

Nature Of Responsibility For Self-Driving Vehicles

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ABSTRACT

Transportation is constantly evolving and human beings always harness modern inventions and techniques for their comfort and well-being. Those who use these inventions put lives at risk and money for damage, they must compensate the injured for their damage, and as states move to provide these facilities for this type of vehicle by exempting parking fees and license and registration fees, which predicts the spread of these vehicles in the coming years, making the message practically important when going to solve the problems that will be raised in practice when the proliferation of self-driving vehicles in the roads. The theoretical importance lies in the scarcity of references and judicial rulings on this subject in the Arab Library in particular, due to the non-proliferation of self-driving vehicles in the Arab state so far, and in light of the trend towards the use of artificial intelligence in order to make the most of this technology and use it in various fields, which raises the question of the legislative system that helps states to make the technology of self-driving vehicles available in the roads of the state?

With the advantages offered by self-driving vehicles, another aspect of the disadvantages in practice has emerged: traffic accidents and the deaths and damage they can cause to people and money, as well as the absence of legislative provisions under the Federal Traffic Act to regulate this type of vehicle. Through this study, we will show what self-driving vehicles are, in addition to distinguishing them from similar systems, as well as highlighting the nature of responsibility for self-driving vehicle accidents and the position of the law.

Keywords: Penal liability. self-driving vehicles. Federal Traffic Law. Criminal Policy.

Introduction

First: An introductory introduction to the subject of research and its importance:

The scientific and technical development that began at the end of the nineteenth century has created new problems that have placed the onus on existing legal thought to find legal solutions to provide some balance between the interlocking social and legal constraints arising from these innovations, particularly the resulting crimes against persons and funds to ensure accountability and redress for the damage caused.

It is the responsibility of countries to explore the depths of every scientific development in the field of technology, to employ him in the service of the state and its residents, and one of the most

prominent technologies on the modern scene is artificial intelligence, where countries seek to employ artificial intelligence technologies in various fields of life to take advantage of their advantages, and artificial intelligence technology plays an important role in public transport, in self-driving vehicles where the vehicle takes over the tasks of driving without the driver and the role of the driver is limited to determining the destination and then The vehicle drives itself.

With the advantages offered by self-driving vehicles, another aspect of the disadvantages in practice has emerged: traffic accidents and the deaths and damage they can cause to people and money, as well as the absence of legislative provisions under the Federal Traffic Act to regulate this type of vehicle.

Through this study, we will show what self-driving vehicles are, distinguish them from similar systems, and also highlight the nature of responsibility for self-driving vehicle accidents and the position of the law.

- **Scientific importance:**

Transportation is constantly evolving and human beings always harness modern inventions and techniques for their comfort and well-being. The proliferation of self-driving vehicles on the roads.

- **Theoretical importance:**

The theoretical importance lies in the scarcity of references and judicial rulings on this subject in the Arab Library in particular, due to the non-proliferation of self-driving vehicles in the Arab state so far, and in light of the trend towards the use of artificial intelligence in order to make the most of this technology and use it in various fields, which raises the question of the legislative system that helps states to make the technology of self-driving vehicles available in the roads of the state?

Second: The problem of research:

The problem of searching for the person responsible for crimes is compensated in the event of harm to others through accidents caused by self-driving vehicles, what responsibility corresponds to the characteristics and characteristics of this generation of vehicles? If the only cause of other people's damage is in the self-driving vehicle itself and without human intervention, who is criminally responsible for it and for compensating the injured? Driver/owner or manufacturer?

Third: Search questions:

1. Can third-party responsibility be applied to self-driving vehicles?
2. Do the provisions of liability for the act of third parties correspond to the responsibility for the machine as it stands in accordance with the Penal Code with self-driving vehicles? Or does that require legislative intervention?

Fourth: The research hypothesis:

The research hypothesis begins by answering:

1. What is self-driving vehicles?

2. Can accidents committed by these vehicles apply to the applicable federal traffic law? Or does it require special law legislation regulating its provisions?
3. Is the driver's responsibility for the incidents committed personal or third-party responsibility?

Fifth: Research methodology:

The study will adopt the analytical approach, by analyzing the legal texts relating to this type of vehicle in the Penal Code, and the study will refer to liability as a general and how it applies to this type of vehicle, using court legal research that examined the provisions of responsibility for accidents of self-driving vehicles and the study will see the position of the Penal Code on this generation of vehicles and the resulting accidents

1.1 Nature of responsibility for self-driving vehicles

There was disagreement about the nature of responsibility for self-driving vehicles, whether they were of a positive nature, or of a negative nature, of an objective or moral nature, which would require dividing this research into four independent demands, which we allocate to each opinion an independent demand.

1.1.1 Responsibility for self-driving vehicle of a positive nature

A crime cannot occur without conduct, which is a positive or negative act, because the legislator does not punish the abstract intentions for the simple reason that the orders and intentions of the law are not violated merely by the desire to rebel against it, but when the person takes a course that violates the orders and intentions of the legislator, hence the research into the nature of the conduct of the person responsible for accidents of self-driving vehicles, is it positive behavior or cannot be considered as such, and positive behavior means the organic movement driven by To the outside world is ^{a human will}¹, and this definition involves three elements, the first of which is movement, and this element is the one that distinguishes positive behavior from abstinence. The movement is the change in an existing situation, but refraining is to keep the situation unchanged. The perpetrator imagines the criminal result that he wants to achieve and at the same time imagines the organic means by which he or she reaches this result through a member of his body² The importance of the organic movement in the entity of the positive act is clear, since other things are stripped of materialism and it is not imagined that it will have a criminal consequence, or that the rights protected by law will be infringed and that the organic movement is considered an element of positive behavior with important consequences. The ³third element is the driving force, which is the will, which is very important, because if the organic movement to its issued persons is left behind as a conduct, the behavior is a position that expresses a will, the

¹Dr. Mahmoud Najib Hosni, Causality in the Penal Code, Arab Renaissance House, Cairo, 1983, p. 38.

²Dr. Ramses Behnam, General Theory of Criminal Law, Alexandria Printing and Publishing Company, Alexandria, 1971, p. 510.

³The same source, p. 510.

abstraction of this meaning was not behavior, and the will to rotate in positive behavior, the first is to be stripped of that meaning. As the cause of organic movement as a psychological force, it pushes the organs of the body to move in a way that achieves the goal that the perpetrator wants to achieve, the offender does not make a random organic movement, but is the result of a will, but if the member moves unwillingly, his movement is a mechanism such as the movement of things and is then attributed to the dominant force of the member and is not attributed to the same owner⁴. The second role of the will means its control over all parts of the organic movement and its orientation in a certain way, and to make it clear that all the materiality that makes up the conduct means that it is coordinated in a certain direction drawn by the will and defined by the will, and therefore the willful direction to all parts of the organic movement was an element of will⁵, and the will is necessary in every conduct, whether the crime is intentional or unintentional, so there is no crime at all because its backwardness denies the same behavior⁶.

After this clarification of the concept of positive behavior, do you think that the conduct of the person responsible for self-driving vehicle accidents can be considered positive or not? In fact, in the light of the above, the conduct of the person responsible cannot be considered positive, because positive behavior as we have learned requires the willful movement of a member of the human body to engage in or contribute positively to the criminal conduct, which does not apply to the conduct of the responsible person who has been obliged by law to have an obligation to supervise and supervise the actions of another person to prevent criminal conduct from him, so he refrained from performing this duty and the criminal conduct was therefore suspended, i.e. he asks without To proceed with the physical act of the physical component of the physical corner of the crime initiated by the controlled or deliberately supervised or not, with positive or negative behavior.

2.2.1 Responsibility for accidents of self-driving vehicles of a negative nature

After we found out that the behavior of those responsible for self-driving vehicle accidents cannot be counted as positive in nature, does it mean that his behavior is of a negative nature? Because the physical pillar of the crime consists in essence of positive or negative behavior, if the conduct of the person responsible cannot be counted positively, it must be considered negative behavior, but this conclusion should be recognized to clarify the concept of negative behavior and the nature of the obligation that the person responsible for the accidents of self-driving vehicles has refrained from doing, and his responsibility for the unlawful act of which has occurred by others, but this clarification will be as far as the nature of the person's negative behavior is concerned.

Passive behavior or abstinence is to give up the performance of a legally duty act⁷. Abstinence is not merely silence or non-absence, even if this nature is what the criminal legislator is interested in, but refraining means refraining from taking positive action that the law is keen to perform. This concept is

⁴Dr. Ahmed Fathi Srour, Mediator in The Penal Code - General Section, Arab Renaissance House, Cairo, 1981, p. 411; Dr. Mahmoud Najib Hosni, Lebanese Penal Code - General Section, Dar al-Goukri, Beirut, 1975, p. 371.

⁵Dr. Mahmoud Najib Hosni, Lebanese Penal Code, former source, p. 371-372.

⁶Dr. Maamoun Mohammed Salameh, Penal Code, General Section, I2, Ghraib Printing House, Cairo, 1976, p. 117.

⁷Dr. Awad Mohammed, Penal Code - General Section, University House, Alexandria, 1987, p. 59.

closely linked to the idea of criminalization. The Criminal Code aims to protect a range of fundamental rights and interests, which in order to do so sometimes obliges people not to prejudice these rights and interests, and sometimes they are obliged to perform acts to ensure their ⁸maintenance. In the place of criminalization, the legislator is equal to the fact that the assault on the right or interest in question is legally protected, by committing the criminal act or by abandoning the performance of due work, from this point of view the legislator views negative conduct, as it does not criminalize it as absolute non-compliance because in this way it does not harm or endanger the rights and interests legally protected, but it criminalizes it because it prohibits members of the body from moving to maintain the right to the duty of protection, which represents the natural aspect of abstinence⁹. Negative behaviour as uncompromising behaviour, if stripped of it, cannot be limited to positive behaviour, and voluntary negative behaviour is of broad meaning, as it is not limited to directing the will not to perform the legal duty, but also to not direct the will to do so with the ability to do so, but also to refrain from doing so, but also to ¹⁰violate a legal obligation imposed on society, if it is not then an obligation of the community. Such a crime is not a crime, and if the criminal result occurs, and a particular person can prevent it from occurring, the conduct of that person may be described as a omission from a moral or religious point of view, but it is a legal omission, but it should be recalled that this legal obligation must be established under the provisions of the Penal Code, not under other legal provisions¹¹.

After this clarification of the concept of negative behavior we find that it corresponds to the nature of the conduct of the person responsible for accidents of self-driving vehicles, because this person is in fact legally obliged under the provisions of criminalization or other penal provisions, to monitor or supervise the conduct of another person to prevent the occurrence of illegal acts from him, so that the person responsible for carrying out this obligation shall refrain from doing so, so that the unlawful act occurs from others as a result of this omission, the person responsible does not move any of his members to commit the conduct of others It is legitimate with others, but it merely takes a negative attitude in relation to a positive attitude that it had to do in accordance with the law, in order to prevent the criminal result from occurring at the hands of others, but it did not, so that result was signed, and its responsibility was entailed, but the extent of this responsibility is in accordance with the will of the person responsible for the criminal result.

3.2.1 Responsibility for self-driving vehicle accidents of an objective nature

It may be argued about the nature of criminal liability for accidents caused by self-driving vehicles as objective, and how far they can be counted as well, to clarify this, the concept of objective responsibility should be clarified, and then arose, and then the extent to which the concept of objective responsibility applies to the conduct of the person responsible in three separate branches.

⁸Rauf Obeid, Principles of the General Section of Punitive Legislation, Arab Thought House, Cairo, 164, p. 190.

⁹Dr. Ramses Behnam, General Theory of Criminal Law, former source, p. 509.

¹⁰Dr. Omar Al-Saeed Ramadan, Moral Pillar of Irregularities, Arab Book House, Cairo, 1959, p. 657.

¹¹Dr. Mohammed Al-Qalali, Criminal Responsibility, Accreditation Press, Cairo, 1948, p. 70.

1.3.2.1 Concept of Objective Responsibility

Objective (material) responsibility means that a person is criminally held responsible for a criminal result for which his act was the cause without his will from this result standing in a position that is certified by the description of mayors ^{or mistakes}¹². It is a responsibility based solely on a causal relationship between the conduct and its consequences. There is no need to prove the error, nor is there any point in denying it, and this responsibility is clearly anomalous, because it is an explicit departure from a Muslim base in modern criminal thought and it is not a crime without sin, i.e. without moral corner, In the early stages of its development, the human conscience accepted this responsibility, but the development of legal thought replaced it with responsibility for error¹³, and the establishment of objective responsibility requires two conditions, the first being that the conduct is voluntary, because if not it is an abstract mechanical movement, it is not attributed to those who came to it as its conduct, but to the source of this movement. There is no result of another worker who has been independent of it in the first place, or is responsible for its sole conduct as a result¹⁴, in other words, that objective responsibility, although stripped of the moral corner, requires at a minimum the completion of the elements of the physical corner, i.e. there should be conduct, whether positive or negative, and that such conduct is voluntary, not only this, but this behavior must be the cause of the criminal result, i.e. there must be a causal relationship between the conduct and the criminal ¹⁵result. The exclusion of the psychological element that is wrong from this responsibility, whether intentional or unintentional, the failure of bad faith is of no importance, nor is it important because there is no mistake, negligence or lack of care, nor is it important for excuses and motives, but the queen of will and understanding play's little role in this area¹⁶.

2.3.2.1 The Genesis of Objective Responsibility

Objective responsibility arose with the emergence of violations as a category of crimes that are less important in terms of subject matter and punishment, and under legislation that followed in the footsteps of the French legislator in dividing crimes into three categories and according to their gravity¹⁷, as this legislation begins with crimes as the most serious crimes and therefore occurs in the public, which made them associated with the most severe penalties, followed by misdemeanours, which are the least serious of crimes, although they are the most serious, but their effects and dangers are specific to the crimes, Therefore, their penalties were less severe, followed by misdemeanours, offences whose appearance was associated with the emergence of objective responsibility, and were

¹²Dr. Al-Saeed Mustafa Al-Saeed, General Provisions of the Penal Code, Scientific Press, Cairo, 1972, p. 359.

¹³ Williams Glanvill, Criminal law- the general part, Stevens sons London, 1998, p 238.

¹⁴Dr. Ali Ahmed Rashid, Principles of Criminal Law, Press of the Committee for Authorship, Translation and Publishing, Cairo, 1950, p. 601; Dr. Hamid al-Saadi, Explaining the New Penal Code, II, Dar al-Hurriya Press, Baghdad, 1976, p. 378.

¹⁵Dr. Maamoun Mohammed Salameh, former source, p. 331.

¹⁶Dr. Abdul Rauf Mahdi, Criminal Responsibility for Economic Crimes, Al-Madani Press, Cairo, 1976, p. 177; Dr. Omar Al-Saeed Ramadan, Moral Pillar of Irregularities, Former Source, p. 21.

¹⁷Article 23 of this legislation, the Iraqi legislature, is iraqi sanctions.

called irregularities because they constituted a violation of regulations and if they did not cause direct harm to anyone, and given the topics addressed by the violation, it is rare to be accompanied by the imposition of penalties that are negative for freedom, because their occurrence does not reflect a criminal psychological situation or danger to the perpetrator, but only failure to comply with the measures imposed by the public authority and the organization of social life, and failure to comply with this may result from negligence or danger to the perpetrator. The lack of attention of the perpetrator or perhaps the omission or lack of discipline on his part and nothing to do with all this has to do with his or her morals, and as a result of this view of the violation, made the majority of the penalties imposed on her financial, and not to take them as a criminal precedent, and to give the public administration the power to meet it without referring the offender to the competent court¹⁸, this legislative position of the concept of violation and its effects made it as a group outside the category of ordinary crimes, which prompted Horio, one of the most ardent enthusiasts of the idea of objective responsibility to say "it was The French legislator should follow the example of Anglo-Saxon laws in dividing crimes into only two categories of crimes, misdemeanours that are based against the legal system and against morality, because they are aimed at maintaining social order."¹⁹ The judge, without the presence of the jury, the previous classification adopted the category of offences that required arrest and those that did not require him, but violations of municipal and other systems governing different conditions for members of society, the trial was not required and fines were met directly from violators only in cases expressly stipulated by the laws, especially if the offence was so serious that it endangered the lives of citizens and public order or disturbed²⁰.

Thus, it became clear that the violation was returned under French jurisprudence, which arose under its laws a crime that is achieved only by achieving its physical corner, whether the conduct of the component of the physical corner is positive or negative, and without the need to look into the criminal intention of the person responsible for it, because good faith does not lead to his exemption from punishment, because the legislator wanted to suppress an act that poses a danger to society, and is not a mistake to blame, the punishment here has a preventive effect and is not blame for an act²¹ Hence, objective responsibility has emerged and under the justification that this responsibility is achieved as soon as the material offence occurs because it is a positive offence, and this positive offence affects the social system and those who violate this system deserve punishment without considering its moral support, which justifies punishing persons for offences without having committed themselves, having criminal intent, or providing them with awareness and awareness²².

3.3.2.1 The applicability of objective responsibility to the conduct of the person responsible for self-driving vehicle accidents

¹⁸Dr. Mustafa Al-Awji, Criminal Responsibility, Economic Foundation, Nofal Foundation, Beirut, 1982, p. 173.

¹⁹ Legal (Alfred): La Responsibilite sanstant in chamber criminal, et sa jurisprudence, paris, 1985, p 129.

²⁰ wooton (Margreat): Crime and the criminal law, London, 1993, p 262.

²¹ Legal (Alfred): Op. Cit., p 131.

²² Merle et (Vitue): Traite de droit criminal, paris, cajas, 1987, p 318.

After we have clarified the objective responsibility, and then we hope to clarify the possibility that the nature of objective responsibility applies to the conduct of the person responsible for accidents of self-driving vehicles, especially since the person responsible proves his criminal responsibility once others have committed criminal conduct.

Some supporters of holding the person responsible for these traffic accidents accountable on the basis of objective responsibility argued that this responsibility proves to the person responsible in accordance with this aspect contrary to the general rule in the Penal Code, which includes the exemption of the person responsible if he does not prove psychological support, i.e. he did not have the error in his intentional and unintentional forms, especially since he cannot deny responsibility for it by proof, that he has done his duty of supervision or supervision to prevent the violation from occurring. Legal ^{from third parties}²³, whether the driver of the car, the programmer, the factory or others.

Other supporters of objective responsibility have emerged as holding the person responsible for such incidents accountable on the basis of objective responsibility, on the grounds that this responsibility represents a mitigating form of unintentional error, in which it is not necessary to prove the tendency of the responsible person to commit criminal conduct through others in accordance with the rules of conduct stipulated by the legislator or defined by the customs prevailing in society.²⁴ In fact, supporters of objective responsibility want to express one idea that criminal responsibility can be carried out before the person responsible, and that it is subject to criminal punishment once the criminal result has been achieved by others, without regard to the moral pillar that should be available to the person responsible, but the authors of this opinion have been rightly criticized in several ways, the first of which is that responsibility for accidents of self-driving vehicles if it is considered objective responsibility, would disrupt the rules of law governing criminal liability. In its traditional sense, the punishment is deprived of all its characteristics and purposes, and criminal responsibility in this case becomes similar to the civil responsibility that arises before the follower or similar to civil responsibility based on the theory of liability²⁵. The statement of this view portends the possibility of a return to the system of crime and punishment that was planned in primitive societies in ancient times, where the lack of legitimate authority was the reason for the emergence of punishment as a desire for revenge as a social reaction²⁶ In taking the view, it is also feared that the right to re-embrace the doctrine of reparation, which denies freedom of choice and considers the crime to be capable of any person responsible, should be punished, or return to the past, where the accountability of the person responsible was based on a mistake based solely on the person's status as a follower, employer or owner without directly or indirectly contributing to the commission of the crime, for which his criminal responsibility was determined while he

²³Dr. Mahmoud Mustafa, *Economic Crimes in Comparative Law*, C1, General Judgments and Procedures, I3, Cairo University Press, University Book House, Cairo, 1979, p. 93.

²⁴Dr. Amal Abdul Rahim Osman, *Penal Code - Special Section - Supply Crimes*, International Publication, Cairo, 1969, p. 126; Dr. Jalal Tharwat, *The Theory of Crime*, Dar al-Ma'ariq, Cairo, 1964, p. 245.

²⁵Dr. Ramses Behnam, *General Theory of Criminal Law*, former source, p. 879.

²⁶Dr. Mahmoud Najib Hosni, *Penal Code - General Section*, former source, p. 12.

performed his duty. In the control and supervision of the work of his subordinates, however, the law holds him criminally responsible simply for the unlawful act of others²⁷.

Finally, looking carefully at the accountability of the person responsible for these traffic accidents under objective responsibility leads to the punishment of the inanimate, and the ineligible as long as the objective responsibility ignores the moral pillar, and the criminal civil ity is executed, and this result cannot be the subject of extradition, because whatever the purpose of criminalizing the legislator for certain acts, criminal responsibility should only be risen before a person with the ability to realize and choose, because he is the one to whom the orders of the legislator and his end are directed, and he alone is able to If he is exposed to what he denies his perception or freedom of choice, he can pay his responsibility²⁸.

The bottom line is that we do not agree with those who went on to say that the nature of objective responsibility applies and the conduct of the person responsible for accidents of self-driving vehicles for the above-mentioned criticisms, and because the responsibility for these incidents, as we will see when examining their staff later, contains in essence an error, made by the person responsible, whether intentional or unintentional, and this is evidenced by the connection of the physical act that occurred from others to the conduct of the responsible person held responsible by law, due to the conduct of the person responsible for the law. This person in charge is apparently the one who benefited from the unlawful act, and was able to prevent it from occurring, or that the third person who initiated the material act is subject to the control of the person responsible, and the legislator has been found to have the fault of the person responsible, because censorship in the desired direction if it were done would not have occurred, and the person responsible has the right to pay his responsibility in the ways established by law in accordance with the general rules.

4.2.1 Responsibility for accidents of self-driving vehicles of a moral nature

Material support alone is not sufficient for the conduct of the crime, and therefore responsibility for it, but the crime is completed when this material support is accompanied by another support, namely, the moral support that reflects the psychological relationship between the conduct and the person responsible for it, which may take one of two manifestations: intentional or unintentional error.

To indicate the nature of responsibility for these incidents is it moral or not? The concept of moral support (moral pillar) should first be clarified, as there are two theories that have taken over the task of outlining the concept of such support that we are briefly exposed to in two separate branches, and then we allocate a third independent branch to show the applicability of moral responsibility to the conduct of the person responsible for accidents in self-driving vehicles.

1.4.2.1 Psychological Theory

The psychological theory in defining the concept of moral support (moral pillar) is based on the psychological relationship between the perpetrator and the criminal incident achieved either by his activity or through others, and this psychological relationship may take the form of intent, if the

²⁷ Salvaire (Jean): Re Flexiions sur La responsablite penale d'autrai, revue de Sc crim, paris, 1984, p 307.

²⁸Dr. Abdul Rauf Mahdi, former source, p. 178.

perpetrator represents the criminal incident resulting from his or her activity or that of the person not responsible, and his will to achieve it, and is unintentional if the perpetrator does not respond to the incident but represents it in his mind²⁹ This theory portrays the moral pillar as purely a psychological relationship between the perpetrator and the criminal reality achieved in the outside world, and this relationship does not differ in essence by the disappearance of crimes, but the essence is the same whether the moral pillar is in the form of mayors or in the form of involuntary error, because the two images are combined with a common basis, and this basis is limited to will, the moral pillar according to this theory lies in the direction of the will of the actor to achieve the criminal reality from which the law³⁰is terminated. If this will is not clear in the mayors, it is also fixed in conscious error, and if there is a difference between them, the difference is not about the nature of the mayors and the error, but about the nature of the legal rule that the crime violates. In the case of the mayors, the rule forbids direct harm to the legal interest, but in the case of conscious error, the rule forbids putting this interest at risk³¹.

In summary, the moral pillar of the concept of this theory is, naturally, the tendency of the perpetrator's will to achieve a criminal result and this concept is different whether the moral pillar takes the image of mayors or wrong.

Several criticisms have been made of this theory, the first of which is that this theory, by portraying sin as a purely psychological bond between the perpetrator and the criminal reality, which takes the form of intent, or unintentional error, has not succeeded in establishing a unified idea of sin involving intent and error³², and has failed to explain the backwardness of sin in many cases where the psychological bond is achieved in the form of intent or error, yet it cannot be said that there is sin in the course of the perpetrator, for example, contraindications. It³³is not true that the perpetrator in these circumstances wanted the dangerous incident, because he began to act in the belief that the harmful result would not occur, as he did not direct his will to the entire criminal incident, but rather to a split of it, which is the conduct alone without the result³⁴.

2.4.2.1 Standard Theory

The normative theory did not mention the psychological aspect in the moral corner and it clarifies its essence, but it considers that this aspect does not take it, because sin is not just a will, but an illegal will, and on this basis the concept of sin is determined, the will is sinful not because it has turned towards the criminal result, it may turn to that result and do not sin to provide a barrier to liability or due to the reasons for legalization, but it is sinful because it did not go towards fulfilling the obligations imposed by

²⁹Dr. Omar Al-Saeed Ramadan, Nature of the Moral Corner, Journal of Law and Economics, P3, S34, Cairo, 1964, p. 608.

³⁰Dr. Maamoun Salameh, former source, p. 234.

³¹Dr. Omar Al-Saeed Ramadan, Moral Pillar of Irregularities, Former Source, p. 51.

³²Dr. Mahmoud Mustafa, Penal Code - General Section, I10, Cairo University Press, Cairo, 1983, p. 284.

³³ Saleilles (R): Lindi viduali saction, de La pein, 2eme edit, paris, 1991, 32.

³⁴Saleilles (R): Op, Cit., p32.

law³⁵. According to this concept, the circumstances in which the offender came to do so, and whose will was formed under its influence, should be examined to see whether the law requires the perpetrator under these circumstances to respect the rule contained in the criminalization text that he has violated or not. If the law requires such respect, the perpetrator must be held accountable for his conduct, but if the law does not require respect for this rule, which he has violated, there is no place for such blame, and therefore sin is left behind despite the availability of intent or error³⁶.

The normative theory has gone through two phases, the first of which portrayed sin as identical to the psychological link between the perpetrator and the criminal reality so that the intention and error appear to be two images of sin, which distinguishes this theory at this stage from the psychological theory is its obligation to have the knowledge of the perpetrator, or at least the possibility of it when his conduct contradicts the legal rule, i.e. the normative theory at this stage was not to go beyond the psychological scope of sin because the science of illegality is like will, is something that is done in the same actor and for this purpose This theory was not much different from the psychological theory that assesses sin on the psychological links between the perpetrator and the criminal reality³⁷.

In the second phase, the standard theory was taken by what is described as the objective depiction of sin, and according to this photography the sin is no longer a judgment issued by the perpetrator himself on his conduct, but has become a judgment issued by the judge, which allows for the availability of sin despite the ignorance of the perpetrator of the conflict of his conduct with the law, whether the crime is intentional or unintentional, and the ³⁸sin according to this new photography is no longer limited to the psychological relationship between the perpetrator and the criminal reality, but this relationship has become one of its elements, and requires one of its elements, and requires to its side The availability of two other elements, the first, which is criminal eligibility, because the sin includes a judgment of blame directed at the perpetrator for not respecting the legal rule, and there is no doubt that this blame is not directed at the non-civility, because it is not addressed to the rules of law, but the other element is the natural composition of the will and is meant to be the external circumstances in which the perpetrator began his activity normal circumstances, so that it is not proven that directing the perpetrator his will to the criminal act was the result of necessity or coercion³⁹. Despite the justifications given by this theory for supporting its ideas on the essence of the moral pillar, it has been subjected to several criticisms supporting those who said it, the first of which is that it objectively portrays the sinner and makes it merely the judgment of the actor bloom for the course of his conduct, and this ruling does not settle in the psychology of the perpetrator, but is issued by others, the judge, and this result is unacceptable for its homosexuality, it contradicts the status of sin as a pillar of crime⁴⁰ It is also taken for her to describe the blame she inflicts on the will of the perpetrator and makes him the essence of

³⁵Dr. Awad Mohammed, former source, p. 205.

³⁶Dr. Omar Al-Saeed Ramadan, Nature of the Moral Corner, former source, p. 616.

³⁷ Vonliszt (Franz): Traite de droit penal allemand traduction lobsterne, ton mel 1, paris, 1981, p 207.

³⁸Dr. Omar Al-Saeed Ramadan, Nature of the Moral Corner, former source, p. 617.

³⁹Garraud (Rene): traitetheorique et prutigue de droit penal francais, tom, III paris, ed 1913 et 1935, precise de droit crimind, paris, 1939, p 2767.

⁴⁰Dr. Mahmoud Najib Hosni, Penal Code - General Section, former source, p. 160.

sin, not only this will, but also the crime as a whole, as the perpetrator is not only blamed for having stood in a purely willful position contrary to the law, but also because he acted against the law⁴¹.

3.4.2.1 The applicability of moral responsibility to the conduct of the person responsible for self-driving vehicle accidents

After the concept of moral support (moral pillar) and theories that have been said about the analysis of its essence have been clarified, and after it became clear that the crime cannot be carried out on the basis of the physical corner alone, in the light of the development of modern criminal legislation, whether related to the concept of sin, or the concept of punishment, we find that the crime in order to establish must be a moral corner besides the physical corner, and this necessitates us to say that the nature of the conduct of the person responsible for accidents of self-driving vehicles corresponds to With the nature of moral responsibility, i.e. the moral corner of the person responsible must be available in order to be criminally held accountable for the criminal result that occurred by others, it is not enough to have the physical support against the person responsible for negative behavior, but this conduct must be a willful and tangible conduct, i.e. a psychological relationship between the person responsible and the criminal incident punishable by law, allowing the return of this incident to him psychologically, after it was based on his negative behavior from Physically, since the moral pillar of any crime usually requires a certain form of psychological relationship, it may be the intention, or the error, and therefore the moral pillar of criminal responsibility for the accidents of these self-driving vehicles is formed in one of these two images⁴².

Based on the foregoing, it can be said that the accountability of the person responsible for these traffic accidents, and on the basis of the error committed by him, whether intentionally represented by criminal intent, or unintentional error represented by one of his legally prescribed forms, is fully consistent with the logic of psychological theory in analyzing the content and substance of the moral pillar, that theory that we support, because, as has been rightly said, the essence of the moral pillar is revealed as a natural phenomenon or internal behavior, but the idea of duty brought by the theory The norm is strange to the moral pillar, because it is an external judgment issued by others, and the will to violate the duty, which is distinct from the will of criminal activity itself, is not an element of the moral pillar, and therefore the search for this will is useless and proof is not necessary. Moreover, the will to violate the duty imposed by the rule of law assumes knowledge of it, and this knowledge in the legal system is not necessary, because the rule in it is that ignorance of the law is not an excuse⁴³ What has been said about the applicability of the concept of the moral pillar in which the normative theory is brought to the conduct of the person responsible for accidents of self-driving vehicles, especially in cases where the duty is defaulted or dropped after its establishment, considering that the person responsible if he finds himself in situations where the duty to respect the legal rule falls, according to

⁴¹ Vonliszt (Franz): Op. Cit., p. 207.

⁴²Dr. Hamid al-Saadi, Commentary of the Penal Code - Special Section, I1, Knowledge Press, Baghdad, 1963-1964, p. 12-13.

⁴³Dr. Omar Al-Saeed Ramadan, Nature of the Moral Corner, former source, p. 620-621.

the standard theory, it must be said that the moral corner of the person responsible is absent, because the failure of the duty in the first place, or the fall after availability prevents the possibility of counting the will. Illegal will⁴⁴.

This result, as we believe, can also be reached, if we take into account the concept of psychological theory that we support in determining the nature of the conduct of the person responsible for accidents of self-driving vehicles, because the physical corner will be left behind by the person responsible as in the reasons for the legalization established by law, and if the physical pillar is not declared, since the act has become permissible, then there is no way to look into the moral corner of the person responsible for these incidents.

NATURE OF RESPONSIBILITY FOR SELF-DRIVING VEHICLES

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⁴⁴Dr. Awad Mohammed, former source, p. 207.