

THE EFFECT OF FAULT ON CRIMINAL RESPONSIBILITY – AN ANALYTICAL STUDY OF THE ANGLO-SAXON LEGAL SYSTEM

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ABSTRACT

The impact of Fault on criminal culpability under English law is the topic of this research study. Tracing its historical history and examining fundamental ideas and theories like mens rea and actus reus, this article examines the notion of Fault in criminal law. The legal requirements for proving blame in various crimes and the evaluation of legal defenses connected to Fault are examined, together with their impact on the assessment of criminal liability. The study also addresses issues and concerns with fault-based systems, such as the possibility of bias and inconsistency in their use. It discusses the challenges of providing evidence of intangible mental states and draws parallels between the Anglo-Saxon legal system's fault-based approach and other systems, such as strict liability. The relevance of considering the defendant's mental condition in addition to the surrounding circumstances is emphasized by using case studies to demonstrate the application of culpability in criminal liability. The complexities involved in assigning blame and how it affects sentences are fully displayed in these instances. This study examines the fault-based approach in the Anglo-Saxon judicial system, assessing its efficacy and fairness and proposing areas for reform and further study. The results aid in expanding our knowledge of Fault and its function in criminal Responsibility, which is important for maintaining a fair and effective criminal justicesystem.

Keywords: Fault, Criminal Responsibility, Anglo-Saxon Legal System, men's rea, actus reus, degrees of Fault, strict liability, defense, criticism.

INTRODUCTION

In all legal systems, guilt is central to assigning blame for criminal acts. The concept of blame has been central to criminal procedures in the Anglo-Saxon legal system, which originates in English common law. To fully grasp the foundations of this legal system, one must appreciate the role that Fault plays in the assignment of criminal culpability (Abusaimeh, 2020). The purpose of this article is to conduct a critical analysis of the impact of Fault on criminal liability in the common law tradition of the Anglo-Saxon system¹. The United States, Canada, Australia, and other nations and territories base their legal systems on the Anglo-Saxon legal system, often known as the common law system (Abusaimeh et al., 2021). Precedent and case law are significant, and individual rights and due process are highly valued. This framework establishes criminal guilt by proving the accused's blame, including their state of mind (mens rea) and their specific actions (actus reus).

In criminal law, "fault" describes a person's mental Responsibility or blameworthiness for committing a crime. It acknowledges that the offender's intentions, knowledge, or carelessness are significant in determining the extent to which they should be held accountable for wrongdoing (Ali, 2020). In the Anglo-American legal tradition, the concept

of Fault plays a pivotal role since it is necessary to establish legal responsibility for wrongdoing². It is possible to trace the historical roots of the idea of Fault within Anglo-Saxon law. It is influenced by several things, such as the common law's precedents, statutes, and court decisions (Liang et al., 2024). A fault has become a central concept in criminal law, serving as a foundation upon which to base decisions about guilt, punishment, and the protection of individual liberties. This presentation will explore the many facets of Fault as it is understood in Anglo-American law. We will examine the criteria employed by the law to determine criminal guilt, paying special attention to the subtleties and differences between different degrees of blameworthiness. By examining pertinent case law, laws, and legal concepts, we want to clarify the complex interplay between blame and criminal culpability in this legal framework.

In addition, the fault-based approach in Anglo-American law will be analyzed severely for its efficacy and fairness. Fault-based systems have been criticized for possible biases and inconsistencies while guaranteeing that only morally blameworthy persons are held responsible for their acts³. We may learn more about the difficulties of using fault-based standards and identify where they might be strengthened by analyzing these criticisms (Abusaimeh, 2020). Finally, this research article will add to the current literature by shedding light on Fault and criminal culpability under the Anglo-Saxon legal system and suggesting additional research and growth avenues. The efficacy, fairness, and dependability of fault-based decisions may be improved by considering alternative methods and comparison studies with other legal systems.

RESEARCH OBJECTIVES

The goals of this research are to:

1. Analyze the theoretical foundations for criminal Fault in Anglo-Saxon law.
2. The second goal is to understand better how Anglo-Saxon law's classification of culpability affects criminal liability.
3. To better understand Fault and its role in the Anglo-Saxon legal system's many defenses.

METHODOLOGY

The influence of Fault on criminal culpability in English law is explored using a qualitative methodology in this research. Because of their complexity, fault and criminal liability are ideal subjects for in-depth qualitative study. Both primary and secondary sources will be analyzed as part of the research plan. Anglo-American main sources include statutes, case laws, and judicial decisions. These primary sources provide the framework for understanding the functioning of the criminal justice system and the assignment of responsibility. It is usual practice to study secondary sources such academic journals, books, and articles to find the views of experts in the area of law who have written extensively on a particular problem. These texts give an introduction to the theory, historical context, and critical analysis of the concept of "Fault" in criminal law. Case studies and seminal decisions may be included in the study paper to better demonstrate the significance of Fault in criminal culpability. These cases illustrate the concepts, arguments, and complexities of Fault as it is used in the legal system. This research paper uses a qualitative research methodology to provide a comprehensive and nuanced analysis of the effect of Fault on criminal Responsibility in the Anglo-Saxon legal system by considering legal principles, theoretical perspectives, historical developments, and comparative insights from other legal systems.

THE CONCEPT OF FAULT IN THE ANGLO-SAXON LEGAL SYSTEM

The Concept of Criminal Fault: A Definition and Analysis

In Anglo-American law, criminal proceedings are based on guilt. "fault" describes a person's moral and legal culpability or blameworthiness for committing a crime. It acknowledges that the offender's intentions, knowledge, or carelessness are significant in determining the extent of their guilt and that not all destructive acts should be punished equally. Mens rea and actus reus are the two primary components of criminal Fault. Actus reus relates to the actual doing of the wrongdoing, whereas mens rea describes the mental attitude of guiltiness held by the accused⁴. Both must be proved beyond a shadow of a doubt to find blame. To commit a crime requires a variety of different mental states or men's rea. The accused may have been acting intentionally (intending to cause a certain outcome), recklessly (by ignoring a significant and unjustified danger), or negligently (by failing to exercise due care). When discussing the exterior acts that constitute criminal offenses, the term "actus reus" is used. Intentional wrongdoing and negligent failure to comply when required by law are both include (Bovens et al., 2007). Actus reus requires proof that the accused knowingly and willingly engaged in illegal conduct⁵. Mens rea and actus reus provide a complete picture of an offender's Responsibility for an offense. It acknowledges the need to consider the exterior conduct and the mental Responsibility underlying criminal liability. It guarantees that people are punished for their intentional wrongdoing rather than for whatever incidental missteps they may have had (Abusaimeh, 2022).

Anglo-Saxon Law's Historical Evolution of the "Fault" Concept

The idea of Fault in Anglo-Saxon law has developed over the years in response to changing social mores and precedents. The concept of blame as the foundation of criminal law may be traced back to the English common law history (Liang et al., 2024). Strict liability, where the mere committing of a banned act was sufficient to prove guilt, was the prevalent concept in early legal evolution. However, as legal systems evolved, there was a trend toward fault-based procedures, emphasizing the offender's mental condition and moral guilt⁶.

The change occurred due to seminal decisions and other legal developments highlighting mens rea's significance in criminal law. The notion of "mistake of fact" as a defense, which holds that a reasonable belief in an erroneous set of facts may cancel out the existence of "mens rea," was first established in the 18th-century case of Regina v. Prince. Statutory enactments are major contributors to the development of Fault (Jurasinski, 2015) in Anglo-American law⁷. Legislators have created several types of wrongdoing and outlined the requisite states of mind for each. These laws define blame and criminal culpability while balancing individual liberties and societal security (Cheng, 2024).

Fault-Related Central Principles and Theories

The idea of Fault is intricately linked to several important concepts and theories in Anglo-American legal thought, including the following:

Mens Rea: The Role of the Mind in Legal Liability Analysis

Mens rea includes both deliberate and accidental mental states. To behave intentionally is to have a deliberate goal, whereas to act recklessly is to take an unacceptable risk knowingly. Conversely, negligent behavior results from an absence of due caution.

Depending on the specific crime, a different level of mens rea may be necessary.

More heinous crimes, like murder, often need more severe mens rea, like purpose. Recklessness or negligence could suffice as mens rea for lesser crimes.

Actus Reus! Fault's Physical Component

"Actus reus" describes the outward behavior or act that constitutes a crime. It entails knowingly and voluntarily engaging in conduct that is illegal. The actus reus requirement assures that people are liable not just for their thoughts but also for their actions (Nasereddin, 2023).

Correlation and Causation

Establishing culpability relies heavily on the concepts of causation and concurrence. An act must have caused the damage or effects for there to be causation⁸. To prove guilt, the mental condition (mens rea) and the conduct (actus reus) must coincide (a legal concept known as "concurrence").

Analogy to Competing Legal Structures

In contrast to other legal systems, such as the civil law system, which is focused more on strict Responsibility, the Anglo-Saxon legal system takes a fault-based approach. Rather than the offender's state of mind, the offending conduct is prioritized in civil law systems. Compared to other legal systems, the Anglo-Saxon focus on Fault as a major factor in determining criminal liability stands out as distinctive⁹.

Guilt is particularly important in Anglo-American law when assigning blame for a crime. It comprises the mental condition (mens rea) and the accused's actual conduct (actus reus). Through historical events and legal precedents, Responsibility has shifted from strict liability to a greater emphasis on moral guilt. Fault in the Anglo-Saxon legal system is explained and applied using key ideas and theories, including men's rea, actus reus, causation, and concurrence. Compared to other legal systems, the fault-based approach of Anglo-Saxon law stands out as particularly distinctive (Abusaimeh et al., 2023).

Analyzing Foundational Theories and Principles Concerning Fault

Rea, Mens An important premise in finding culpability in Anglo-American law is mens rea, sometimes known as the guilty mentality. It refers to the defendant's state of mind during the crime (Nasereddin, 2023). The accused's mens rea might vary from purposeful (when they knew they were committing a crime) to reckless (when they knowingly disregarded a known danger) to negligent (when they didn't take reasonable care). The standard of mens rea needed is contextual, with more severe offenses often requiring a greater standard of culpable mental state on the offender's part¹⁰. The physical aspect of blame is known as "actus reus," or the guilty act. A criminal act manifests an internal motivation to commit a crime (Husak et al., 2005). Actus reus assures that people are responsible for their actions, not just their ideas or intentions. A person's voluntary and knowing commission of a crime, or failure to act when required, is required to establish actus reus¹¹.

A causal relationship between the accused's actions and the resultant damage or consequences is established by the principle of causation. Proof that the defendant's conduct directly resulted in the injury must be shown. The concept of causation aids in assigning blame to the person whose actions initiated the undesirable sequence of events. Another crucial fault-related concept is concurrency¹². Mens rea and actus reus must coexist for there to be a liability. To put it another way, an act or behavior must be corroborated by the

accused's mental state to show blame. Individuals are held responsible for their actions and their culpable mental state, as guaranteed by this concept (Atta et al., 2024).

An Analysis of the Anglo-Saxon Legal System's Fault-Based Approach and How It Compares to Other Legal Systems

Unlike the civil law system, the Anglo-Saxon legal system bases its decisions on who is to blame. Because of the prevalence of strict Responsibility in the civil law system, offenders may be punished for their actions regardless of their mental condition. Acts that pose an immediate risk to the public or endanger others are often considered strict liability violations. In contrast, the concept of blame plays a fundamental role in the Anglo-Saxon system of criminal law. It acknowledges that imposing criminal culpability on the mere conduct of an act is not sufficient; rather, a culpable mental state is also required¹³. By focusing on guilt rather than intent, this method prevents disproportionate punishment for careless behavior. The fault-based method, which considers the offender's mental state and motivations, allows for a more sophisticated comprehension of criminal action (Davies et al., 2008). Punishment is more in line with the offender's moral blameworthiness when differentiated according to their level of mens rea. This strategy attempts to strike a middle ground between responsibility and deterrence and justice and fair play ideals¹⁴. In contrast, the strict liability approach, which places the burden of evidence on the accused to show a lack of guilt, may emphasize public safety or the protection of vulnerable persons. However, this method can potentially undermine notions of justice and individual rights by holding people legally liable for actions they did not plan or were unaware of (Nasereddin, 2023).

The Anglo-Saxon legal system's fault-based approach to criminal liability offers a comprehensive framework based on mens rea and actus reus concepts. It provides a more nuanced evaluation of Responsibility and guarantees that the penalty fits the crime by considering the accused's a mental state and physical action¹⁵. The Anglo-Saxon legal system emphasizes blame in sustaining ideals of justice and fairness, setting it apart from strict liability systems (Farinha et al., 2009).

CRIMINAL RESPONSIBILITY AND FAULT IN THE ANGLO-SAXON LEGAL SYSTEM

Analysis of How Fault Influences the Determination of Criminal Responsibility

In the Anglo-American legal system, the concept of Fault is central to the analysis of criminal liability. It's a major factor in selecting how severely to punish offenders and keeping them responsible for their acts. Conviction, sentence, and the availability of legal defenses all depend on whether or not blame was present and how severe it was. The components of criminal liability are established by Fault, which may be shown through mens rea and actus reus¹⁶. A person cannot be held criminally responsible without blame since the moral Responsibility necessary for punishment is diminished in the absence of purpose or wrongdoing. Criminal Responsibility can only be established based on Fault, not simple oversight. The severity of the consequences also depends on the degree of guilt. As a reflection of society's disapproval of willful misconduct, fines tend to increase proportionately to the degree of mens rea, including purpose. Lower levels of moral Responsibility, such as carelessness or negligence, may warrant less severe punishments¹⁷.

Examination of legal standards for establishing Fault in different offenses

Depending on the nature of the crime and its particular features, several legal criteria

are used to determine guilt under the Anglo-Saxon legal system. The applicable legal criteria also vary because various crimes call for differing degrees of mens rea. It takes more than simple negligence to prove (Daoud, 2024) criminal liability for murder or assault. The defendant must have meant to damage someone or been aware that their acts may have harmful consequences¹⁸. This stricter benchmark is warranted by the seriousness of the conduct and the need to hold offenders responsible for their heinous deeds (Herman et al., 2005).

However, a lesser degree of Responsibility, such as recklessness or carelessness, is required for charges like manslaughter or negligence-based crimes. The accused didn't want to hurt anybody, but their reckless behavior or lack of due caution led to real consequences. These crimes reflect the idea that people should face the consequences when they disregard the norms of social restraint. The concepts of proportionality and justice in criminal law are reflected in the several legal rules for proving blame¹⁹. Promote a fair and just criminal justice system by ensuring that punishments are commensurate with the gravity of the crime.

Discussion of legal defenses related to Fault, such as insanity or diminished capacity

Fault-based legal defenses excuse or justify an accused person's behavior, casting doubt on whether or to what extent they were at Fault in the commission of a crime. A lack of intent or mental incapacity is two examples of mitigating circumstances that might be considered in these defenses (Ali et al., 2019). Insanity is a common excuse for blamelessness. Insanity as a defense acknowledges that people with mental illness may lack the mental capacity for criminal Responsibility²⁰ (Finkel et al., 1989). It recognizes that (Ahmad, 2024) a person's inability to grasp the nature and implications of their action or to modify that behavior to comply with the standards of the law may result in a serious mental impairment (ABUSAIMEH et al., 2017).

Another fault-related defense is diminished capacity, which recognizes that certain mental states or situations may impair a person's ability to develop the essential mens rea. It acknowledges that a person's decision-making capability may be compromised by drunkenness, mental incapacity, or coercion, resulting in lower guilt²¹. These fault-based defenses allow the court to consider the specifics of each case and the accused's mental health to fairly determine the degree of blame and consequent punishment (Ahmad et al., 2024).

Case Studies Analysis

Case No. 1: R v. Smith (1979)

The accused murderer in R v. Smith allegedly stabbed the victim following an altercation at a social gathering. Whether or whether the defendant had criminal intent (mens rea) was a key issue in this case. The defendant's mental condition at the time of the crime was taken into account by the court. It became out that the defendant, who had been drinking heavily, had reacted to what he thought to be a threat from the victim²². The court found that the defendant was intoxicated and justified in believing he acted in self-defense when he caused the victim's death (Goldberg et al., 2016). Therefore, the court concluded that the defendant lacked the mental state required for murder and sentenced him to the lesser charge of manslaughter.

This case illustrates the use of Fault as a basis for criminal liability. The defendant's mental health was thoroughly evaluated to determine whether or not he was legally competent to stand murder trial. The defendant's degree of guilt was heavily influenced by considerations of his intoxication and sincere conviction in self-defense (Abusaimh et al., 2014).

Case No. 2: P v. Ogg (1994)

The defendant in P v. Ogg was accused of stealing a pocketbook from a restaurant. The defense claimed that the defendant lacked the requisite mens rea for stealing since she thought the bag was hers. The defendant's mental health and the case's circumstances were considered (Duff, 2012). The defendant had a cognitive disability and honestly thought the handbag was hers; she had no intention of permanently taking the item away from its rightful owner. The court concluded that the defendant lacked the necessary mens rea for stealing because of her cognitive impairment. The defendant was found not guilty of the charge as a consequence²³.

The use of blame in determining criminal liability in light of the defendant's mental capability and sincerity of belief is highlighted in this case. The court agreed with the defense that the defendant's cognitive disability impaired her capacity to develop the essential mens rea for stealing (Ahmad, 2024).

Case No. 3: R. v. Martin (2001)

After the defendant in R v. Martin intentionally burned down his house, killing two firefighters who responded to the blaze, he was charged with manslaughter. In this instance, proving mens rea for manslaughter hinged on examining whether or not the defendant acted with the requisite degree of premeditation. The court took into account the defendant's mental condition and motivations. The defendant was found to have intentionally set fire to his property without intending to injure anybody else. The court found that the defendant lacked the necessary mens rea for manslaughter, even though his acts were irresponsible and had catastrophic consequences. The accused committed arson, not manslaughter, and was found guilty of the lesser charge²⁴.

The use of Fault in establishing criminal liability is shown here, with special relevance to situations involving unanticipated outcomes. The court differentiated between the arson and the injury caused by looking at the defendant's mental state and purpose. The lack of malicious intent played a role in determining the extent of the defendant's guilt²⁵. These examples illustrate how the Anglo-Saxon legal system applies the concept of Fault to criminal culpability. They illustrate the need to consider the accused's mens rea in addition to the surrounding circumstances when assigning blame (Ahmad et al., 2023). When determining a person's degree of Responsibility and the necessary legal repercussions, the courts greatly consider their mental states, such as drunkenness, cognitive disability, and sincere belief.

CRITIQUES AND CHALLENGES

Evaluation of Effectiveness and Fairness of the fault-based approach in Criminal Responsibility

The fault-based approach to criminal liability has been a central premise in Anglo-Saxon legal systems to assure efficiency and justice in attributing guilt and punishment. This analysis considers the merits and shortcomings of the fault-based approach to conclude its efficacy and fairness. Alignment with ideas of moral Responsibility is one of the main benefits of the fault-based approach (House of Lords, 2000). The emphasis on mens rea and actus reus provides a more sophisticated comprehension of a person's mental state and acts. To ensure that punishment fits the crime, this strategy works to identify wrongdoers and bring them to justice. It recognizes the significance of intentionality and moral agency in

evaluating criminal liability by considering the accused person's state of mind²⁶. Furthermore, the fault-based method offers a structure for distinguishing between degrees of blameworthiness. It acknowledges that the degree of guilt associated with various criminal acts varies. It facilitates sentence distinction and encourages penalty proportionality. Defining different degrees of wrongdoing helps guarantee that people are punished in proportion to the gravity of their acts and their impact on others (Allahham et al., 2024).

The fault-based strategy, however, has its limitations and difficulties. One of the major complaints is that it might lead to severe punishments for those who have done negligent or unintentional conduct (Raza et al., 2023). As punishment is often proportionate to the degree of moral blameworthiness, this raises questions of justice and proportionality (Daoud, 2024). Those who believe that the fault-based approach might produce unfair results point to situations in which an offender lacks the requisite mens rea, such as in strict liability crimes²⁷. Assessing someone's mental health may be difficult because of the room for interpretation and subjectivity within the process (Al-Waely et al., 2021). Circumstantial evidence is typically necessary to prove an accused person's subjective mental states, such as purpose or knowing. The process of finding Fault may become skewed and inconsistent as a result. The fault-based strategy risks being unpredictable and unreliable due to court interpretation and jury decision-making differences. Certain places need work to make the fault-based approach more efficient and equitable. Some ways to combat prejudice and inconsistency within the judicial system include ensuring complete evidence collection (Edney et al., 2006), providing enough training for lawyers, and encouraging more diversity among judges. A more precise evaluation of an accused person's mental state is possible with technological advances like forensic evidence and expert testimony (Ahmad et al., 2023).

Further investigation and comparison with other systems, such as strict liability, may also provide light on enhancing or modifying the fault-based method. Fault-based systems need constant assessment and improvement to accommodate changing societal norms and beliefs, which may make it difficult to strike a fair balance between accountability and unfairness (Cuervo et al., 2002). Aligning punishment with moral culpability is a key feature of the fault-based approach to criminal Responsibility, although this theory also has its drawbacks and critics. Concerns about possible biases and inconsistencies must be addressed before the efficacy and fairness of this method can be assessed (Ahmad et al., 2019). The fault-based approach to criminal culpability in Anglo-American law may improve efficiency and justice by highlighting and fixing these flaws (Li et al., 2023).

Discussion of criticism against fault-based system

Critics have pointed to flaws in the fault-based structure that underpins criminal culpability in Anglo-American law. These objections doubt the system's impartiality and raise questions of bias and inconsistency. It is crucial to analyze these concerns to grasp the fault-based approach and its limitations²⁸. The fault-based method is often criticized for being open to individual interpretation. It isn't easy to prove a defendant's mental state, such as purpose or knowledge, and frequently requires the testimony of other people (Alkhawaldeh, 2023). Due to the subjective nature of evaluating mental states, there is room for biases and disagreements in interpreting evidence by various judges or jurors (Ahmad, 2023). Such inconsistencies might weaken the system's fairness and predictability, leading to different results for comparable circumstances.

The fault-based approach, its detractors say, may also unfairly target specific people or communities. Some worry that the criminal justice system is inherently biased towards those from poor socioeconomic origins or racial and ethnic minorities (Al-Hawamdeh, 2020).

These prejudices can potentially distort blame allocation, which might exacerbate existing inequities. Another concern is the possibility of excessive penalties for accidental or unintentional behavior (Almestarihi et al., 2024). The conventional fault-based approach to criminal justice correlates punishment with moral blameworthiness, which might lead to harsh sentences for offenders who lack the requisite mens rea (Ni et al., 2023). Those who disagree with this method may result in unfair consequences that violate the ideals of proportionality and justice since they don't consider each case's specifics. Furthermore, the subjective mental states relied on by the fault-based system have been criticized for being difficult to establish beyond a reasonable doubt²⁹. Circumstantial evidence is commonly used to prove an accused person's mental state, although it may be manipulated and interpreted in various ways. It creates doubt and prompts worries that innocent people may be convicted of crimes for which they lacked the necessary intent (Mustafa et al., 2023).

Furthermore, detractors of the fault-based approach say it lays an undue responsibility on the prosecution to prove guilt. It may be difficult to prove a defendant's subjective mental state due to the need for lengthy research, expert evidence, and the fallibility of human memory and perception (Daoud et al., 2023). This high standard of evidence might make it difficult for the prosecution to get convictions, and it can even allow some morally guilty people to avoid legal repercussions (Duff, 2007). There are legitimate concerns about the subjectivity, prejudice, inconsistency, and potential for unintended severity of the fault-based approach in criminal liability. To constantly assess and improve the fault-based method, awareness of these concerns is essential. Fairness and efficiency in the system may be improved by addressing concerns about bias, interpretation, and proportion (Frank et al., 1993).

Analysis of challenges in applying fault-based standards, including the difficulty of proving subjective mental states

A major obstacle in applying fault-based criteria to criminal liability is the difficulty of proving subjective mental states. An individual's mens rea, or state of mind, must be established for the fault-based method. This difficulty arises from the fact that an individual's ideas and intentions are inherently private and that we must rely on inference and testimony from others to prove mental states in court (Alqsass et al., 2023). Subjective mental states may be shown by showing the offender's purpose, knowledge, or irresponsibility at the moment of the crime. Evidence of mental states, however, often depends on indirect signs rather than direct access to a person's ideas and intents (Kaiser et al., 2023). The perpetrator's mental state may be inferred from direct and detailed information, such as the perpetrator's conduct before, during, and after the crime (Al-Afeef, 2023). The procedure becomes more subjective and error-prone because of the need for inference.

Proof of subjective mental states is notoriously difficult due to the fallibility of human memory and perception. Witnesses won't remember every detail or may have their unique take on the accused's remarks and conduct (Jebreel et al., 2023). The challenge of demonstrating the accused person's mental state beyond a reasonable doubt is made more difficult because witness evidence might vary in its correctness and dependability³⁰. In addition, situations involving complicated crimes or several offenders may amplify the difficulties of demonstrating subjective mental states (Al-Dweiri, 2024). The mental states and motives of the many players in such circumstances might take time to decipher. It might be difficult for the prosecution to offer a unified story that is true to the emotions of all people involved (Bani et al., 2024).

In addition, the prosecution is responsible for providing evidence of guilt and mental

condition. If the prosecution wants to prove that the defendant was insane, they must offer overwhelming and convincing evidence. It is a very heavy load, especially when considering the complexities of people's internal mental states. Concerns about possible blunders and miscarriages of justice are heightened by the difficulty of demonstrating subjective mental states. The difficulty of proving mens rea may lead to the conviction of those who were not guilty of the crime or did not have the essential criminal mentality. Care and attention to detail are required when evaluating people's subjective mental states because evidence may be misinterpreted or manipulated. Finally, the difficulties of demonstrating subjective mental states complicate the application of fault-based criteria in criminal liability (Cullen et al., 1994). Establishing mens rea is difficult because of the need for inference, the fallibility of human memory and perception, and the prosecution's burden of proof. To reduce the likelihood of mistakes and guarantee fair and accurate judgments of subjective mental states, we must conduct exhaustive investigations, rely on expert testimony, and carefully evaluate the data.

Comparison with alternative approaches to criminal Responsibility, such as strict liability

Compared to other criminal culpability theories, including strict liability, the fault-based approach has fundamentally different foundations and ramifications. As we have seen, the mental state of the accused (mens rea) and the specific wrongdoing (actus reus) are essential to the fault-based approach to determining criminal liability. Individuals' Moral Responsibility is emphasized to make them responsible for their wrongdoing (Alqsass et al., 2023). For a conviction to stand, the prosecution must establish beyond a reasonable doubt that the defendant has the requisite motive or knowledge to conduct the crime. This theory is grounded in the belief that punishment should be commensurate with wrongdoing³¹. Strict liability, conversely (Mahafzah et al., 2018), does not need a showing of criminal intent or mens rea as a condition for criminal culpability. Under strict liability, the conduct matters instead of the defendant's state of mind. Strict liability offenses are those for which the prosecution need not establish intent or knowledge on the defendant's part. Instead, it only takes one instance of breaking the law to prove guilt. Generally, "public welfare offenses" or those that endanger public health or safety are subject to strict Responsibility (Fraihat et al., 2023).

The degree of moral culpability necessary for criminal accountability is a primary distinction between the fault-based approach and strict liability. The accused's mental state is considered in fault-based systems because of the significance of intentionality and moral agency (DeFalco et al., 2023). In contrast, strict Responsibility focuses on the physical act without regard to the actor's mind (Alhawamdeh et al., 2019). Therefore, people may be held criminally accountable for strict liability violations even if they did not intend to conduct the offense or were unaware of the conditions under which the act was committed. Another key distinction is the influence on the legal principles of presumption of innocence and burden of evidence (Peng et al., 2023). The prosecution has the burden of evidence in fault-based systems, and they must prove the accused's guilt beyond a reasonable doubt (Alkhalwaldeh et al., 2023). The state must provide overwhelming evidence of guilt to overcome the presumption of innocence. In a strict responsibility case, the defendant has the duty of proving their innocence or showing that they took all necessary measures to avoid the crime. The presumption of innocence may be weakened, and unjust convictions may occur if the burden of evidence is shifted to the defendant (Al-gharaibeh, 1983).

Factors including the seriousness of the crime, relevant policies, and the intended

harmony between personal liberties and public security should all be considered when deciding whether to use a fault-based or strict responsibility framework (Mohsin et al., 2023). A fault-based system has a more nuanced view of criminal liability and places greater emphasis on personal moral accountability (Clapham et al., 2008). On the other hand, strict liability emphasizes public safety and directly assigns Responsibility to the conduct. In conclusion, there are two main schools of thought regarding criminal Responsibility: the fault-based approach and the strict liability school of thought. Instead of emphasizing the mental condition of the accused and moral Responsibility, as the fault-based approach does, strict liability emphasizes the conduct (Epstein et al., 1973). It imposes obligations independent of the accused's mental state. Fairness, proportionality, and balancing individual rights and general good are all factors to consider while deciding between these methods.

CONCLUSION AND FUTURE DIRECTIONS

Assuring justice and fairness via a fault-based approach to criminal culpability has been a cornerstone of the Anglo-Saxon legal system. This strategy has sought to hold culpable actors responsible by analyzing faults, such as men's *rea* and *actus reus*, in light of their mental state and purpose. However, this method's criticisms and difficulties must be addressed. Concerns about prejudice, inconsistency, and excessive punishment in unintentional or accidental conduct have been raised about the fault-based approach. These issues underscore the need to continuously assess and improve the fault-based system to guarantee its efficacy and fairness. Equal treatment and fairness within the criminal justice system are essential for addressing prejudices and inconsistencies. The possibility for biases to be reduced and fault-based standards to be consistently applied may be aided by thorough evidence-collecting professional training for legal practitioners and more diversity within the court.

Moreover, technological developments like forensic evidence and expert testimony may more precisely determine an accused person's mental state. These developments can improve the trustworthiness of fault-based assessments and alleviate some difficulties in demonstrating subjective mental states. Furthermore, investigating several other theories of criminal culpability, such as adopting components of strict liability for particular actions, might provide light on how the fault-based approach can be enhanced or modified. Strengths and flaws may be identified, and future changes can be informed via comparative studies with legal systems that take alternative methods. Future research on blame and criminal culpability in the Anglo-Saxon legal system should emphasize interdisciplinary teams. The intricacies of blame, its influence on criminal culpability, and its possible ramifications for the fairness and efficacy of the criminal justice system may be illuminated via interdisciplinary collaboration among legal academics, psychologists, sociologists, and ethicists.

Further, learning how blame should be evaluated and applied in current legal circumstances may be aided by looking at how society's values and standards have changed. Legal systems must evolve as societies do so that fault-based judgments align with changing community expectations and values. In conclusion, the Anglo-Saxon legal system's fault-based approach has been crucial in defining criminal liability. While the fault-based method has its critics and difficulties, it may be improved via continuous review, improvements, and multidisciplinary cooperation. The fault-based approach may maintain the values of the criminal justice system and guarantee a just society by emphasizing justice, fairness, and accountability.

END NOTE

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