

Criminal liability arising from the simulation

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Abstract: Criminal responsibility creates the effect of the criminalization and the legal principle of penalties. In other words, violating against the law and not according to the dictates of the law creates criminal liability. In simulation of human since the two sets of character (legal or entities) may have committed this crime, and in the internal and international system has done the criminalization to these actions as we can say that in addition to internal system, the international systems, also reacts to the actions and punishes offenders.. Finally, we should say that the base of the criminalization arisen from the simulation of human and respecting and preserving human values.

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Introduction

The term legal entities against real individuals who are holders of rights and duties in society is used and its purpose is groups, societies and associations with common and distinct rights and obligations of the rights and duties of persons who have formed them. In fact, the concept of a legal entity of credit Interpretation is established by rights that with the progress of civilization has emerged over time. Thus, these organization can be as what the law identified for individuals, have to be their rights and obligations. Unless rights and obligations that struggle with human nature such as task Abvlyt, parity, and like these. In different countries with the responsibility of legal entities in the scope of criminal liability have been taken more or less different approaches. These days often the government accepts responsibility. In fact, although still a theory of lack of responsibility of legal persons has remained steadily but most lawyers do not support this theory and they believe that true justice and criminology of these persons should be considered.

Definition of simulation

Simulation or copied called Cloning (Cloning), and taken from the Greek word clone (Clon) means propagate, germinate and multiply. cloning also means the cut and the plurality. Similarity of Simulation to propagate is in this that in both methods, the act of reproduction is done without fertilization. Simulation procedure is usually done in two ways:

1. Egg cell (which is a combination of male and female cells) in the cell division process, separated them; consequently, the two men will be produced in the same form. The first simulation was done in this way.

2. At first, the nucleus of an ovule goes out of one sex, then the cells of an organ (eg, skin) is placed inside the ovule, Then the mentioned ovule is embedded in a place and after doing operations such as providing calcium for the ovule creates the fertilized ovule and the same person,. Perhaps it issues that the twins are the same status, inanswering to them, we should say that Firstly in twins, they are not entirely identical. Secondly, reproduction is a result from an act of fertilization while the simulation is not the case.

Criminalization elements of simulation

Crime is an action that the legislator considers explicitly it as the prohibited topic in the law. So, as long as there isn't any law, the action is without legal description and is not traceable. Legal principle of crime and punishment was initiatives of Cesare Beccaria in the book offenses and penalties (1764) that it is gradually moved to the laws and legal systems of the world, So that today it is the tenets of constitutional law and criminal practice.

Material element of the crime

In Article 2 of the draft for the implementation of the crime of human cloning is mentioned "everyone" that it includes either the natural or legal person. Because in legal language, the person is the person who is entitled to the rights and duties that it means possessing the capacity of enjoyment and vindication of rights, since for a legal person as a real person is imaged a legal entity; Therefore, we can deduce the absolute and general terms of the top of the mentioned Article, Paragraph 3 of Article 2 of the draft, in particular it addresses that: "A person is a guilty if:

A) as a partner participates in an offense that set forth in the paragraph 2 of this Article.

B) He organizes or directs others to commit one of the offenses that set forth in paragraphs 1 and 2 of this Article.

C) The commitment of one or more types of offenses that set forth in paragraphs 1 and 2 of this Article by a group of people with a common goal and work. Such participation shall be deemed intentional-2- 2.2. Spiritual elements

So that the act or omission of action as a crime is drawn, In addition to the material element, needs to the knowledge of the person who commits adultery that shouldn't not do And stops doing something that is realized, that it creates in the context of the spiritual element. But this rule does not always apply in cases in which they are more receptive to some exceptions, merely material action is sufficient to occur the crime. And it doesn't have need to a spiritual element such as parking car in prohibited places.

general bad intention means to intend doing action And specific bad intention is also equal to result of the action that in a criminal act, the practical action of guilty along the crime of human cloning, creates general bad intention. And creation of a living organism is in the expression of specific intent.

Criminal liability in civil law

In different countries have been more and less different approaches in the scope of criminal liability of legal entities, Today, most of the responsibilities with their conditions accepted by the government.. In fact, although still a theory of the lack of criminal liability of legal persons has remained steadily However, most lawyers do not support this theory, and they believe that judicial reality and cognitive guilty parties should be considered.

Thus, although it seems that acceptance of this institution, would be considered exceptional action in France However, but due to legal gaps and reality of crime and legal entities, and the need for appropriate legal response to this type of crime and the protection of public order of community, and the recognition of this entity creates quite remarkable changes in criminal law of this country. Among the legal laws of the countries, the Cuban Penal Code related to the criminal liability of legal persons, has excellent position.

Criminal Responsibility in International Criminal Law

With the development of primitive societies from mechanical to organic and emergence of dual to the rulers house and governments in power, political power of settler of societies, little by little communities with the remote control strategy change

can be better than the control of the near way, complexity and complex process being adopted and in among the power of rulers along their goal to restore public order of community creates the justice in the land of humanity, for the followers of criminal law represents the definition and the legal personality is imagined.. In the wind, the legal entity includes real and natural individuals to accept this view, the government insisted on its approach.

After this incident, Court and the Court never mentioned the international criminal responsibility of institutions, as The International Criminal Tribunal of the former Yugoslavia, in 1993, in Rwanda in 1994 merely was paid to criminal responsibility of real and natural individuals. Until 2000 the fight convention with transnational Organized Crime, which explicitly dealt with in Article 10 forecasts international document. In the field of international law creates custom and habit that the adoption of this issue in subsequent documents and conventions such as the fight convention with the financial corruption in this document 2003 (Mérida, Spain) and the Convention on Cyber Crime in 2001 (Bvadamst, Hungary).

Conclusion

The criminal responsibility of real individuals and legal entities in the international system based on the principles of legality of crimes and punishments, In this case, according to the principles that set forth in the criminal justice system if the acts are criminalized, They determine Penal Code and debarred people punish for their actions if they commit a crime.

The cloning of human also is entered human privacy frontage and causes some conditions and effects that based upon it leads to confusion and instability in the system and the human foundation, This practice has been criminalized and in the domestic and international system has been prescribed punishment to it.

Finally, we should say that the criminal liability of the cloning of human is based respect to human dignity and the advocating right of human system. So that the effects of the criminalization will help to the growth and advancement of humanity.

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