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Department of Law

Lecture two: Criminal Responsibility



Addressed To Master one criminal Law Students-Semester 1

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Introduction

Criminal responsibility refers to the legal concept that an individual who commits a crime can be held accountable for their actions under the law. It is a fundamental principle in criminal law that ensures that people who commit crimes are subject to punishment. However, to be held criminally responsible, certain conditions must be met, such as the capacity of the individual to understand their actions and the intent behind those actions.

1. What is Criminal Responsibility?

Criminal responsibility is the legal accountability of a person for a crime they have committed. For an individual to be held criminally responsible, they must have the mental and physical capacity to commit the crime and must have committed the act with intent or negligence, as required by the law.

2. Key Elements of Criminal Responsibility

There are three main elements that determine criminal responsibility:

Actus Reus (The Guilty Act) - الفعل الجرمي: The physical act of committing a crime. It can be an action or a failure to act (omission) when there is a legal duty to do so.

Example: Stealing a car, causing harm to another person.

Mens Rea (The Guilty Mind) - النية الجنائية: The mental state or intent of the person at the time of committing the crime. This refers to whether the individual had the intention to commit the crime or acted recklessly or negligently.

Example: If a person intentionally kills someone, their mens rea is to kill, which makes them criminally responsible.

Causation - السبب: There must be a clear link between the defendant's actions and the harm caused. In other words, the action taken by the accused must directly cause the crime or harm.

Example: A person causes an accident that results in the injury or death of another person.

3. Conditions for Criminal Responsibility For a person to be considered criminally responsible, certain conditions must be met:

Age of Criminal Responsibility (سن المسؤولية الجنائية): Children or minors below a certain age (usually 18) may not be held fully criminally responsible, depending on the legal system. Some legal systems have a minimum age of criminal responsibility, while others may impose reduced penalties for minors.

Mental Capacity (القدرة العقلية): A person must be mentally capable of understanding the nature of their actions and the consequences. If a person suffers from a severe mental illness or incapacity (e.g., insanity), they may be deemed not criminally responsible for their actions, as they lacked the mental capacity to form intent.

This is often referred to as the insanity defense.

Self-Defense (الدفاع عن النفس): A person may be excused from criminal responsibility if they commit an act in self-defense. However, the level of force used must be reasonable and proportionate to the threat faced.

Duress (الإكراه): A person may not be held criminally responsible if they committed a crime under duress, meaning they were forced to do so by a threat of harm to themselves or others. However, the threat must be immediate and serious.

4. Types of Criminal Responsibility

There are different levels and types of criminal responsibility, depending on the intent and severity of the crime:

Intentional Crimes (الجرائم العمدية):

Crimes committed with full knowledge and intent. The individual deliberately plans and carries out the criminal act.

Example: Premeditated murder.

Reckless Crimes (الجرائم المتهورة):

Crimes where the individual does not have the intention to cause harm, but their actions are so reckless that they disregard the possible consequences.

Example: Driving under the influence of alcohol.

Negligent Crimes (الجرائم الناتجة عن الإهمال):

Crimes committed due to negligence, where the individual fails to take proper care or precautions, resulting in harm.

Example: Causing an accident by failing to follow traffic laws.

Strict Liability Crimes (الجرائم التي لا تستلزم نية):

Crimes where the defendant can be held responsible even without proving intent or negligence. The mere fact of committing the act is enough to establish criminal responsibility.

Example: Statutory rape or selling unlicensed products.

5. Defenses to Criminal Responsibility

There are certain defenses that may absolve an individual from criminal responsibility:

Insanity Defense (دفاع الجنون):

A person may not be criminally responsible if they were suffering from a mental illness or defect that impaired their ability to understand the nature of their actions.

Intoxication (التسمم):

Voluntary intoxication generally does not relieve an individual from criminal responsibility, but in some cases of involuntary intoxication, the individual may not have the mental capacity to form criminal intent.

Self-Defense (الدفاع عن النفس):

As mentioned earlier, a person may be excused from criminal responsibility if they acted in self-defense against an unlawful threat.

Mistake of Fact (الخطأ في الوقائع): If a person commits a crime but was mistaken about a fact that would have made their action legal, they may not be held criminally responsible.

Terminology

Actus Reus - الفعل الجرمي

Mens Rea - النية الجنائية

Causation - السبب

Defendant - المتهم

Guilty - مذنب

Innocent - بريء

Intent - النية

Negligence - الإهمال

Recklessness - التهور

Insanity Defense - دفاع الجنون

Self-Defense - الدفاع عن النفس

Duress - الإكراه

Mistake of Fact - الخطأ في الوقائع

Criminal Intent - النية الإجرامية

Strict Liability - المسؤولية المطلقة

Criminal Law - القانون الجنائي

Impairment - الضعف العقلي

Juvenile Delinquency - الانحراف الجنائي لدى الأحداث

Criminal Code - قانون العقوبات