

# Improvement of Evidence Rules for PUA Psychological Control in Domestic Violence Cases

Anqi Liu\*

People's Public Security University of China, Beijing 100038, China

*\*Author to whom correspondence should be addressed.*

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**Abstract:** Domestic violence is a global social problem. This paper uses PUA emotional control as a starting point, focusing on the key factors in the identification of psychological violence evidence in current judicial practices in mainland China. By tracing the special behavioral patterns of PUA psychological control and drawing on advanced international experiences from the United States, the United Kingdom, and Taiwan region, it is suggested that Chinese Mainland build a localized evidence system at institutional, technical, and social levels to provide a systematic solution for improving evidence rules for psychological violence, thereby better protecting women's rights and promoting the effective implementation of related anti-domestic violence legal norms.

**Keywords:** Domestic violence; Psychological control; PUA; Evidence rules

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## 1. Introduction

PUA emotional control, as a new form of violence in the digital age, poses severe challenges to traditional judicial evidence rules due to its phased development characteristics, the covert dissemination methods enhanced by digital technology, and the blurred boundaries between psychological manipulation and legitimate emotional communication.

## 2. The applicability dilemma of evidence rules for mental control in domestic violence

### 2.1. The misalignment of evidence forms and forms of violence

The current judicial system's rigid reliance on physical evidence fundamentally contradicts the non-contact and fragmented characteristics of mental control cases. A large amount of evidence exists in the form of electronic data, while PUA manipulation behaviors typically exhibit a cyclical pattern of "intermittent belittling and periodic reassurance", leading to numerous cases being dismissed due to insufficient evidence. The reasons are: on one

hand, a single piece of evidence cannot effectively prove the abuser's "continuous control" behavior; as victims are often in a vulnerable position in domestic violence situations, they can typically only provide fragmented chat records, making it difficult to form a closed evidence chain to meet the same proof standards as other cases, resulting in courts frequently being unable to make effective determinations due to insufficient evidence. On the other hand, the existing types of evidence inadequately cover the emotional harm caused by manipulation; the long-term psychological damage from self-denial experienced by victims cannot be equivalently proven through injury reports, and other relevant evidence materials cannot be considered by judicial authorities, leading to insufficient relevance and adaptability of the existing related evidence.

## **2.2. The structural deficiency of the psychological assessment system**

The harm caused by PUA mind control is psychological trauma, but the lack of unified psychological assessment standards and procedures in the country's anti-domestic violence judicial practice makes it impossible to effectively convert "psychological injury" into legal evidence. On the one hand, the degree of psychological trauma caused by mental control needs to be determined through professional psychological evaluation, but the country does not have a unified evaluation standard for "domestic violence mental control." Courts in various regions may draw different conclusions using empirical data from different psychological scales; some scholars have put forward the criterion of "degree and frequency." However, there are still disadvantages, such as strong subjectivity and difficulty in unifying standards, which affect the unity of judicial appraisal. On the other hand, psychological assessment needs to be initiated by a professional institution, but victims are often unable to independently apply for evaluation due to "learned helplessness", and courts or public welfare organizations do not have the authority to take the initiative to entrust assessment.

## **2.3. The imbalance in the victim's burden of proof**

Due to the private nature of domestic violence, victims of psychological control often face difficulties in gathering and presenting evidence. Firstly, proving "psychological control" requires submission of sensitive evidence. For instance, to prove instances of emotional degradation, one needs to provide evidence of abusive messages from the perpetrator, which can easily be exaggerated by the abuser and may lead to both exposure of the victim's privacy and damage to their reputation. For example, victims in cohabiting relationships fear that by disclosing chat records, they might face social stigma due to their non-marital status. Secondly, the "shame" associated with traditional gender power structures plays a role. Traditional patriarchal views weaken a woman's voice within the family, coexisting with the current advocacy for women's economic and psychological independence. Therefore, women, who are the primary victims of domestic violence, are likely to be labeled as "weak" or "incompetent." This sense of shame reinforces concerns about privacy and dampens the victim's motivation to gather evidence. Thirdly, the vulnerable position of emotional control makes evidence gathering challenging. Being manipulated places one party in an extremely disadvantaged position, and with the reinforcement of learned helplessness, it becomes difficult to effectively obtain crucial evidence, thereby undermining the effectiveness of judicial intervention.

## **3. The special nature of evidence in domestic violence PUA psychological control**

### **3.1. Behavioral phases leading to fragmentation of evidence forms**

PUA psychological control presents a progressive feature of three stages: "Devaluation-Control-Destruction", with

each stage showing significant differences in the forms of evidence. In the devaluation phase, evidence primarily consists of frequent insulting language, such as extreme statements like “you might as well die.” At this point, it is necessary to verify its sustained characteristics through semantic density analysis. In the control phase, the evidence is concentrated in digital monitoring traces, such as abnormal frequency location-sharing records and forced itinerary reporting data. This requires judicial authorities to analyze the perpetrator’s intent and intensity using spatiotemporal trajectory analysis. In the destruction phase, evidence focuses on the victim’s self-destructive tendencies in chat records and judicial opinions on psychological harm, allowing for a reasonable application of PTSD diagnostic criteria to establish a causal relationship with prior behaviors.

It is important to note that the evidence chain in such cases has nonlinear characteristics. The causal relationship between harm and violent behavior generally exhibits indirectness and latency, and a victim providing evidence from only one stage does not effectively prove the perpetrator’s “sustained emotional control” over them <sup>[1]</sup>. Comprehensive determination must rely on additional evidence, including testimony from third-party witnesses, psychological assessments from authoritative institutions, among others. For example, in the Peking University Bagou case, the psychological harm consequences lagged behind the specific acts of violence by for a long time, while testimony from the victim’s roommate and device chat records ultimately corroborated each other <sup>[2]</sup>.

### **3.2. The difficulty of applying evidence in behavioral techniques**

PUA spiritual control is a tactical form of emotional manipulation. On one hand, such behaviors often accompany specialized strategies like the “gaslighting effect”, “emotional kidnapping”, and “economic restraints.” A particular behavior may seem like a daily interaction, but it actually conceals a manipulative intention, which can only be identified by considering the power structure between both parties and the long-term context; traditional evidence rules, with their emphasis on objectivity and directness, are not applicable. For instance, a typical expression of the “gaslighting effect” is “You’re too sensitive; I never said that.” If such evidence is presented in isolation, it may be just misjudged as “a minor conflict between couples.” Judges who lack awareness of PUA tactics may interpret strategic statements as ordinary communication, resulting in a failure to appropriately apply the evidence. Additionally, the intent behind certain chat records can only be judged alongside the long-term interaction patterns between the two parties, while victims often find it difficult to collect complete related evidence because they are in a “controlled” state, leading to an incomplete evidence chain. On the other hand, the fragility of electronic evidence exacerbates the difficulty of proof. A significant amount of evidence is stored in social media, location software, and other electronic devices, and data can be easily altered or deleted, making it common for PUA spiritual violence evidence to be difficult to discover, retrieve, and restore in a timely manner, thus raising higher technical demands on evidence collection methods.

### **3.3. The concealment of behavior leading to the obfuscation of evidence**

The concealment of behavior is manifested in the following three aspects. First, spatial concealment. PUA behaviors often occur in private settings, with no third-party witnesses, such as chat logs and call recordings. Therefore, others cannot determine whether it is “concern” or “denigration and control.” Second, emotional disguise. The perpetrator habitually mixes caring phrases like “I’m doing this for your own good” in the chat records, wrapping the violent core in emotional candy, which obscures the violent nature of the behavior. This makes it very difficult for judges to distinguish whether such evidence pertains to an emotional dispute or “psychological

violence”, and even harder to timely search and determine the correlation of potentially key evidence. Third, the internal nature of harm. The harm from PUA is “psychological trauma”, and there are no obvious external physical traces. The lack of traditional physical evidence, along with insufficient psychological assessment systems, makes it difficult for psychological trauma to be converted into “legal evidence”, ultimately leading to the obfuscation of evidence content, which is detrimental to the realization of victims’ rights and interests protection claims. At the same time, core evidence is often mixed in the vast and trivial daily exchanges of information, making it extremely time-consuming and slow to rely on manual searches alone. Therefore, there is a demand for intelligent judicial evidence analysis, necessitating the use of deep learning methods to construct a hierarchical recognition model of violent discourse.

## **4. Legislative experiences from the perspective of international comparison**

### **4.1. United States**

The United States has continuously increased the degree of public authority’s intervention in domestic violence. This is primarily reflected in the following three aspects. First, the police’s mandatory arrest system. Once the police receive a report of domestic violence, they must immediately respond to the scene <sup>[3]</sup>. If the investigation reveals a clear suspicion of domestic violence, they have the right to make an arrest without a warrant. Second, the “preponderance of evidence” rule <sup>[4]</sup>. Victims only need to provide evidence that they have previously experienced domestic violence and that such behavior has met the legal standard, while perpetrators must present sufficient contrary evidence to justify their actions, or they will bear the adverse consequences of failing to prove their case. Furthermore, due to the special nature of domestic violence cases, judges may appropriately consider evidence pertaining to the character of the perpetrator and hearsay evidence in determining domestic violence <sup>[5]</sup>. Third, the “no-drop prosecution” policy. This means that the decision to continue prosecution or drop charges is not solely in the hands of the victim. This policy demonstrates the state’s proactive intervention in domestic violence cases, although the judicial community generally believes that its implementation should be more tempered and take into account the true wishes of the victim.

### **4.2. United Kingdom**

The UK’s domestic violence forensic rules focus on multi-agency cooperation and systematic support services. It is mainly reflected in the following three aspects. First, the operating mechanism of multi-agency cooperation against domestic violence <sup>[6]</sup>. Most police stations currently have special anti-domestic violence agencies, and various agencies and organizations coordinate and cooperate with each other. Second, the police and prosecutors actively promote domestic violence crimes to enter the criminal process. The police have the right to directly exercise the right to arrest the perpetrators who meet the statutory circumstances after receiving an investigation, which plays a good role in fixing evidence related to domestic violence and guiding victims to actively exercise their rights to legal remedies. However, it is up to the prosecutor to decide whether to continue to pursue the criminal responsibility of the perpetrator, and if the prosecutor decides to stop, the victim can seek civil relief, which is determined by the practice of the British Crown Prosecutor on domestic violence, that is, criminal proceedings should be initiated in all possible circumstances. This allows victims of learned helpless PUA emotional violence to protect their legitimate rights under the strong impetus of the state’s public power, but it also leads to the possibility that a single civil remedy is insufficient if they cannot directly enter the criminal proceedings. The

third is to strengthen the protection of victims. The law does not allow the defendant to personally question the victim during the cross-examination stage to avoid the victim from being “secondary harm”; Meanwhile, hearsay evidence can be used as evidence in domestic violence cases when necessary, which gives judges greater discretion and reduces the burden of proof on the victim, while also giving rise to disputes about the impact of judicial subjective discretion on the fairness and justice of the case.

### **4.3. Taiwan region**

Based on the traditional Chinese cultural system and combined with advanced evidence rules from abroad, the Taiwan region has immense reference value for mainland China. The main features are as follows: First, the moderate prosecution strength of the police and the prosecution authorities. The police only have the right to “arrest directly” when there is significant suspicion against the perpetrator and a danger of continuing the harm; the prosecution does not have a mandatory prosecution power for domestic violence crimes as per law, but respects the wishes of the parties involved and takes protective measures based on the victim’s safety, which greatly differs from the compulsory prosecution methods of public authorities in the United States <sup>[7]</sup>. Second, testimonies from minor children can be used as evidence. The testimony of the perpetrator’s or victim’s minor children is permitted in domestic violence cases, but it must be supplemented by other evidence to enhance its probative power. This aligns with the evidence rules required by Taiwan region’s criminal procedure law, because the legislation does not impose restrictive regulations on the types of evidence. Third, strengthening judges’ responsibilities for investigation. Although the criminal procedure law adopts a combination of party principle and authority principle regarding the distribution of the burden of proof, Article 13 of Taiwan region’s “Notices for Courts Handling Domestic Violence Cases” emphasizes the judge’s responsibility for investigation in the protection order procedures, requiring them to comprehensively consider the statements and opinions of relevant agencies and personnel, thus uncovering the truth of the case <sup>[8]</sup>.

## **5. The improvement path of evidence rules for “psychological control” in domestic violence**

According to the experience of various countries, a Chinese Mainland’s three-dimensional evidence rule system can be formed that embodies procedural legitimacy, technical adaptability, and social inclusiveness, reflecting the wisdom of international governance while showcasing local judicial characteristics.

### **5.1. Institutional guarantees**

Improve the evidence rules for domestic mental violence. First, strengthen police intervention and enhance the ability of police and individuals to collect and secure evidence. The role of police in domestic violence cases is crucial; the robust stance taken by state authorities against domestic violence has a direct and noticeable impact on improving public awareness of domestic violence.

Second, to ascertain the facts of the case, it may be necessary to increase the types of evidence that can be accepted. Due to the gradual, technical, and covert nature of domestic mental violence, investigating the truth of a case not only consumes a vast amount of judicial resources but may still be insufficient for a conclusive determination. It is recommended to include hearsay evidence, character evidence, testimony from minors, expert testimony on battered woman syndrome, etc., within the scope considered by judicial authorities. At the same time, it is important to permit the collection of electronic evidence like the location data from the abuser’s

communication devices and original data packets from instant messaging software, and to collect such evidence cautiously based on the victim's consent, thereby ensuring a balance between judicial fairness and human rights protection. At the level of judicial effectiveness, a scientifically unified victim psychological assessment system should be established to avoid inconsistent verdicts in the same case.

Thirdly, establish a dynamic burden of proof mechanism. First, the victim needs to provide basic evidence, and the judicial authority must timely preserve the evidence. Second, the perpetrator must prove the reasonableness of their actions and meet the standard of proof that excludes reasonable doubt. At the same time, the judicial authority has the right to cross-examine relevant witnesses when necessary. Additionally, due to the covert nature of domestic psychological violence, the judicial authority should collaborate with local community organizations or women's rights protection organizations to conduct long-term follow-ups and, based on a respectful understanding of the victim's true intentions, not abandon prosecution, effectively ensuring the enforcement of litigation outcomes or guaranteeing fair treatment for potential victims. This system design fully considers the phased characteristics of new psychological control methods like PUA. This reduces the burden of proof on the victim, which helps to resolve the dilemma of inadequate evidence while avoiding excessive judicial intrusions into private domains and enhancing the credibility of the judiciary.

## **5.2. Technological empowerment**

On the one hand, establish a mechanism for sharing information related to domestic violence. The communication and sharing mechanism for domestic violence information in Shanghai's digital court serves as a model, and its innovative practice of breaking down regional barriers through a scenarized data platform is worth promoting <sup>[10]</sup>. This mechanism operates on a platform-based model, enabling real-time synchronization and dynamic tracking of domestic violence information. Therefore, Chinese Mainland can use this example to build regional electronic evidence databases for domestic violence. Additionally, it is suggested to ensure the immutability of evidence through smart contracts.

On the other hand, enhance AI semantic analysis capabilities and deepen the quantitative assessment of emotional violence indices by judicial authorities. The focus is on the precise identification of potential psychological control behaviors, which can be aided by feature enhancement algorithms and focusing on graph structure features. For example, by further deconstructing the hidden structure of PUA behavioral paths in conjunction with time-series data analysis techniques. Ultimately, this will form a unified evaluation report that includes emotional indices, violence levels, and danger warnings, thereby increasing the efficiency of evidence collection and investigation by judicial authorities.

## **5.3. Social collaboration**

Domestic violence is a widespread social phenomenon, and its core resolution relies on the collective efforts of society as a whole. On the one hand, a collaborative electronic evidence system involving both public and private sectors should be established. A government-society interactive service platform can be built. This may include creating a joint system among Public Security, Court, Prosecution, and Women's Federation, promoting a 24-hour intelligent service platform that integrates electronic evidence blockchain systems with psychological support AI consulting modules. On the other hand, innovative digital educational intervention models should be created to intensify awareness of anti-domestic violence across society. Relevant short videos on topics should be released via platforms like Douyin and Kuaishou, guiding victims to use screen recording and screenshot functions to

secure evidence and enhance their self-protection awareness.

## Disclosure statement

The author declares no conflict of interest.

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