not only the severity of the result but especially the moral dangerousness of the author, who consciously assumes the suppression of a human life.

## 3. RELEVANT JURISPRUDENCE

M. Udroiu (2024) emphasizes that the rationale for aggravation lies in “the psychological imbalance of the offender, who, although having time to restrain impulses, deliberately chooses to follow them.” Society perceives premeditation as a form of malice superior to impulsivity, and criminal law reacts accordingly.

In Decision no. 2979/2009, the High Court of Cassation and Justice confirmed the existence of premeditation in a case where the defendant, after a prior quarrel, followed the

victim for several days, procured a weapon, determined the moment of action, and executed the plan without hesitation. The court held that “the offender had the necessary time to reflect and desist, but chose to act, demonstrating a will clearly oriented toward committing the offense.”

#### **4. ANALYSIS OF THE PREMEDITATED CRIMINAL'S BEHAVIOR**

##### **4.1. Psychological and cognitive characteristics**

Analysis of premeditated criminal behavior reveals a series of psychological and cognitive particularities that significantly differentiate them from impulsive offenders. While the latter are dominated by affective, spontaneous, uncontrolled reactions, the premeditated criminal's action results from rational, cold, strategic thinking aimed at achieving a precise goal. According to Emilian Stancu (Judicial Psychology, 2023), the premeditated criminal exhibits high levels of self-control, planning capacity, and a tendency to rationalize antisocial behavior. They justify their actions with seemingly logical motives (“they deserved it,” “I had no other choice”), indicating cognitive distortions typical of egocentric and manipulative personalities.

##### **4.2. Psychological profile**

The psychological profile of the premeditated criminal is often associated with above-average intelligence, egocentrism, lack of empathy, and high self-control. According to Robert D. Hare (Without Conscience, 2011), such individuals may exhibit psychopathic tendencies, capable of mimicking emotions, manipulating others, and acting with apparent social normality. The absence of remorse and empathy allows them to treat the act as a rational means of achieving a personal objective.

Cristina Butoi (Profilul criminalului, 2020) emphasizes that the premeditated offender does not act under emotional pressure but from the belief that they have the right or power to decide over others' lives. This personality type demonstrates narcissism, dominance, and concealment abilities, attributes that facilitate executing the criminal plan without hesitation.

##### **4.3. Cognitive process**

The premeditated criminal undergoes a complex cognitive process, involving situation analysis, anticipation of the victim's reactions, and strategic action planning. Typical stages include:

1. Identification of the goal (revenge, profit, power);
2. Analysis of means to achieve it (choice of place, time, method);
3. Anticipation of consequences and risk reduction;
4. Execution of the plan calmly and precisely.

Affectively, the premeditated criminal exhibits evident emotional detachment. The lack of empathy and guilt is compensated by defense mechanisms such as rationalization and projection of guilt onto the victim (“they provoked me,” “they deserved the punishment”).

The main motivations of the premeditated criminal are related to power, control, revenge, or personal reward. Unlike the impulsive offender, who acts under immediate pressure, the premeditated offender pursues a strategic, sometimes symbolic or material, benefit.

#### **4.4. Stages of the premeditated process**

1. Decision-making – conception of the act, moral rationalization;
2. Planning – analyzing optimal conditions and evaluating risks;
3. Concrete preparation – acquiring means, following the victim, creating an alibi;
4. Execution – carrying out the act calmly and precisely;
5. Post-act behavior – destroying evidence, manipulating others, concealing guilt.

Example: the “Brașov Killer” case (2018), where the perpetrator planned the murder several days in advance, demonstrating discernment and narcissistic traits.

### **5. PREMEDITATION AND CRIMINAL LIABILITY**

From a psychological perspective, premeditation presupposes intact discernment. The offender understands the nature of the act, anticipates consequences, and adjusts behavior to avoid punishment. The rationality of the action and the reflection period justify the application of a more severe penalty, according to Article 189 of the Criminal Code.

Judicial psychological expertise allows the determination of the offender's psycho-behavioral profile, motivations, self-control capacity, and level of empathy. According to Cristina Butoi (2020), the evaluation of premeditated behavior must follow four main dimensions: cognitive, affective, moral, and behavioral.

### **6. CONCLUSIONS**

Premeditation represents the supreme expression of conscious criminal intent, reflecting rationality used for antisocial purposes. The psychological profile of the premeditated criminal is essential for individualizing punishment, assessing the degree of culpability, establishing criminal liability, and understanding the risk of recidivism. An interdisciplinary approach — legal, psychological, and criminological — ensures fair and balanced justice.

## REFRENCES

### I. Legal doctrine:

**Dobrinoiu, V., & Neagu, N.** (2023). *Treaty of Criminal Law. General Part.* Bucharest: Universul Juridic Publishing House.

**Mitrache, C., & Mitrache, C.** (2022). *Romanian Criminal Law. General Part.* Bucharest: Universul Juridic Publishing House.

**Udroiu, M.** (2024). *Criminal Law. General Part. Summaries and Grids.* Bucharest: C.H. Beck Publishing House.

**Antoniu, G.** (coord.) (2014–2020). *Explanations of the New Criminal Code. General Part.* Bucharest: Universul Juridic Publishing House.

**Dobrinoiu, V., & Pascu, I.** (2022). *Criminal Law. Special Part.* Bucharest: Universul Juridic Publishing House.

### II. Judicial psychology:

6. **Stancu, E.** (2023). *Judicial Psychology.* Bucharest: Universul Juridic Publishing House.

7. **Butoi, C.** (2020). *Criminal Profile. Elements of Judicial Psychology.* Iași: Polirom Publishing House.

8. **Buda, M.** (2024). *Criminalistics and Investigation of Serious Offenses.* Bucharest: Hamangiu Publishing House.

9. **Ciobanu, R.** (2021). *Criminology.* Bucharest: Universul Juridic Publishing House.

10. **Boroi, Al.** (2023). *Criminology and Criminal Policy.* Bucharest: C.H. Beck Publishing House.

### III. International sources:

11. **Raine, A.** (2013). *The Anatomy of Violence: The Biological Roots of Crime.* New York: Vintage Books.

12. **Hare, R. D.** (2011). *Without Conscience: The Disturbing World of the Psychopaths Among Us.* New York: The Guilford Press.

### IV. Relevant jurisprudence:

13. High Court of Cassation and Justice, Decision no. 3505 of 3 November 2008, regarding aggravated murder with premeditation.

14. High Court of Cassation and Justice, Decision no. 2979/2009, concerning the condition of premeditation in an aggravated murder case.

15. High Court of Cassation and Justice, Decision no. 17/2018 (Complete DCD/P), published in the Official Gazette no. 1000/27.11.2018.

16. ECHR, *Winterwerp v. Netherlands*, Judgment of 24 October 1979.

17. ECHR, *Kudla v. Poland*, Judgment of 26 October 2000.