Criminal Responsibility of Car Manufacturers in Car Accident

Mohammad Eghbali¹, Seyed Mahmoud Mir-Khalili²

1. PHD student department of Criminal, law and Criminology college of social science, saveh science and research Branch, islamic azad university, saveh, iran
2. Faculty of law, Farabi college, University of Tehran, Iran

Abstract: Following the legislative reforms conducted in the penal code of the new Islamic Penal Code Act in 2013 and a law passed in 2010 and predicted traffic citation may result injury and feet occurred in a car accident caused by a technical fault or legal entities such as companies and supplier of cars today's standard spare parts and increased road accidents caused by vehicle malfunction and bust their tires, check how to react against such criminal behavior sometimes intentionally and sometimes unintentional and the result attributable to the persons responsible will be necessary. Considering that one of the forms of criminal sanctions in the Penal Code, the punishment of crimes against physical integrity, relevance money that is found and this kind of punishment, in turn, has the nature of the compensation is also more topics related to this type of punishment, within the legal revisions proposed civil liability and criminal courts as well, possibility of private lawsuits for damages caused by the crime is possible.

Keywords: technical fault automobile accident injury and feet, manufacturers and suppliers of vehicle spare parts and non-standard.

1. Introduction

Today, unlike the former, poor engineering in the automotive industry, especially the lack of in-car safety systems such as airbags, airbag and seatbelt, under some circumstances, lead to the assignment of all or part of the automotive industry is the result of road accidents. Standardized method of manufacturing safety systems in their vehicles and create proactive and preventive strategies to reduce the level of traffic accidents in the country. Research and Studies in Some research suggests that the rate of accidents the level of vehicle safety and traffic accidents in the country, there was an inverse relationship. How many technical defects in vehicles or non-standard distribution in the country of their tires, cause for the accident than drivers and passengers of the vehicle, for example, the path correctly or unsuitable or faulty safety cushions of safety belts or burst tires or defects in the steering or braking systems or internal wires or fuel systems (CNG), events (collapse or fire or accident) happen that principle, fault or if the driver has not been assigned, contributing to the accident and the accident is not only caused by technical defects in cars is effective. Prior to the identification of civic responsibility and broadly, criminal liability of manufacturers and producers of vehicles with technical defects that resulted in injuries and accidents have been explicitly and specifically, it was not the anticipated legislative and merely refers to Article 1 of the Law on Civil Liability Act of 07.02.1951 might be the right and claim, demand, people are demanding; however, today, according to Section 3 of Article 14 of the Law of 08.12.2010, approved driving offenses, this possibility is stipulated by the legislation. According to this note: "If the accident, according to experts, the defect or vehicles involved in the accident, case, the competent authorities responsible for the compensation of damages, and they will be treated equally before the law." Also, the possibility of new Islamic Penal Code Act 2013, on the basis of Article (505) of the Act, has been predicted. In accordance with this provision of the new Penal Code:

"If you drive the car due to accidents or collisions with obstacles such as overturning, car occupant injured or die, if the cause of the accident, natural causes such as earthquakes and floods are not documented in the driver, the driver toggle Diego. If the incident is documented to other natural or legal person, that person is guaranteed. "If the vehicle is not referred to a third party insurance if expiry or physical damage insurance or out of memory by including insurance, Article 10 of the law on compulsory insurance against third party owners of motor vehicles Land Act 2008, the damages payable by the "physical damage fund" will be the representatives of the Fund on behalf of their part, the original and final cause, the creators and producers of vehicles with technical defects, to refund payments, complaints."
Research purposes
Overall, this research seeks to explain and describe the following issues, as well as the discussion of the studies. A review and analysis is of how criminal and civil liability automobile manufacturers and their spare parts. Analyzes of unprofessional repair workers or ignorant of the correct repair basic car and the issues surrounding it. Determinations of standards and standardization standards for vehicles and devices monitor this process.

Variables
Independent variables: technical defects produced cars and lack of safety features (standard production cars) dependent variable rate injury accidents or death caused by accident.

Method and Its Problems
In connection with the processing of this issue and explore the reefs legal resources available must be dispersed natural and legal persons in the field of civil liability, seek to explain and describe the problem. However, with regard to the identification of effective technical failures or accidents injury foot, car mechanic is required to examine the issue in the field of reefs: hence, this research will be interdisciplinary subject. In the course of processing close to the subject, should the traffic accident data from this study as well as interviews with experts were better this also means that the need for field research. Hence, the method of this research is descriptive and analytical methods. In the course of this study, go to the library and papers, books, and also, masters and PhD theses, and other legal literature on the subject of civil liability arising from accidents and driving, the way to do field research and interviews, the following analytical approach interdisciplinary and cross-sectional data from the study of cognitive criminal law, the criteria in this study.

To establish criminal liability to natural persons and legal requirements in the event of their absence, even if the behavior committed is public order, the perpetrators are not punished. It is true that the human being as an individual principle of criminal capacity and commit offenses, despite the absence of a known criminal responsibility and culpability is found. Nevertheless, the ability to withstand the punishment of the perpetrator is subject to the basic conditions. In association with elements of criminal liability and industrial product manufacturers in this article, manufacturers and suppliers of vehicle spare parts and non-standard can be expressed in terms of criminal law, to protect consumer and industrial products will suffer from an industrial product, suppliers if they fulfill the conditions, have criminal responsibility.

These conditions are: "realizing the loss and damage", "loss and damage caused by the production of defective and substandard."

Realization of criminal responsibility
Technical defects in car accident
Another realization of criminal responsibility, the technical difficulties involved and contributing to the accident occurred.

1. The types of technical difficulties involved in accident

Technical types of defects can be effective in car accident cases such as "impaired immune systems, such as defects in the brake, defect in the airbag and seat belt defect "and" defect in the fuel system."

"Standard tires" and "defect in the steering system" and "weakness in automotive engineering" was noted. Every day is observed that the number of human efforts to prevent and reduce accidents and casualties was added and the resulting physical in order to increase the level of vehicle safety, new ideas are introduced; so that today the lack of car safety systems, such as new anti-lock brakes (ABS), airbag bags for passengers and pedestrians and vehicles can be considered as a technical defect. Documented in paragraph (h) of Article (1) executive procedures of examination and issuing technical examination of vehicles approved 04.08.2003, the meaning of "technical fault, Technical failures or any change in the appearance and safety of driving the vehicle that reduces or excessive air emissions or pollution exceeded permissible sound. Also, by virtue of paragraph (b) of Article 1 of the law of 04.08.2003 approved procedures of examination and issuing vehicle inspection, means of diagnosis of the "s appearance and technical tests for the detection of vehicle originality and technical evaluation of the health, safety and environmental vehicle."

Also, pursuant to article 2 of the bylaws: "Driving a vehicle without a valid inspection sheet is prohibited. Owners of vehicles are required to have their vehicles for inspection at the authorized technical centers has been set and the qualifications necessary receive a check sheet or label. Therefore, if during this period, caused by a technical fault in the vehicle, the vehicle owner is obliged to fix the defect, and if after becoming aware of the existence of the defect in the car, to drive a car or foot and injury accident happen, it cannot be considered responsible for the manufacturers or suppliers. Also in connection with the safety belt, in general, among all passengers, the requirement for drivers buckles more than other passengers. The new generation of cars has been produced, which is equipped with safety belts and other occupants of the rear seat passengers are also bus passengers. The World Health Organization in its investigation of vehicle safety issue is divided into two aspects of prevention and protection. As far as conservation is concerned, this is an important phenomenon that has been noted, the mandatory use of seat belts and air bags are designed to cars. Also, efforts to equip the vehicle in an accident with a pedestrian import and less traumatic, mounted air bags for pedestrians hit by vehicles, etc. to come together. Statistical surveys and
studies have shown that only one third of the vehicles traveling in the country, with a minimum safety standards technical and acceptable, and two thirds because of technical difficulties, severe defect in lighting systems, Rubber and other defects must not, in fact, on the road and safety for drivers, passengers, Pedestrians and other road users of the facilities, are dangerous (Bagheri, Sheikholeslami: 2011). Ramndgyay the accident that occurred in 2013 at the Tehran-Qom, technical defects in the vehicle, such as a defect in the tires of the vehicle is considered among the main causes of road accidents. Bus passengers who were moving towards Tehran, Esfahan, Qom Tehran highway at 30 km, with rubber bust and then tilt the front and side collision with a Honda rider, by crossing the middle of the highway guard rail, into the Western Line and other buses that depart from Tehran Yazd Ardakan had a serious accident. The incident followed a fire both bus and killed 44 people during lose. According to the chief of police, traffic police, according to preliminary survey of police experts, manufacturer Scania buses, bus bodies and weakness due to a defect in the electrical system, 50% of the incident is being blamed. The main cause of this accident, the bus breaks rubber and aggravating because it was burning buses.

**Causality relation between technical fault car accidents**

Another component of criminal responsibility is to the detriment of industrial product manufacturers, is the result of industrial products, it is necessary to pay attention to some of these issues. Generally, criminal responsibility, interest on taking behavior, including personal act or omission in law it is considered as a crime; but it may this type of liability arising from other verb that is a clear example of the relationship between worker and employer, or liability arising from the objects that the proprietor or owner of the resulting liability is attributable to; but the issue here is that when the industrial production of cars and spare parts are in possession of the consumer, with respect to space and time, how can we communicate between industrial product manufacturer and it is attributed to the manufacturer? The answer seems to be due to the sayings that people are willing to pay for the goods to be healthy mystics, in fact, the manufacturer of your creations, regardless of any consumer, implicitly good performance and safety of industrial products has committed errors and accidents, it can be said for industrial products such as automobiles and spare parts during their useful life mystics, the following activities are manufacturer and indirect administration, and if the loss of industrial products are sold, he sent the Times and even vendors and importers of these products, the legal rules and pride are responsible for the damage, although the injury, ignorant of what is possible, unless external factors occur, and cut off the relationship, in which case the product is out of office and contact the manufacturer (Ansari, 1987). Overall, attribution and linking agent is a person who is a criminal event (causality relation) are the most important elements of any offense, it was not so with no established causal customary criminal event cannot say to someone who is basically a crime. In connection with the issue of "the loss or damage resulting from faulty manufacturing and non-standard" discuss "the role of external factors on the incidence of loss and damage of goods to the consumer" is mentioned, these are factors that prevent causality relation between the losses incurred by the consumer automotive manufacturers and suppliers and third parties with car and spare parts there, and the common cause of injury to the consumer is the sole entry, as a result, the assignment arising from industrial production, the automotive and spare parts to the manufacturer, Antfa’ be subject to negative. One of the factors mentioned, "Cairo branch", which often carry the force, natural forces such as hurricanes, floods, earthquakes and other such events, human beings are not involved in their occurrence. By unifying criterion of Article 228 of the Civil Code that the offender is convicted of commitment when the damage can prove that the lack of commitment is through an external cause, which can be related to him. Of course, in order not to damage attributable to the manufacturer, it is necessary first of all accidents force or customary technically not predictable and preventable, the constructor can invoke the coercive force for their; secondly coercive faculty constructive obligation interfere with the operation of an industrial product, therefore, if the faculty of coercive interference in the functioning and activities of industrial production does not justify nullifying the manufacturer's responsibility, thirdly, the creation of productive faculty deliberately coercive or fault is not involved,

Although it is assumed responsibility under the law. (Katoozian: 1995) the second factor, "consumer illegal action" is. The civil and religious issues, there is a rule called "the rule of action" which, the person who caused the damage to his property, he is in charge of compensation (Mostafavi 1412, 49). Here, although the harm or injury against his body and soul, from the provisions of this rule out, in a serious accident resulting in injury and his death is involved, with respect to G. Shryth "Latzr Department's ocher Ministers" (Fater, verse 18) and the principle of self-punishment, is not rational to hold the manufacturer responsible; thus, consumer behavior may be entitled to act against his nature to rule on issues of civil action, and he knew the damage.

The third factor, the "third party intervention" is. Independent third party and not permitted by the manufacturer, is involved in the regulation and function of the goods, and the result is something to be entered on the consumer, due to the incident is alleged to be responsible, unless Despite his involvement, he was not affected by the accident in this case is not guaranteed (Shakeri 2006) criminal responsibility other than those associated with industrial product manufacturers as well as third party interference is studied. In relation to legal persons, before the new law was expressed Penal Act 2013,"Legal persons who have assumed the credit is only about the statutes and regulations governing the country, identity and their right and duty and out of
it, not hypothetical character and presence. Hence, the responsibility should be placed separately; namely with regard to the fact that only individuals commit crimes, the general principle is that legal persons cannot be guilty of an offense, unless the legislator explicitly to the crime they are committing to assign them to know, and penalties to understand them "(Norha: 2007), with the description, in the event of accidents caused by lack of goods and legal elements, in accordance with the principle of criminal liability of legal entities such as companies, stewardship of the Tasbib or damage to the consumer, and the plan was not feasible in this regard, managers had criminal responsibility, unless you have a specific legal text on the subject. However, today with the approval of the new Islamic Penal Code, established under Article 143: "In the criminal liability of the responsible person is legal person has a criminal liability if the legal representative of a legal person, in the name of or for the benefit of the crime. Criminal liability of legal persons, the barrier is not responsible for crimes committed by individuals "(Abdullahi, 2010). The nature of the crimes caused by vehicle malfunction from the perspective of rule Tasbib nature of the crimes caused by vehicle malfunction, the assumptions of the problem, Tasbib will not be out of place Mobasher to the different cases, different legal provisions will be applied to them. Tasbib legally adopted pursuant to Article 506 of the new penal code in 2013 is that the "loss or injury due to someone else provides not directly committing crimes, so that in the absence of a crime he did not like the result of a well to do and nobody to fall and damage. " Meant by this definition, when the effect of one Aqoy (Marashi, 1996) is the result of an accident or crime against the steward, the cause is known, which may be intentionally or by negligence. In the discussion, it is worth noting that the mere occurrence of accidents and injuries caused by automobile and spare parts, malfunction or defect which implies the existence of, and assign it to the manufacturer seemingly without reason and proof of his guilt, is constant, and therefore, not only to prove the guilt (Defectoscopic abuse and the performance of the goods,) do not need but there is an opportunity for manufacturers to resort to the presumption of innocence, unless the legislature Crime and Criminality manufacturer, subject to proof of fault or intent in establishing the cause of these cases, exacerbated the penalty is in addition to money, if the manufacturer claims is contrary to fact, the consumer must realize that such interference or unauthorized third party, including any title or technician second class manufacturers his products are equipped with their goods, and or strength of arms, Aqoy impact on the outcome of that, and has been the cause of the accident, in which case it is exempted from responsibility.

The Tasbib rule, if a person with a positive current or omission, damage to another to provide context, as the "cause" guarantee compensation to the injured party. Positive action in the case of a positive difference in the stewardship and waste Tasbib verb is in Tasbib, between the verb and the accident was devastating, interfaces that are usually associated with the interval. There is no loss of interfaces between the verb and the adverse incident. (Abaslo: 2012) as well, despite the lack of explicit Civil Code Article 331 as the legal basis Tasbib rule, the question of the necessity of a fault in causing, its presence is necessary for the understanding of the cause, and the person responsible for the obligation to leave or not violate the ban, the statement of responsibility, he will not be valid. According to the article: "Whoever causes financial losses should be like or pay the price and if it is due to a defect or flaw, must cope with the perfect price. " Committing acts that are grounds for the event and introduced the rule Tasbib as a single factor in making accident where there Mobasheri or other causes, only in respect of accidents caused by vehicles stopped, the driver or owner is guilty is considered. For example, the vehicle is stopped on a slope, the front wheels are not rotated to the right and move the vehicle stopped, damage to another, the driver or owner of the shortcomings in the protection and maintenance of vehicles and their Tasbib be guaranteed. In Tasbib person directly steward waste and damage to property of others, it provides an introduction to waste that do the result of the work actually gets wasted. Necessary fault in any of the articles not mentioned explicitly, but it is legal of Tasbib, their fault condition is generated responsibility. (Katoozian: 1999) to achieve Tasbib rule, affected (buyer) in addition, it should prove to be the fault of the seller to prove that the fault of the seller harm inflicted on him and blame the seller causality relation exists, because the damage.

This is demonstrated by the consumer due to the unequal position of suppliers of goods and services and their consumers, difficult and in many cases impossible. Therefore, a lot of harm to consumers remains uncompensated (Aliakbari: 2012). From the perspective of rule waste: waste of Islamic jurisprudence has been proposed as an accomplice. Stewardship literally means arise at work or something close to it themselves. Legally waste, waste someone else to commit an act that immediately and directly contribute positively to waste it. Pursuant to Article 328 of the Civil Code, "Everyone is guaranteed and should such property is not wasted or pay the price, whether intentionally or non-intentionally wasted." Therefore, the realization of property damage and loss of life include: A positive current conducted the direct and immediate cause of property damage and lost others. The fault is not necessary, according to the legislator's responsibility to know the material causes are an absolute waste, whether or not the subject is at fault, the fact that individual action is a waste of instances, because he is responsible. The need is for action on the subject of the assignment. The loss, however, do not blame the agent, but the agent is required to perform the assignment; that should be the subject will come. (Katoozian: 1999) with respect to that of the waste, the subject may be in person or through live or object such as a car that is driving the verb do, the driver is the responsibility of stewardship and he can say, is the steward of the harmful act. So, who is driving the vehicle, compensation for losses resulting from liability unless it is proved that a purely external causes or other factors, the loss is caused (al-Zoubi, 1995) using objects
and moving them to positive action and subject to be considered wasteful or steward. Pursuant Article 494 of the new Penal Code, adopted in 2013, "directed by his stewardship that the crime be committed." Of course, if the act causes damage to another car and the pedestrian's fault and no third party is not involved in the accident and not due to the fault committed by accident, but by the failure or malfunction was caused, here, the driver of the rule of waste that is not the fault of the driver if the sponsor is the vehicle is insured, Bimghr company will be liable for damages. But it should be noted that only one driver stewardship, will not be enough to hold him; but must result from the alleged act occurred and the cause of its occurrence is Mobasher. If the fault of the third party intervention, and Tasbib well as the steward of the effect, so that the result is attributed to him, the steward is not guaranteed. Similarly, the accident was caused by natural factors. In other words, although the civil liability of the driver, the driver at fault is required, but the act attributable to the accident and the driver will be necessary (Abaslo: 2012).

Conclusions and recommendations
In general, a good rule to predict the criminal liability of legal justification can the producers of goods and vehicles is defective and substandard. Defective and substandard cars accounted for and guarantee in this regard would be binding. Also, with regard to the prohibition of "Eccles property to override" can also be producing defective cars and spare parts to meet the standard of criminal responsibility, he said. For such producers, deceit and fraud with intent profit more, the supply of goods and vehicles and spare parts defective and no quality in large projects. Also, the legal rule lossless, Tasbib rule rule can pride and civic responsibility and obligation on producers of goods and vehicles spare parts are defective in compensation to the consumer. (Aliakbari, Samii Zenouz 2012, 75) In order to facilitate consumer redress, particularly in cases where goods are made overseas, in addition to the manufacturer, for vendor and product liability partnership made. Obviously after consumer redress by vendor or lessor, to receive the amount paid as compensation to the consumer will have the right to refer to the manufacturer. Also, due to the difficulty of proving the guilt of the producer in cases where the consumer has suffered losses as a result of defective consumer goods, predicted "Once or liability without fault" is necessary for the manufacturer; provided that the goods are faulty at the time of the sale and consumption of goods due to the fault of the consumer dangerous and the plaintiff has suffered property damage or physical damage to the plaintiff and the use of the defective goods. Do some things that are condemned and forbidden by Islamic law as the transaction such as the prohibition of "fit" can serve as a basis for dealing with delinquent manufacturer and other individuals associated with the production of such distributor, dealer and so placed. "Fainting" means contrary to reveal what is in your heart cheat and defraud come. (Dehkhoda 1993, 16730) Therefore, suppliers of goods produced by mixing the inferior sex, or otherwise commit fainting, causing damage to the consumer, will be responsible for civil and criminal. (Aliakbari, Samii Zenouz 2012, 75) rule and lossless is one of the main legal rules, implies the need for compensation that has no right to enter, whether due to lack of performance of the contract or liability arising from enforcement. The goods were damaged, matter the existing contract or not. (Parsley family 1996, 59) An important part of the criminal policy of the legal system is the type and amount of punishments. In the case of defective or substandard products, industrial manufacturers, factors and forces involved in the legislative will to set penalties that are most important degree of fault and the degree of damage and the type of goods has caused injury. If the cause of the crime with the intent of obtaining a criminal creation is finished, "Tasbib intentional" is arguably the manufacturers of the products have no intention to do so, regardless of intent, but may result in the deliberate creation have caused in this case, legislator to some goods such as drugs because they trust that consumers have particularly sensitive and specific penalties for suppliers considered. In the case of goods subject to mandatory standards that regardless of the provisions made or to be supplied to the consumer, resulting in damage of reaches, in each case, in accordance with Article 12 of the Law Institute of Standards and Industrial Research of Iran's reform of laws and regulations enacted in 1992, the manufacturer of the Penal Diego and in prison and will be fined or if the manufacturer in order to instill doubt in the quality of products and services, use of names and signs of national or international standards, the implementation of Article 525 of the law sanctions, was sentenced to ten years in prison. Certainly in the case of double damage and stop the crime is another general aspect, the prosecutor, in compliance with health regulations and standards, to maintain the law that sought in the proceedings, private complainant will benefit from it, but he must prove that the damage he has caused this product. But in most cases, the manufacturer does not cause deliberate creation. In this case, if any of the indices of industrial products prove to be the fault of the manufacturer and the product leads to murder, manufacturing practice in waste reduction per se, as the pseudo error is intentional (Mousavi Khomeini 1986, 167) and the implementation of Article 616 of the Penal Code, he sent the Times is sentenced to punishment and atonement. Apart from the above, if only to prove that use of a product is damaged, it can be said as a general rule, since the mental element of the activity of industrial products manufacturer, plans to deliver not hurt, our offense was not intentional and he seems to be the causative agent of injury to the consumer is considered; unlike emerge unless the manufacturer claims and proves that the cause of the accident, unauthorized attempts consumer or a third party is permitted force and non-interference. In this case, it is exempted from responsibility. But if the manufacturer fails to assign the incident except to prove, undoubtedly victims deserve compensation on its own because it appears the event of hidden defects of goods implies and statistics on victimization is going to make it constructive. Therefore, the implications of his actions

VSI J Akademik, 6 (2014), 26-31
appear positive, constructive fault and he should not take the money. However, if the manufacturer fails to assign the incident other than in other words, if in doubt do not realize the damage of goods, however, the manufacturer can prove their lack of aggression and waste reduction, as is his practice error and only if it admits an injury to his assignment, compensation for damage suffered by the consumer or not. (Shakeri, 2006, 39)

References
Mostafavi, Mohammad Kazem al. (1412). Alqvd Alfqhyh. Family publishing, printing.