Periódico do Núcleo de Estudos e Pesquisas sobre Gênero e Direito
Centro de Ciências Jurídicas - Universidade Federal da Paraíba
V. 9 - Nº 03 - Ano 2020 – Special Edition
ISSN | 2179-7137 | http://periodicos.ufpb.br/ojs2/index.php/ged/index

CIVIL LIABILITY IN CYBERSPACE

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Abstract: With the advent of cyberspace and the increase in the number of users, the growing trend has led people to a path that has changed their interactions and lifestyles. There may also be restrictions on this route, or people may, in their own right or by any other person, commit acts outside the terms and conditions of using this space. As a result, they are also liable for their actions as compensation for civil liability arising out of an unusual act. This study examines the concept of cyberspace and the dangers that exist in this space, as well as the civil liability for violating the rights, terms and conditions of its use by its target audience.

Keywords: Responsibility, Cyberspace, Civil Responsibility.

1. Introduction

The rapid growth of information and communication technology has created an emerging context as a cyberspace that has taken humans out of their normal lives and led them to a new world of interaction, sharing and ... And it has also affected ordinary human life. As Manuel Castells puts it, new information technologies are connecting the worlds of the world in global networks, and computer communications are forming a set of virtual societies, resulting in the transformation of all human material and spiritual structures and processes [1]. Indeed, as societies benefit from information and communication technologies and play a role in communication and interaction between people and the exchange of information and community access to this process, social change will accelerate and

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intensify. Thus, to say that a solid link between information and communication technologies and the formation of social life has been established is not an exaggerated concept [2]. Although new technology is defined by technical and instrumental aspects, the social science approach to this phenomenon is focused on its contexts, functions, effects, and results. Dennis McQuilley believes that we do not need to be a technology algebra to believe that a technology embodiment of a device can have a profound effect on the content and reception of what is relevant to its possible communications and effects.

2. Defining Cyberspace

Literally in different cyber cultures it means virtual and intangible, it is a virtual and intangible environment in the space of international networks (these networks are connected through information highways like internet) where all information about the relationships of people, cultures, nations, Countries and everything in the physical world (in the form of text, images, audio, documents) exist in a digital space and are usable and accessible to users and through the computer, its components and international networks are interconnected [4].

3. The Concept of Cyberspace

One of the fundamental rights of individuals is the right to have such information and to communicate with others. People in their lives have to have a series of private, public and family relationships, the nature of these relationships is typically that one is not concealed and aware of it. In principle, it is a disaster, but everyone has 100% private issues that require precision, secrecy and non-disclosure, non-disclosure of privacy and personal information in the community has become a right, and people are obliged to observe it, to enter life. Private individuals are morally offended and legally responsible in every way [5]. Nowadays, the advancement of information technology has created a situation that has raised the issue of personal and information security more than ever before; computer and information technology knowledge does not only threaten the information or family images of individuals but may also be defective. Other issues advocated by the legislature are also used, for

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example, to defame the usual flow of societies, and to motivate them to humiliate others by crushing their cultural value [6] under Article 31 of the Insulting Press Law, not only in personal relationships. It is not, but rather The press and mass media also express a degenerate culture, thus exposing and exposing others' weaknesses from other things that are used in the dignity of individuals and can be done through computers and Internet networking systems, in All of this use of information technology and the Internet will result in violating the values advocated by the legislature, but what is the cyber or virtual environment and how does it facilitate the commission of such crimes? Many definitions of the virtual environment have been presented and expressed so far Some of these definitions have limited the concept of virtual environment and others have developed it; one of these definitions applies to cyber-electronic information and can be done through computers and Internet networking systems, all of which use knowledge Information technology and the Internet will lead to violations of the values advocated by the legislature, but what is the cyber or virtual environment and how does it facilitate the commission of these crimes? Many definitions of the virtual environment have been presented and expressed so far. Some of these definitions limit the concept of the virtual environment and others have been introduced. One of these definitions refers to the cyber environment that is transmitted over the Internet, while others have attempted to differentiate cyber environment from Virtual and network topics, and from their point of view, is the virtual environment of a set of data stored on a computer and connected to each other via the Internet [7]. While the network or the net has its own definition, the Internet is a vast collection of computers available on computer networks around the world that connect to each other via information lines and exchange information using specific protocols. Many computers on the Internet store a lot of information and a large amount of information is stored on the Internet. Information on the Internet is stored in a variety of ways and can therefore be transmitted in a variety of ways. Webpages are one of the specific ways of storing and presenting information across multiple ways of

storing and presenting information on the Internet. [8]

4. History of Cyber Crime

In the mid-1980s, with the advent of international networks and satellite communications, the third generation of cybercrime, known as cybercrime or cybercrime, emerged. As such, cybercrime can be considered a complement to cybercrime, especially as third-generation cybercrime, often known as cybercrime, often occurs through this global network. [4] Cyberspace as a set of human interactions through computers and new communication technologies, regardless of "time" and "space," was used by William Gibson, a science fiction author in the 1984 book Neuronser. He sees cyberspace as a graphical representation of data from computer systems. Gibson's concept was, perhaps, somewhat closer to artificial intelligence and robotics than what is now known as "cyberspace". [9] This notion of early clarity gradually became the object of philosophical discourse in the cyber domain, and it was not long before the cyber domain was examined not as a laboratory or practical domain, but as an independent world itself. [10]

It is true that by expanding the use of the new concept of "cyber", whatever comes before or before the word "cyber" somehow expresses the relationship between human and computer. At the same time, different approaches to cyberspace cannot be denied. The concept of cyberspace refers to the fictional space of virtual reality and the Internet through which human beings enter the cyberspace. Without technology, cyber space would be meaningless. Now, cyberspace is being compared to science fiction. This is a kind of nowhere where multiple identities can be found [11]. In fact, the Internet is the gateway to cyberspace, with features such as the amount and type of access, guidance, information activity, growth and trust [12].

Technological approach to cyberspace deals with components such as hardware, software, data quality and quantity, and network interaction. Whereas the psychological approach focuses on the boundary between reality and imagination, such as mental space, human and computer behavioral patterns, imagination, identity and

personality [13]. The sociological perspective on cyberspace is also important because of its focus on online communities, cyber social networks and the social effects of human-computer interaction. However, this does not include all approaches. Behzad Doran has spoken of the fundamental attention in fields such as anthropology, social psychology, communication science and information science [14]. Given the differences in approaches to cyberspace, David Bell knows the definition of this complex category. While referring to various types of interpretations of cyberspace, he cites Michael Benedict's description of cyberspace, which is important:

"Cyberspace: A New World" is a parallel world created and maintained by the world's telecommunications lines and computers. A world in which the global flow of knowledge, mysteries, measurements, indicators, hobbies, and other human agency forms. So far, it has never been seen on the ground that spectacular things, voices and presence flourish in a vast electronic light. Therefore, the dreams of the past cannot be ignored, far from the realities of cyberspace. The perspective of David Bell's story focuses on a multidimensional expression of cyberspace. By designing several scenarios, he seeks to make his words clear: "The definition of cyberspace is complex." [10] These scenarios are as follows:

1. Cyberspace as a retelling of the history of technologies and computers, their evolution (in hardware and software), and their role in shaping cyberspace.

2. Cyberspace, meaning the role of the Internet, its evolution, and its mechanisms and tools in providing users access to the new space of interaction and commerce in all dimensions.

3. Cyberspace as a virtual reality capable of simulating "entities" and promising an interactive and immersive environment.

4. Cyberspace, meaning the close relationship between technology and the political, economic and social variables that form the basis of capitalist society. This interpretation of cyberspace deals with ownership, information management, control, access, wealth and democracy.

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5. Cyberspace as a space for work and entrepreneurship, not just "free expression and accumulation of wealth".

6. Cyberspace, as a reflection of the role of cyberpunk in the development and evolution of symbolic space. Bell's attempt to elaborate on the concept of cyberspace, in light of his narrative of cyberspace at the end, raises the question, "What is cyberspace?" Perhaps the "complexity" he refers to has prevented him.

Doran quoted by Whittel offers a three-part definition of cyberspace that he considers "relatively comprehensive and barrier". [14] Accordingly cyber space:

1. The psycho-imaginary space in which thoughts are attracted to dreamlike illusions (inspired by William Gibson);

2. The conceptual world of networked interactions between individuals and their spiritual creations and everything associated with [these] networks and interactions;

3. It is a state of thought shared by people in communication and through digital representations of language and sensory experience. People who are separated in time and place but connected by networks of physical means of access.

Cyberspace is not just a simple "highway of information", but a phenomenon that is part of social life and intertwined. Although the obvious differences between cyberspace and outer reality cannot be denied, the link between symbols and their elements and the interplay of personal and social lives can also be ignored. In oral culture, listeners can see the speaker. With printed texts readers can imagine the author (even if he used a pseudonym). On television and radio, audiences see the picture or hear the sound. But in cyberspace, the identity of what is seen on the page is not always as imagined. [11]

From a psychology perspective, Suler (2005) looks at the link between mental activity and cyberspace and considers the beginnings of these dreamy adventures from the moment of "clicking" and communicating with cyber entities and believes that to understand and become more familiar with this "experience" Visual »From the psychology point of view, sleep, dreams, and dreams should be considered. He believes that he has drawn the

boundaries between conscious and unconscious realities and can tell us something about the meaning of "reality". Dreamlike modes that can only exist in dreams and mental imagery occur more widely in cyberspace because users can transcend the laws governing physical space. With just a simple click on a door, they can move from place to place in cyberspace, without the need for legs or wheels to rotate, or any evidence of individual movement. Sociology scholars study theories of group morphology and actor-network theory, interpersonal, social relationships, and social construction of cyberspace. Anthropologists also look at the phenomenon of cyberspace by emphasizing cultural aspects and the study of human behavior as the product of interactions within the cultural system.

5. Meaning of Responsibility

It is responsible for the name of the slab, the weight of the prohibition, its weight and the question of its origin. In vocabulary, responsibility has come to mean being accountable to human beings, and is often defined as the concept of duty and what one is responsible for. As in the modern Arabic culture, responsibility has come to mean responsibly and responsibly. Some others have considered one of the responsible meanings to be someone who is liable for damages so that if he does not act, he will be held accountable and held accountable for being responsible. The late Dehkhoda has pledged the sense of responsibility and the obligation and the sense of responsibility.

6. The Concept of Civil Liability

In the Islamic Penal Code adopted in December 1991 by the Legal and Judicial Commission of the Islamic Consultative Assembly, which has also been approved by the Guardian Council, the legislator has acted in compliance with Article 171 of the Constitution of the Islamic Republic of Iran in the Fourth Amendment, entitled "Judicial Responsibility". While describing the penal provisions, for the first time in Article 58 of the said law, the subject has been foreseen and accepted as follows: "Whenever a person is found guilty of material or moral harm in the case or in the execution of a judgment in the case or in the execution of a

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judgment, the guilty is liable in accordance with Islamic standards and otherwise compensated by the State for moral damage. If the judge's fault or mistake causes him to lose his reputation, then his reputation must be restored. "

As can be seen, the question of the judge's error in determining the case or in the judgment in a particular case has been considered by the legislator and the provision of the sentence in the penal code is one of the innovations of the authors of the Islamic Penal Code. But to fulfill the judge's responsibility for compensation, the judge's mistake has been applied to his fault, and that is the basis of the government's liability for damages and restitution of the loss caused by the judge's fault or error.

This article first deals with the fundamental concepts (civil liability, jurisprudence). It then examines the judge's civil liability for judges' judgments and how the judge's compensation for error and error is compensated in three ways:

The word responsibility is used in the sense: "Guarantee, Guarantee, Obligation and Exemption" and in the legal term it refers to the compulsory or voluntary obligation of one person to another (whether financial or non-financial) which has two parts: one is criminal liability, and another financial or civil liability. [11]

7. Definition of Civil Liability

Civil liability is the obligation of one person to compensate for the damage done to another. Civil liability arises when a person is harmed or harmed by another person without legal authorization, no matter the act that caused the crime or the crime.

In any case where the person is obliged to compensate another, it is stated that the person has civil liability and is a guarantor. There has long been this rational and rational rule that "anyone who loses to another must make good the compensation, unless the harm is not otherwise prescribed by law or the harm inflicted on the person does not appear to be inappropriate."

This rule is similar to that in jurisprudence “Whoever destroys the money of others, he has a guarantor.” Or the meaning of the poem:

هركسي مالي كند از كسي تلف

هست ضامن از براي آن طرف

Civil liability as a guarantee of civil rights plays an important and important role in the demand and enjoyment of the rights of individuals and as a result of the regulation of social and legal relations without losing its real and objective concept of civil responsibility and the intellectual and mental aspect of itself. It also takes what actually makes the right potentially viable and gives it tangible to right holders the rules and regulations in the legal system of states, including the country, that are incorporated into the framework of the various laws**.**

8. Basis of Responsibility

The basis of civil liability in private law has a special place, as civil liability professor Boris Stock argues: "It is no exaggeration to say, the basis of civil liability is the most important issue in private law." "If there is a truly controversial issue in private law, it is the basis of civil liability," says Phillip Luterno. The key question is what can justify the responsibility that is imposed on one person? ”Various theories have been put forward by jurists in response to this question. According to some jurists, "There is no question that one is solely responsible for one's own actions, but there has always been debate as to how far this responsibility should be extended. Is it the responsibility of the person just to cause harm to another, and only the causal relationship between his / her work and the loss must be ascertained? '

Other jurists also argue that the basis of civil liability seeks to answer the question of what reason, and the rationale, should cause the harmful act to compensate others? Has the self-harmed person who suffered direct harm no more deserve to suffer the loss than the other? Some argue that "the basis of civil liability answers the question of what kind of ethical and philosophical considerations make a person socially responsible for another."

These words can guide us to understand the concept of the concept in understanding the concept of the concept of civil responsibility. In the definition of the basis of civil liability, it can be said that "there is a reason for us to introduce Frederick as responsible for damages" in other words "the basis of the principles is the legal reasons justifying the exercise of civil liability". Since the first views on the principles of civil liability (fault-

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based) in French law by the Duma in the seventeenth century, the foundations of civil liability have undergone many changes.

After separating civil liability from criminal responsibility, the theory of guilt based on moral teachings sought to justify civil liability based on ethical rules. The inadequacy of this theory has led to the concept of guilt being devoid of its ethical foundations and taking on a social and customary meaning. The emergence of the doctrine of penal law also influenced civil liability law rather than criminal law, and led to the emergence of risk theory. The result of this transformation was the responsibility of individuals for the damage caused by the objects under their protection. Complex theories, such as the theories of risk created, the risk of profit and unconventional work, have also tried to adopt a middle-ground solution by combining theories of guilt and risk. The emergence of new theories such as "guaranteeing the right" and "welfare and good" also shows the inefficiencies of the theories presented.

The inability of these theories to justify the basis of civil liability as well as the variety of sources of liability in legal systems has led some jurists, such as Prosser and Keaton, to abandon the search for a single basis and to hold the view that in every rule of civil liability and in any There is a specific basis for the legal text. In their view, the multiplicity of "sources of guarantee" leads to the multiplicity of "fundamentals of guarantee" and that "every legal system seeks to provide different means of compensation and does not adhere to a single order." These jurists have overlooked the fundamental point that the basis, the commonality between sources of responsibility, or in other words, is the cause of responsibility, and therefore, whenever the nature of responsibility is the same in different sources, all of these sources must follow the same basis. Civil liability means compensation is a unique nature that must also have a unified basis. The basis of liability is the reason for it and the basis cannot be multiple unless the liability has multiple reductions. So if none of the foundations of civil liability can justify all the rules and sources of liability, it does not mean that there is no single basis in civil liability, but rather that these theories do

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not conform to the true basis of civil liability.

9. Resources for Civil Liability

1. Sources of responsibility in jurisprudence

By examining the fundamentals of civil liability in jurisprudence, we conclude that there are several rules in jurisprudence that are used as the primary proof of warranty, in some of which fault is essential to the fulfillment of responsibility and in others there is no need for fault.

According to the rule of loss, the element of fault and the intentional condition of liability for the damage is not known and it will be liable for damages if one loses another. Whether intentionally or not to waste. However, there must be a relationship between the steward's act and the loss of customary causality in order to realize civil responsibility. If a person is thrown into a financial meltdown by an explosion, though he has been killed, it is difficult to hold him accountable for the lack of attribution.

Depending on the rule of thumb, the person provides a wasted introduction and actually does something that wouldn't happen if it wasn't. Of course, action is a verb, or a verb, leaving a positive face like throwing a stone at a pedestrian and sliding and breaking a pedestrian. The negative verb is the current crack that causes damage to the none. Whether it comes from a contract or from legal duties that all these types of cases are subject to. The difference between loss and reverence is that the positive verb always leads to loss in the affirmative, and in the affirmation, the loss is mediated by another, and with the abandonment of the verb, the loss is assumed. Discipline creates a responsibility that is customary, aggressive, and fair. So, contrary to what was said in the waste, blame is one of the pillars of responsibility. According to the rule of pride, if the perpetrator commits an act that causes another to deceive and inflicts harm on another, the deceiver is the guarantor. What is important in discussing the caveat of pride is the proud ignorance of the cave's unrealistic promise. There is a dispute about the necessity of knowing the truth and the intention to deceive the proud in jurisprudence. It seems to be a guarantee when one knows the truth but does not

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intend to deceive another when his actions in the custom cause harm to another. If he does not know the truth, some believe that pride will still come about because this person's act has made the other proud and his ignorance will not destroy the causal relationship. Others, however, regard pride as a means of teaching and do not refer to pride in ignorance. Moderating these views, it should be said that if the fault is attributed to the cave, the pride will be realized even though he did not intend to deceive and ignore. But when a fault cannot be attributed to him, it cannot be realized, whether it is ignorance or the world. The blame criterion is also an unusual act of the person, which is a kind of blame.

One of the factors in Stimman's liability is that Amin is not responsible for inflicting damages on the borrower. But if he commits a crime, the trait of the lender will be destroyed and henceforth guaranteed. There is no need for Amin to have the intention to commit rape, and the blame criterion is a type, not a personal one.

From what has been said about the principles of responsibility in jurisprudence, it seems that civil liability in jurisprudence does not have a unified basis;

2. Sources of responsibility in case law

In Iran's rights law, not all responsibility is based on fault. The earliest rules on civil liability relate to loss and dignity. A waste of material from 328 to 330 BC. It has been collected and the mere causal relationship between the verb and the deceitful person is sufficient to carry out the responsibility and does not need to be blamed. Decoration in Articles 331 to 335 BC Articles 334 and 333 can be deduced from the necessity of guilt because the owner's liability for damages resulting from the destruction of a wall or factory is subject to his negligence and Article 334 also relates to the owner or owner of the animal. It has been the owner's fault in keeping the animal.

Civil law regarding the cause and steward community holds the basic rule responsible for stewarding unless it is ethical and justified by reasoning that the act's documents are reasonably close and not the unlikely cause it is known. There is no doubt that the steward is closer than the cause. In the old law, punishment was also provided, but after

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the adoption of the Islamic Penal Code in 2013, Article 526 made it responsible for the fact that the crime is documented to him and, as long as the crime is documented to all agents, the steward and the They are the guarantors, and if the perpetrator's behavior is different, then they are each responsible for the extent of their behavior. The article states: "When two or more factors, some influencing the stewardship and some favoring the commission of the crime, the factor which is the documented crime is the guarantor, and if the documentary crime is all the factors, the same is the guarantor unless the perpetrator's behavior is affected. It would appear that the legislator in Article 332 of the Civil Code has put forward a general rule because most of the time the steward is a noble cause and that does not prevent such a documentary being lost. He was responsible for the verb and because it had a more effective role.

Article I of the Civil Liability Act considers liability based on the fault of the investigator. That is to say, the damage to another must be a deliberate or negligent consequence. Article 1 of the Compulsory Insurance Act provides for civil liability of owners of motor vehicles, all owners of motor vehicles responsible for compensation for the physical and financial damage caused to motor vehicles by third parties. Which is an exception to the provision of a civil liability law. The legislature has created a fault-free liability for land-based motor vehicle owners to guarantee compensation for and damages caused by driving a car. By examining jurisprudence and case law, we conclude that the Iranian legislature did not seek to repeal the civil liability law, and that the compulsory insurance law and the social concept of fault also indicate that the legislator did not intend to place the fault on the sole basis of civil liability.

3. Principles of Responsibility in the Kamnella Legal System

In the nineteenth century, the courts of common law tried to convert the law of error of the Low of Torts into the law of the Low of tort, one of which was to expand and strengthen the territory of negligence or guilt and to turn it into a general principle of liability.

The common law does not lay down a single principle of liability, just as fault-based liability is not accepted in all cases, nor is liability replaced by fault-free liability. It seems that in the

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case of negligence and negligence in Kamenla, the basis of responsibility lies on the fault and in certain cases, including the maintenance of dangerous objects or actions requiring special expertise, liability is accepted without fault. Ignorance and neglect in the law of the common sense is to refrain from doing what a normal human being would have done in those circumstances, as well as doing something that a normal human being would not have done in that situation, and it is almost equivalent to writing a fault. Except for not deliberate fault.

In claims of negligence, the defendant must first prove that the respondent has made a commitment to the claimant that the offender has violated the obligation to exercise reasonable care.

There was a rule in this regard called the proximity principle that was applied when there was a commitment to care. That is, individuals must take reasonable care to prevent the current verb or quitting that they reasonably anticipate will harm others. As to who's next in line, I have to keep in mind those who are so close and direct as those affected by me and need to take reasonable care of them. In this rule, sufficient communication and customary sequence between the parties is essential. And we mean immediate and immediate relationships in which one is affected by the act of blame. Therefore, in each case, predictability, sequencing and rationality are the prerequisites for care assignment. Consequently, in the Kamenla system, responsibility may be based on intentional, negligent, negligent, or absolute responsibility. In these three types of responsibility, responsibility arises from deliberate deliberate negligence.

11. How to Split Responsibility

In the event of multiple devices contributing to the damage, multiple theories have been expressed, each of which has followers and is applicable to existing legal systems. In the event that the fault involved contributes to the loss incident along with the fault factor, the issue of division and distribution of damages arises as follows:

1- Division of responsibility based on the degree of guilt: Division of responsibility on the basis of the degree of guilt is accepted in many legal systems and is highly accepted and even

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applies to Article 165 of the Iranian Maritime Law of 1343. This criterion also applies to maritime accidents in French law and is enshrined in the Law of July 5, 1934 and July 5, 1967, France. According to this criterion, the liability of each toy is determined on the basis of the degree of fault, and if the fault cannot be determined, the damage is divided into equality.

Egypt's new Civil Code also states in Articles 169 and 216 that if the number of officials is multiplied, responsibility is divided according to the degree of blame of the officials and the number of persons is ignored unless the severity of the blame is equal so that the damages are equal. The authorities are divided. The judicial system in Egypt is moving in this direction as well.

2- Division of liability by degree of influence: It has long been the case that in British law, the enactment of the 1945 Amended Blame Amendment Act gave the court the power to reduce compensation in terms of the extent of its harmful participation in causing harm. However, courts have adopted different approaches to the division of liability between loss and loss; some have chosen solutions based on the degree of impact, and some have advocated a degree of blame sharing.

It is worth noting that the most damaging rules have been raised in driving lawsuits, in particular not wearing seat belts or wearing a helmet and riding in a car where the driver is drunk:

In a lawsuit against Forumer and others against a bailiff who had not secured his seat belt, the accident occurred and the driver was thrown into the windshield and injured his head and chest. In the lawsuit, the appellate court did not consider the loss and the blame loss after the petitioners were sued, but the appellate court distinguished between the cause of the accident or the negligence and the loss, and thereby reduced the claim for damages by up to 25%. According to Judge Denning, the plaintiff's negligence aggravated the injury by failing to wear a seat belt and failing to pay 25% of the damage due to the common fault and neglecting to act as a normal person.

According to Judge Denning, three situations should be distinguished: 1- If the seat belt does not have an impact on the damages, the damages fault will not play a role in reducing the damages;

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That is, 15% of the damages must be reduced and the claimant will not be entitled to 15%; 3. If the belt closure prevents damage, 25% will be reduced and the claimant will not be entitled to receive it. Therefore, in such cases, the injured party should be held responsible for up to 25% and deprived of 25% damages; thus, the judge bases his sentence on the fact that "everyone knows or should know" that they should wear their seat belts when sitting in the car. , Except in exceptional cases, such as obese or pregnant women. In O'Connell's lawsuit against the motorcycle-ridden Jackson in the head-on accident, the driver was severely injured, but the court reduced the plaintiffs' claim by 15 percent.

In the Owens lawsuit against Bremel, they went to their car to drink a drink, spent the whole evening drinking and drinking more than usual, and at the same time headed home and flashed lights in the car. Demands that the seat belt was not fastened had serious injuries, but there was no evidence that the seat belt did not contribute to the increase or exacerbation of injuries. However, the court deprived Juan of 20% of the damage because he knew he was driving with a drunk driver, and in fact, because both the victim and the other were involved in the damage.

In other cases where a drunken driver gets into a car where the driver is drunk, the courts have awarded damages for the blame, but that does not mean that in other cases, the courts have not invoked the blame and it is just a case of the rule being unique to Murat. In another lawsuit, the injured party has violated the teachings given and has suffered damages because the courts have denied the injured party a common fault.

Although Indian law does not enforce a law such as the United Kingdom on damages for wrongdoing, courts have ruled in fairness and fairness in practice. For example: A passenger who gets on a bus and stands on the stairs of the bus If the driver gets braked and the passenger dies when he or she gets off the bus, the deceased survivors of the common fault cannot claim full compensation.

Finally, the division of responsibility in Iranian law is also accepted in terms of the degree of impact in Article 14, paragraph 2, of the Civil Liability Act, which provides: “In

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Centro de Ciências Jurídicas - Universidade Federal da Paraíba
V. 9 - Nº 03 - Ano 2020 – Special Edition
ISSN | 2179-7137 | http://periodicos.ufpb.br/ojs2/index.php/ged/index

Article 112, whenever a person is aggrieved, he or she shall be liable for damages in that respect. Each of them will determine how each of the parties will intervene. "

3- Division of responsibility to equality: This criterion of division in Iranian law is more favorable and has a legal and historical background. Article 365 of the Islamic Penal Code states: "Whenever several persons cause injury or damage to one another, they shall be equally liable for damages." The Supreme Court, in its unity of practice, has considered the mere citation of damages to the wrongdoer as sufficient, ignoring the effect of the parties' fault in the loss, while the lower courts held that the award of damages was equal to the " There should be no fault and the conviction documentary is merely a reference to the damage done to both." Therefore, the court procedure today ignores the extent of the perpetrator's guilt and fault, and considers only the customary citation of damages surrounding the case, and does not disclose the merits of referring to an expert. The unanimous decision of the Supreme Court of the Republic of Iran No. 717, dated 26/2/1390, provides as follows: "In accordance with Article 337 of the Islamic Penal Code, whenever two or more public vehicles result in the killing or abduction of their passengers." Each driver's liability will be equally - to the extent possible - at fault."

Finally, according to Article 528 of the Islamic Penal Code, 1/22/1392: "Whenever two or more ground, water or air vehicles collide, their driver or occupants are killed or injured, each of them shall be liable in half. Atonement for opposing drivers and passengers is both vehicles and if three vehicles collide each of the drivers is responsible for one third of atonement for opposing drivers and passengers of all three vehicles and so is calculated on more vehicles and when one of them is calculated. The parties are to blame so that he can be documented, only he is the guarantor. "However, Article 528 of the Islamic Penal Code had been drafted in a different way, with the current Guardian Council order. According to Article 532 of the Bill: "Whenever a passenger or passenger is killed or injured in a collision with two terrestrial, water or air vehicles, each of them shall be liable for half of the driver's liability if the impact

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is attributed to both drivers and the effect is equal or unknown." And the passengers are both vehicles, and if three vehicles collide, each driver is responsible for one-third of the opposite drivers and the occupants of all three vehicles, so it is calculated on more vehicles, and if one party is to blame. Only when he is dealt with will he be the guarantor.

Note - If the impact of the parties to the collision is different, with expert recognition each will have the same degree of impact. "

Thus, in the Islamic Penal Code, the principle of equality of responsibility only applied where the parties were equally involved in the damages or the extent of the impact was unknown, otherwise based on the extent to which the parties were at fault or around the claim for damages. Prior to the adoption of the new Islamic Penal Code and the unanimity of the previous procedure, the effect of the fault was in some courts and, as noted in Note 528 of the Bill, the effect of the fault on the occurrence of the damage was known to the expert. However, the unity of procedure law and the new Islamic Penal Code have established the principle of equality, which is rooted in jurisprudence, and is known to be equally sponsored if several share in the damage the validity of this view is discussed below.

12. Civil Liability in Cyberspace

Responsibility, both criminal and civil, requires that the responsible person be held accountable, either because of the fault or because of the loss, the respondent is either the community or the victim, and whose purpose is either to deter or punish the responsible person or to revert damaged situation. In the old legal systems, however, the aforementioned cases and purposes were not separated and the punishment of the person responsible was both a deterrent and a compensation. [12] And the common past is only the turning point of the concepts of civil and criminal liability, since the late eighteenth century most criminal and civil liability legal systems have been separated in terms of both rules and purposes and principles, for example the most important basis for creating liability. Criminal protection of collective rights, in Kamnella, is said to be the criminal responsibility for the

relationship between the individual and the king. [21] While civil liability rights aim at protecting individuals against damages that may be brought to bear on other people's actions in social relations, in addition to being a source of liability, the law is a criminal offense and not any harmful act. Recognition, while not criminal in analogy, and the principle of the legality of punishments guarantees the protection of individual rights against governments, but in the civil liability of the judge, there is no need for a legal basis for any liability. [22] In addition, its scope of responsibility varies, with some of the offenses not being accompanied by civil liability because they do not result in severe penalties, so the existence and conduct of civil liability is not in the sense of being and committing a crime.

13. Conclusion

Given the advancement of technology and the ever increasing use of ICTs, it is imperative to note that the failure of IT providers to prove the responsibility of ICT providers must be considered. Because civil liability arises from the infliction of damage or damage to the audience, and certainly must be the loss or damage of the conduct of the executor in the field, not as a result of acts which did not have any will. In the Iranian legal system, the responsibility of ICT providers is to blame. ICT providers can also prevent the loss and damage of clients by using the facilities available to them and the training they receive. In some cases, it is also the case that the hosts (and individuals and third parties), at the suggestion of the audience, store and use the information when needed and that the provider may be liable in the event of loss or damage.

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