

We failure to be very
clear and precise.



We generally blame people more for deliberately doing things rather than for negligently or recklessly doing something. Mens rea in criminal law is concerned with the state of mind of an individual, which most crimes need proof of. When unnecessary to have, it is known as a strict liability. Intention is the most dominant, it generally asks for the highest degree of fault from the rest, as only intention will suffice for murder or grievous bodily harm. The actus reus of murder is an act of unlawful killing of an individual, however the mens rea for murder is intention.

Intention is a mental element caused by an individual's act that is proven by the surrounding evidence of the outcome. Intention consists of only mens rea and is defined so as to cause an intention to a specific outcome. Defining the meaning of intention has always been a flexible and difficult concept to be interpreted by courts in murder cases, due to judiciaries' failure to be very clear and precise. Therefore, intention is split into two categories, being direct intention and oblique intention. Firstly, direct intention is the simplest form of intention as the defendant in murder cases usually makes his intention very evident.

Direct intention also exists when an individual undertakes an act of conduct to achieve an outcome that indeed occurs. The conduct element usually fulfills the desired result. Indirect intention the individual must execute two main requirements, to amount to one's purpose and to have a foresight of certainty. On the other hand, the more complex intention is known as oblique intention. Oblique intention exists when undertaking an action to achieve a desired result, knowing that the consequences will also bring about another outcome. Contrastingly, it requires foresight of the consequences

but does not desire it. As the intention gets more complex, the courts have not satisfactorily found an appropriate test to refer to in cases.

The courts adapt to two propositions when an oblique intention occurs, virtual certainty and whether it is highly probable to occur. 21 P. Whelan, 'Cartel Criminalization And The Challenge Of 'Moral Wrongfulness' (2013) 33 Oxford Journal of Legal Studies 2 Itzhak Kugler, 'The Definition Of Oblique Intention' (2004) 68 The Journal of Criminal Law