

Criminal Liability and Responsibility

Criminal liability is a fundamental concept in criminal law that determines the conditions under which an individual can be held legally responsible for committing a criminal offence. It is not sufficient that a prohibited act has been committed; the law requires that this act be attributed to a person who is both legally and morally responsible. In this sense, criminal liability represents the link between the criminal act and the person who committed it, ensuring that punishment is only imposed where responsibility is established.

At the core of criminal liability lies the combination of two essential elements. The first is the material element, which refers to the physical act or conduct prohibited by law. The second is the moral element, which refers to the mental state of the offender, including intention, knowledge, or negligence. The coexistence of these two elements is necessary for the existence of a punishable offence, as criminal law does not operate on acts alone but on responsible human conduct.

A central condition for criminal responsibility is discernment, which refers to the mental capacity of an individual to understand the nature and consequences of their actions and to control their behavior accordingly. Discernment allows the law to distinguish between individuals who can be held accountable and those who cannot. Without discernment, the foundation of criminal responsibility is undermined.

The law further distinguishes between abolition of discernment and alteration of discernment. Abolition of discernment occurs when an individual completely loses the ability to understand or control their actions, usually due to severe mental disorder. In such cases, criminal liability is excluded, and the individual cannot be punished. By contrast, alteration of discernment refers to a situation where the individual's mental capacity is impaired but not entirely removed. In these cases, the person remains criminally liable, but the court may reduce the severity of the penalty. An important principle in criminal law is that a person cannot rely on a situation they have voluntarily created to escape responsibility. For example, if an individual deliberately stops medical treatment despite knowing the potential consequences and later commits a criminal act, the law may still consider them responsible. The voluntary nature of the conduct plays a decisive role in maintaining liability.

Conclusion

Criminal liability is based on the existence of both a prohibited act and a responsible mental state. The law ensures that only individuals capable of understanding and controlling their actions are held accountable, thereby maintaining fairness and legal certainty in the criminal justice system.

Key Terms to Highlight

Criminal liability → المسؤولية الجنائية

Discernment → الإدراك

Abolition of discernment → انعدام الإدراك

Alteration of discernment → اختلال الإدراك