
Protecting the Right to Privacy in Public Places From the Perspective of Islamic Jurisprudence

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Abstract

The world has witnessed universal technological innovation that allows everyone to use technology. With the social media influx, the culture of excitement has penetrated deeply into society without paying much attention to people's privacy. This imposed the conduct of a study on the protection of privacy rights in public areas to establish a legal foundation for protecting the right to privacy, clarify the basis for granting protection to the right to confidentiality, and determine the exceptions to the protection of privacy rights in public areas. The research relied on the inductive-analytical approach and was organised into four sections. The source of Islamic jurisprudence is replete with texts which necessitate respect for privacy in public places. The study suggests raising public knowledge to deal with individuals' privacy in public places, emphasizing legislative texts that mandate respect for this right, and enacting punitive sanctions proportional to the extent to which people.

Keywords: Islamic Jurisprudence, Right to Privacy, Protection, Public Places, Security.

Introduction

In every era, security and privacy have been crucial considerations. Every person has the fundamental right to privacy. However, the barriers between an individual's security and privacy are being significantly compromised as a result of globalization and the proliferation of information and communication technology (ICT). People from various backgrounds and educational levels are affected by the spread of ICT in both positive and bad ways. Technology is evolving continuously and is now available to the average individual. We face some significant social, ethical, and theological issues in light of all the advancements. Certain consequences and values have spread as a result of globalization. Individual freedom is unquestionably crucial and a fundamental human right. But how can we guarantee our security and privacy? ICT advancements have given humans tremendous power. The advancement of ICT without ethics and responsibility results in its failure since one person can damage and disrupt society. The privacy of people will be jeopardized.

Due to the great advancement in photography, including the shooting of photos, their publication, and different monitoring systems, the right to privacy in public places has thus become one of the rights that people are really concerned about. Therefore, this study aims to emphasize the significance of Islamic jurisprudence and its laws that establish this privilege, limit its application, and serve as its foundation. The teachings and comprehensive content of Islamic Shariah, despite its multi-layered and complicated character, answer new demands for all facets of life, which is a testament to its legislative miracles. Islam as a religion and as a holy code of conduct offers a suitable remedy for these issues and can guarantee safety and privacy. In this work, some of these are taken into account and explained. The goal is to comprehend ICT's genuine effects so that everyone can enjoy the positive effects that a flourishing society brings about. among the most crucial Protection, preservation, and management of rights with clear, all-encompassing guidelines and regulations that take into account recent changes but lack updates.

Statement of the Problem

The current revolutionary development in mass media and telecommunications is unprecedented. Massive technological advances and the convenience of their use have made it possible for almost anyone to take and use photographs, record voices, and track people and vehicles. They are no longer limited to specialists or

professionals. The environment dominated by social media focuses more on excitement, satisfying curiosity, and the number of views than on the privacy and feelings of individuals. Against this backdrop, some questions arise regarding the protection of the right to privacy in public places: If the right to privacy is recognised in a private place, does this right disappear in a public place? Which Quranic texts and which jurisprudence determine and establish the right to privacy in a public place? On what basis is the right to privacy in a public place protected from the perspective of Islamic jurisprudence? Is this protection absolute or are there exceptions?

Research Objectives

- 1-To explore the legal basis of the right to privacy in public places,
- 2-Clarify the legal basis that protects the right to privacy in public places,
- 3- Clarify the exceptions that protect the right to privacy in public places.

Literature Review

Some studies focused on the issue of privacy in general. However, there is little research on the protection of the right to privacy in a public place. Ibrahim bin Suleiman Al-Shaya'a (2006) examined the right to privacy in Islamic jurisprudence. The right to privacy was studied in the context of privacy in private places such as houses, residences, correspondence, and private acts. It is a study in which commendable efforts are evident. However, it does not shed light on the right to privacy in a public place. Abdul-Latif Al-Himim (2004) examined the concept of respect for privacy in Islamic Sharia and comparative law. Originally, it was enshrined in law.

based on research that examined them in terms of Islamic law. Despite the plethora of research on privacy in general and its application to private places such as homes, correspondence, and secrets, there is hardly any study that highlights the element of public places and its impact on the scope of the right to privacy.

Research Approach

This study relies on an inductive analytical approach by extrapolating the texts of the Holy Quran, the prophetic Sunnah, and the sayings of the jurists. An attempt is made to analyze these texts and derive the clues that link them to the subject of the study. Key terms of the study

Definition of Protection

Linguistically, protection is used in the sense of prevention and defense (An-Nawawi, 1277). Idiomatically, its concept is similar to its linguistic meaning, but the idea of protection is specialized in terms of what has been added to it. The common definition of protection includes stoppage and prevention from harm.

Definition of the Right to Privacy

The definition of the right to privacy is still up for debate due to the ambiguity of the concept of privacy (Al-Qayyam & Haidar, 1994). It has continually been affected by various traditions, cultures, and historical periods. As a result, we will attempt an idiomatic and linguistic definition of the right to privacy. In the language, the term "right" can mean many things. The letters Ha and Kaf share a common origin and stand for authenticity and control (Al-Zahili, 2006). Correct and consistent are two definitions of the word "right." If something is true and can be verified, it is said to be right. Therefore, by the Lord of heaven and earth, this is .the genuine truth, just as is the fact that you may reason with each other, the Almighty God declares

This is the genuine truth, and the reality that you can communicate with one another, by the Lord of heaven and earth."

(فَوَرَبِّ السَّمَاءِ وَالْأَرْضِ إِنَّهُ لَحَقُّ مِمَّا أَنْتُمْ تَنْظِفُونَ) Adh-Dhariyat: 23

Additionally, it indicates urgently. The gates of hell will be opened when enough unbelievers have been driven there, according to the Almighty God. "Have not messengers come to you from among yourselves, declaring to you the signs of your Lord and warning you of meeting this day of yours?" will be the guardians' response. "Verily, but the sentence of punishment has come to pass against the unbelieving," will be the response.

وَسِيقَ الَّذِينَ كَفَرُوا إِلَىٰ جَهَنَّمَ زُمَرًا ۖ حَتَّىٰ إِذَا جَاءُوهَا فَتَحْتِ أَبْوَابُهَا وَقَالَ لَهُمْ خَزَنَتُهَا أَلَمْ يَأْتِكُمْ رُسُلٌ مِّنكُمْ يَتْلُونَ عَلَيْكُمْ آيَاتِ رَبِّكُمْ وَيُنذِرُونَكُمْ لِقَاءَ يَوْمِكُمْ هَٰذَا قَالُوا بَلَىٰ وَلَكِنْ حَقَّتْ كَلِمَةُ الْعَذَابِ عَلَى الْكَافِرِينَ) Az-Zumar:71

Share

Almighty God says, "And those whose wealth is a recognized right. For him who asks, and for him who is prevented from asking (for any reason).

وَالَّذِينَ فِي أَمْوَالِهِمْ حَقٌّ مَّعْلُومٌ لِّلسَّائِلِ وَالْمَحْرُومِ Al-Maarij: 24-25

Contrasting falsehood It is also in the sense of confirmation and accuracy. God Almighty declares "No, we throw the Truth at falsehood, which strikes out at it and, lo, falsehood perishes! Ah! Woe to you for the things you attribute (to Us) that are false "

بَلْ نَقْضُ بِالْحَقِّ الْبَاطِلَ ۖ فَيُذَمُّعُهُ فَإِذَا هُوَ زَاهِقٌ ۚ وَلَكُمْ الْوَيْلُ مِمَّا تَصِفُونَ Al-Anbiya: 18

Justice: God Almighty says: "And the earth shall shine with the glory of her Lord, and the book (of deeds) shall lie open, and the prophets and the witnesses shall be brought, and a righteous judgement shall be pronounced between them, and they shall not be wronged in the least. وَأَشْرَقَتِ الْأَرْضُ بِنُورِ رَبِّهَا وَوُضِعَ الْكِتَابُ وَجِيءَ بِالنَّبِيِّينَ وَالشُّهَدَاءِ وَقُضِيَ بَيْنَهُم بِالْحَقِّ وَهُمْ لَا يُظْلَمُونَ) Az-Zumar: 69

Ownership: It is said that he deserved it, which means he owned it.

Privacy in Language

Privacy in language is a source of the verb (his own/single out). It is said: he is singled out for something that is unique and private (Al-Qastalani et al., 1905). When it is said that someone is singled out, it means s/he was specified for it. In addition, private versus public contrasts. Further, privacy is defined by what you have established for yourself (Al-Fayoumi, 2001). The meaning of the addition of the word "right" to "privacy" is linguistic. The right of A person is to be singled out in matters for himself and to prove that he is singled out due to correctness and necessity.

Idiomatic Definition of the Right to Privacy

Jurists keep using the term "The Right" constantly for its linguistic uses. They use it in fixed matters, such as the right of choice for followers as well as mandatory issues, such as Nafakah, paying for livelihood expenses in shares and portions as the right of the inheritor, and also, in ownership, whether financial or non-financial, such as the right of guardianship (Al-Basti, 1993).

Despite the frequent use of the term "the right" by the earlier jurists, they did not bother to mention a limit or drawing of this term because of the clarity of its linguistic meaning and its indication. Contemporary jurists have tried to define the term "the right" only within its logical limits. They had different opinions about it, and perhaps the most accurate definition of the term "the right of man" is "everything in which there is a private interest, financial or not, according to Sharia".

The use of the term "privacy" by the earlier jurists did not deviate from its linguistic meaning. They expressed the term "privacy" as the right to everything that relates to one thing and not to another. Whenever there is a need for individuality, they call it "privacy," regardless of who is entitled to that privacy. It can be a person or a thing, such as marrying more than four wives; or it can be a time or place, such as privacy or the sanctity of Mecca because hunting is forbidden.

Also, it is the privacy of the expression "Allah hu Akbar" at the beginning of the prayer. According to various scholars, the definition of the right to privacy has changed in its terms and tendencies. This is due to the flexibility of the concept of privacy and its use in different times and societies. The most comprehensive definition explains the right to privacy as follows: "the right of a person to be unrivalled in his affairs, information, knowledge, and behavior" (Al-Khafif, 2010).

Definition of Public Place

A public place is everywhere that is easy to access by the public, whether it is with or without charge, whether the entry is conditional or not (Al-Khafif, 2010).

Juridical rooting for protecting the right to privacy in the public place

Contemporary photographs of privacy violations in public places

The recognition of the right to privacy in the private sphere has been widely accepted. A person has the right to enjoy his own life without being exposed to or disturbed by others, and others should not intrude on his private moments. One's secrets should not be revealed. However, this right in public places is subject to debate and disagreement (Ministry of Endowments and Islamic Affairs, 2006). Do individuals enjoy their privacy when they are in public places?

What evidence does Sharia provide that individual privacy is respected in a public setting? Are acts such as listening to, recording, or transmitting a conversation in a public place with a device; taking or posting a photograph of a person in a public place with a device (Al-Shaya, 2006), including accident victims, those involved in crimes, or others; or tracking the car using tracking devices considered a violation of privacy? From the perspective of Islamic jurisprudence, what is the basis for protecting privacy in a public place?

The determination of the right to privacy in public places, as well as its recognition, can be found in Quranic verses, Sunnah, and judgments (Al-Qazwini, 2009). It is an important part of the strategy to achieve adequate protection through binding regulations. There are things that should be avoided and things that should be followed; there are things that should be resisted and things that everyone should follow (Al-Maqdisi, 1994). There must be a comprehensive system of binding rules that ensures the greatest possible protection of the right to privacy in a wide range of circumstances, extending everywhere by all possible and impossible means. The following is an overview of the following requirements:

First Requirement: Protecting the right to privacy in public places means preventing and prohibiting violations before they occur:

Al-Wada, Allah's Messenger, stated the following in Hajjat-Al-Wada, which Abu Bakra narrated: In Hajjat-Al-Wada, the Prophet of Allah (SAW) asked, "Which month (of the year) do you think is most sacred?" "This is our current month (the month of Dhull-Hijja)," the populace declared. Which city (country), in your opinion, is the holiest? he enquired. "This is our city (Mecca)," they declared. Which day do you believe to be the holiest, he enquired? This day of ours, the people said. "Allah, the Blessed, the Exalted, has made your blood, your property, and your honor as precious as this day of yours in this city, in this month of yours (and this protection cannot be rejected except by right)," he continued. Then he repeated, "Have I brought you Allah's message?" three times. "Yes," the populace consistently responded to him. Hadith 14 in Sahih Al-Bukhari 7078, Book 50/9 The Hadith forbids anything that might affect the honour of a Muslim, which is the subject of praise, even the slightest things like the skin, which is an obvious part of the human body. (Bahr, 2010). It does not matter if the violation is in a public or private setting (Al-Tunisu, 2004) or if the photo is a part of a person's honour or a reflection of their skin

The Prophet of Allah (SAW) is reported to have said: "Truly, one of the excellences of a person's Islam is that he leaves what does not concern him," according to Abu Huraira. Hadith 231 in Jami' At-Tirmidhi, 2317, Vol. 4, Book

This Hadith establishes the origin of the right to privacy and states that the genesis does not violate privacy. Additionally, respect other people's privacy by avoiding interfering with their photos, chats, or movements. Without a doubt, it is prohibited to record or take pictures in both public and private spaces without .permission

According to Abu Huraira, Allah's Messenger said: "Do you understand what backbiting is? The companions spoke as follows: "It is best to listen to Allah and His Messenger. The Holy Prophet () then stated: "Backbiting entails talking negatively about your brother in a way that he does not appreciate." What do you think? was asked to him.

about this that if I genuinely locate (that failure) in my brother which I made a remark of?' "If (that defect) is genuinely found (in him) what you allege, you have backbited him, and if that is not the case, it is slander," he stated. (2001/4) (2589)

The Sahaba (May Almighty God be pleased with them) believed that just mentioning a person with correct facts about him is not considered an act of backbiting. Accordingly, the prophet ﷺ clarified the backbiting and its effects. What he strongly disliked is that backbiting instills hatred of Muslims toward others and that what is communicated is sufficient to burn, criminalize, and label the other as a sinner. Mentioning is what a person provides against others in an explanation and more, which includes filming or recording. There is no distinction between a public area and others since the law applies whatever the reason is.

Narrated Aisha, Ummul Mu'minin: "I said to the Prophet (ﷺ): 'It is enough for you in Safiyyah that she is such and such (the other version than Musaddad's has) meaning that she was short-statured.' He replied, "You have said a word which would change the sea if it were mixed in it." She said: 'I imitated a man before him (out of disgrace).' He said: 'I do not like that I imitate anyone, even if I should get such and such.'" Sunan Abi Dawud 487, Book 42, Hadith 4857

Aisha mentioned Safia's, apparent physical characteristics (May Almighty God bless them), not secretly or something hidden. An example was given by the Prophet Mohammed ﷺ to demonstrate the evil of backbiting against others. Even though it is a debate about their outward appearance, which everyone sees and is aware of. When it comes to abuse and torture, the spectacle gets worse. Taking a picture or recording it, especially if it is harmful, is even more toxic than speaking. There is no distinction between a public area and others since the law applies to both.

Avoid sitting at the side of the road, the Messenger of Allah (sws) said, according to Abu Said al-Khudri (RAA). The crowd responded, "O Messenger of Allah (), we cannot stop gathering in these public locations to talk." "Well, if you insist on it, then pay the road its due," he responded. What are the rules of the road, they enquired? To drop one's sight, refrain from disrespectful behavior, extend pleasantries, encourage what is proper (Ma'ruf), and forbid what is wicked, he said (Munkar). Hadith 1564, Book 16
It is advised that men drop their gaze and refrain from harming others in public spaces, such as roads, which are considered to be public spaces. Taking pictures of people is undoubtedly incompatible with improving their vision and frequently incompatible with abstaining from harming others.

The Prophet of Allah () is reported to have remarked, "One should neither harm nor return harm," according to Abu Sa'eed Al-Khudri. "Whoever harms others, Allah (swt) will harm him; and Allah will harm him," the Quran says. Al-Tarmadi

This Hadith is the origin of preventing any kind of practice that is harmful to the individual's right to protect everything related to their personality.

Abi Bakr Bin Mohamed reported that the Messenger of Allah (ﷺ) said: 'Those who sit together, sit by trust. No one is allowed to vilify whatever his companion hates.'

It is a matter of trust even though its owner did not remain silent, and he disclosed his honors (what he hates). As long as the individual dislikes it, it is not permitted to record the conversation and publish it publicly.

According to AbuBarzah Al-Aslami, "The Prophet () said: "O community of people who believed with their tongues but not with their hearts, do not slander Muslims and do not seek their faults, for whoever seeks their faults, Allah will seek his faults, and if Allah seeks a person's faults, he will dishonor him in his house." Hadith 108 in Sunan Abi Dawud 4880, Book 43:

This Hadith is a warning for those who threaten the honors of their Muslim brothers. The *awra* (honor) is all that causes shame if it appears in public (Al-Beheqi, 2003). What happens in public places might cause embarrassment if it seems like accident victims, fights, or crime parties. Recording and filming these situations harm people, and that they are not covered and hidden from others. Those who followed it and publicized it put themselves in a position of sin and accountability (Al-Ansari, 1993).

Second Requirement: Protecting the right to privacy in public places after infringement

This is represented by a set of criminal procedures:

A. The ruling to halt infringement: The rule's origin to halt the violation is the jurisprudence basis: the harm must be removed, and its removal begins to halt it from the time it is known. The infringement is halted as soon as the aggressor is required to erase the photo or recording and is prevented from circulating and publishing it (Fayrouzabadi, 2005). It is also based on the rule to halt the infringement, which is based on the response of the Prophet's Sunnah to the Muslim's honor. It is general in everything that affects Muslims by any means and anywhere.

Abu ad-Darda' (RAA) transmitted that the Messenger of Allah (ﷺ) said, "If a Muslim defends the honor of his brother in his absence, Allah will certainly protect his face from the fire of Hell on the Day of Resurrection." At-Tirmidhi, who classified him as Hasan,

Whoever prevents what is transmitted about his Muslim brother, regardless of the manner of transmission, will be rewarded for it, and Allah will undoubtedly protect his face from the fire of Hell.

B. Correction: Correction is a legitimate practice to protect privacy and address infringement. Among the Prophetic Hadiths which are related to our subject is the one about repentance that the backbiter feels if he regrets, asks for forgiveness, and prays in favor of those whom s/he backbites.

Anas (RAA) transmitted that the Messenger of Allah (ﷺ) said, "The atonement for a man's slander is to ask Allah's forgiveness and to say, "O Allah, forgive me and him".

Riyad as-Salihin 920, Book 6, Hadith 27 (Abu Daoud).

Whoever takes a photo, records a conversation, or publishes it in a way that brings false and offensive information, must apologize and correct his fallacies. Another hadith highlights the same issue:

According to Abu Huraira, Allah's Messenger (pbuh) said: "Whoever has oppressed another person regarding his reputation or anything else, he should beg him to forgive him before the Day of Resurrection when there will be no money (to make up for wrongdoings), but if he has good deeds, those good deeds will be taken from him according to his oppression which he has done, and if he has no good deed (Al'Sana'a et al., 2012) Sahih al-Bukhari 2449, Vol. 3, Book 43, Hadith 629

C. Ta'zir (Censure) Punishments: Ta'zir punishments (censure punishments) are punishments for any sin that is not limited and not atoned for by Allah (Al-Tarmadi, 1975). Crimes based on privacy are considered censorship crimes. There is no legitimate text that clearly states the punishment. It is at the discretion of the Imam what he deems acceptable in a given situation (Abdel-Kader).the rule of the right to privacy in the public place and its characteristics.

The rule of the right to privacy in public places

The researchers in Islamic jurisprudence find that the basis for protecting the right to privacy in public places is the dignity of the human being in general and the sanctity of the Muslim in particular. On this basis, there are several texts from the Holy Quran and the Sunnah:

The All-Powerful God declares: "We have honored the sons of Adam, given them means of transportation on land and water, given them things wholesome and pure for sustenance, and conferred on them particular blessings, above a great part of our creation."
(وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُمْ مِنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَى كَثِيرٍ مِمَّنْ خَلَقْنَا تَفْضِيلًا), Al-Isra: 70.

God has honored the human being, and he/she must be honored by all and should be treated accordingly so that it prevents any infringement affecting his physical or moral integrity.
Prophet Mohammed (ﷺ) said:

"Allah, the Blessing, the Supreme, has made your blood, your property, and your honor as holy as this day of yours in this town, in this month of yours (and such protection cannot be slighted except lawfully)," the Quran says. Have I given you Allah's Message, he asked three times. Every time, the populace responded "Yes." Hadith 14 in Sahih Al-Bukhari 7078, Book 50/9

Islam has forbidden any action or talk that would harm or degrade the honor of people. Consequently, any infringement in the privacy of a person constitutes an infringement on the dignity of a human being and an attack on the sanctity of a Muslim.

The Rule of the Right to Privacy in the Public Place and its Characteristics

Islamic jurisprudence has been characterised by the establishment of this flexible rule and granting it great sanctity. This broad rule is demonstrated by being one of the Sharia purposes and the five necessities that Islamic Sharia has come to preserve, namely religion, soul, offspring, brain, and its requirements. The origin on which human rights are based in Islam is due to the divine honour of man. One of the characteristics of this rule over other Sharia rules is that it attempts to contain the right to privacy and comprises its forms.

1. Private life is exempt from the rule of human dignity and the sanctity of a Muslim. The scriptures of the Holy Qur'an and the Sunnah serve as proof that it is upheld and protected even when it is practiced in public.
2. The standard of human dignity and Muslim holiness extends beyond the scope of individual rights (restricted to the living) to protect the dignity of the deceased. The following examples illustrate how it expands and grants the inheritors' right to protect their departed relative:

'A'isha reported; God's messenger ﷺ said, 'Breaking a dead man's bone is like breaking it when he is alive' (Al-Saleh).

The hadith states that breaking the bones of the dead is like breaking the bones of the living and is therefore a sin. It also points out that the dead must be respected like the living and that neither the dead nor the living should be treated disrespectfully.

This is also evident from the hadith transmitted by Aisha:

A'ishah (RAA) narrated that the Messenger of Allah (ﷺ) said, "Beware of reviling the dead, for they have already seen the result of their deeds committed before them." Related by Al-Bukhari.

The hadith indicates that it is forbidden to criticize the dead because a Muslim's honor is sacred whether they are alive or dead. On another occasion, he (ﷺ) explained the reason for the prohibition of criticizing the dead as protecting the living from harm.

Al-Mughirah bin Shu'bah transmitted that the Messenger of Allah ﷺ said, "Do not denigrate the dead (and) harm the living with it.

The commandment of human dignity and inviolability of a Muslim is not limited to the person himself, but extends to his family during his lifetime and after his death. This is proclaimed by God Almighty: "And those who vex believing men and women undeservedly bear (on themselves) a calumny and a glaring sin." (وَالَّذِينَ يُؤْذُونَ الْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ بَغَيْرِ مَا كَسَبُوا فَقَدِ احْتَمَلُوا بُهْتَانًا وَإِثْمًا مُّبِينًا) (Surah Al-Ahzab, 58). In criminalization and condemnation, the harm to a Muslim, regardless of the ways and means, may be more severe than the material harm. Undoubtedly, the family has a relationship with its members, especially in terms of honour and reputation. Moral harm also extends to a person's family, and the commandment of human dignity protects the family from such harm and eliminates it.

The imperative of human dignity is not limited to the victims of crime, but extends to the protection of the aggressor; it is a matter of humanity in general and the sanctity of Muslims in particular. This is also evident from the hadith transmitted by Abdullah Bin Umar:

Ibn 'Umar (RAA) narrated that the Messenger of Allah ﷺ said: "Whoever screened a Muslim, Allah will screen him on the Day of Resurrection." Sahih al-Bukhari 2442

The Hadith ordered to conceal the Muslim and incriminate him; this does not take him out of the rule of the sanctity of Islam and human dignity.

Avoid these unclean acts that Allah, the Almighty, has forbidden, according to Ibn 'Umar (RAA), who related this saying from the Prophet (ﷺ). Book 10, Hadith 1261 states that anyone who does any of them should revert to Allah and conceal under the Most High Veil of Allah (Al-Bukhari)

If a man is ordered to cover up himself, so covering up his brother must be a priority.

Exceptions of privacy protection in the public place

By extrapolating the resources of Islamic Sharia, it is clear that the general purpose of the legislation is to improve the wellbeing of the human condition, improve faith, improve the working environment, and improve all the affairs to preserve the system of the nation and the sustainability of its progress.

It is the legislation that brings order to the world by establishing laws that discourage individuals from committing acts of corruption. According to most of the evidence, the Sharia is necessary to promote interests and avoid corruption, which is the basic rule of the entire Sharia.

For this reason, the Sharia has made some exceptions that allow privacy to be infringed in public places, even though the origin is an absolute prohibition. It has not made absolute privacy protections but rather has excluded what is necessary to achieve the goal and avoid corruption.

The following is a presentation of those overall exceptions.

First: Permission

It is legitimately decided that the slave's pure right - which is designed to defend the person's interests - may be waived and dropped in exchange for forgiveness, reconciliation, or exoneration by the right owner.

Consequently, any conduct that affects the privacy of people in public places, such as taking photos, recording, or tracking, drops the state of infringement, and it becomes permissible if it is carried out with the right owner's permission or his guardian if he is young or insane unless that behavior is contrary to the rule of Sharia or may cause harm to others.

So, the right owner's consent is not absolute; rather, it is restricted by the legislator's approval. The right owner's consent will not be regarded if privacy is broken in a way that the law has prohibited, such as the transmission of scandalous privacy, and such behavior will remain a taboo for which the aggressor must be punished.

Permission has multiple forms, including explicit permission or consent, in which the right owner declares his or her permission orally, in writing, or by signing a document. Tacit permission is given by the individual in terms of indicating their approval to be photographed, such as by sitting or passing in front of the cameras with his will and knowingly. Customary satisfaction is one of them. It implies that members of society agree on accepting certain behaviors since certain societies accept certain behaviors and remove these conducts from the privacy sanctity between them.

Second: the public interest

Privacy may be infringed in public places following the Sharia rules decided in achieving interests and preventing corruption. This is such as placing surveillance cameras at ATMs, museum halls, traffic cameras, or other public places. Alternatively, it is more likely permitted to keep books and records in which the information of individuals who visit the site is recorded since the public interest in doing so outweighs the violation.

Its origin is in the Prophetic Sunnah:

According to Ali, "Go till you reach Rawdat Khakh, the Messenger of Allah () instructed me, Az-Zubair, and Al-Miqdad. You will see a woman there holding a letter. Obtain the letter from her, then." In order to reach Ar-Rawda, where the lady was waiting for us, we set out and rode our horses at top speed. "Take the letter out." I have no letters with me, she answered. We threatened to strip you naked unless you removed the letter. So she unbraided her and removed it. We delivered the letter to the Prophet of Allah (Sahih Al-Bukhari 2745, Book 56, Hadith 10/194).

An-Nawawi (1997) said, "if there is an interest, there should be an infringement in the cover-up of a corruption, or there is a corruption in the cover-up itself, but it is desirable to cover up if there is no corruption and interest is not missed". All related hadiths to the cover-up should be understood based on that. Only the ruler has the authority to decide the interest. He is authorized to carry out any practices to achieve the welfare of his people. The legally established rule is entrusted to acquire the interest of the people.

The security interest in monitoring some public areas, as well as the scientific interest in media coverage of public events and occasions, are among the intended interests. According to legal rules, certain interests are more likely to be preferred, such as bearing private harm to prevent public harm, bearing the less severe of two harms to avoid the most severe, and choosing the lesser of two evils, etc.

Conclusion

Islamic Sharia has come with judgments and rules that assimilate all forms of the right to privacy for all people and in coping up with the new development in this regard throughout all ages and all societies. Sources of Islamic jurisprudence are full of texts that mandate respecting privacy in the public place. Islamic

jurisprudence emphasizes the right of human dignity, which grants protection to privacy in public places. It also has several characteristics that surpass all foundations set by humans, which have been incompetent to provide entire privacy protection in the public place. Islamic jurisprudence protects privacy in the public place with all possible and available mechanisms, prohibiting infringement on privacy in the first place, preventing it if it exists, and penalizing it after it occurs. Protecting the right to privacy in a public place is not absolute. There are some exceptions that create harmony and balance between an individual's interest and that of a group. The penalties established in Sharia law in the event of infringing privacy are all censuring penalties, leaving the ruler authorized to report, estimate and implement these penalties concerning the severity of the case.

Recommendations

The first recommendation is to intensify Sharia, regular and professional awareness of dealing with the individuals' privacy in the public place, as being in the public place does not mean that individuals have no right to their privacy. It is also recommended to emphasize respecting this right in the regular texts and establishing the censuring penalties, which are appropriate to the degree to which people tolerate and dare to infringe this right.

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