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Legal Violation of Privacy

As in detailed mentioned before, the observance of people's privacy and prevention of transgressing it is as an obvious and undeniable right of each person and is one of the most important duties of society individuals and governments. However, this general principle is exceptionable and in some specific cases interference within this privacy is legal. They are limited and few and should not be utilized as excuses for expansion and continuation of privacy violation to that extent that causes the jeopardizing of the principle of the necessity of privacy observance.

Cases in which interference with others' privacy is regarded legally are:

A. Causing disturbance for the public rights and interests

When the public and private rights are in contrast with each other, there is no doubt that due to the priority of social interests, the public rights are prioritized.

This conception that the boundary between public and private privacies can be distinguished in a way that these two have no impression on each other is unreal and wrong. Sometimes what people do in their own private privacy while having personal and private aspects, enjoy a public aspect too and is pertaining to national and security interests or cultural identity and values of the society. For instance, in war time and time of defending the country integrity, people willingly or unwillingly in their own privacy spy in favor of the enemies or in their own privacy perform some organized actions that threat society national security. Thus, in these cases the government due to its essential duties for safeguarding and keeping the public interests and affairs has the permission to prevent any jeopardizing to social interests by interfering and inspecting in such people's privacy and to perform its own responsibilities for keeping society security.

B. Disturbing others' rights

It should be noted that due to collective life sometimes exercising of people's individual rights which are

within their privacy territory results in disturbance in others' rights. For preparing of firm reasons to verify and demonstrate of this disturbance or preventing of its continuation, which causes the disregarding of others' rights, it is necessary to interfere with people's privacy.

This violation and interference which must be realized within law framework and with the permission from authorized officials is rational and reasonable, because of social necessity and in accordance with the general principle of non-discriminating and inappropriate prioritizing of people's right over each other.

C. Promotion of good and prevention of evil

As mentioned before, sometimes a person's effect and action exceeds his private area and leave impressions and evil consequences on the society or toward others' rights. This contrast with religious and/or conventional standards of the society and ignoring them causes evil and sometimes irreparable consequences in the society.

It should be noted that this issue is not exclusive to Islamic areas. In all societies, people's individual actions (either their words or deeds) may exceed their privacy and have positive or negative impressions on keeping and expansion of their own society cultural and moral values. This is like the passengers of a ship that because of one of the passengers' action of making a hole on the ship, all the other passengers are exposed to the danger of drowning. In these cases, some measures and actions must be taken according to the principle of "promotion of good and prevention of evil" with all its conditions and requirements as a general and inclusive total observance principle to prevent such incorrect actions.

It is obvious that such reactions that for a higher interest and with the aim of prevention of violation of societal rights are not considered as an inappropriate interference with a Muslim's privacy. Whereas for discovering of the roots and dimensions of them based on the requirements of the case, inspection in people's personal affairs must be applied or as an example for confronting them gossip about others.

It should be noted that interference with other's privacy for the above reasons is based on the following terms and conditions:

First of all, limitation in others' privacy in necessary cases must be set in order to prevent any disturbance in public order, safeguarding of society basis values and keeping society moral standards.

Another important term is that due to exceptionally of the possible interference with other's privacy, protecting of the public order and social and moral values by appealing to other strategies and instruments is not possible and achieving these purposes is just possible by setting limitation in people's privacy.

If interference with others' privacy is for the principle of "promotion of good and prevention of evil", it is necessary that all terms and conditions determined for exerting this principle are taken into

consideration. Particularly the interference in people's privacy is permitted when it is with the aim of preventing of an obvious and publicized occurrence of unlawful and wicked.

Otherwise, investigation and study in people's privacy for discovering of unlawful and wicked cases do not enjoy any legal and lawful aspects.

Exceptionality of interfere with people's privacy necessitates that it is done as minimally as possible. Above-mentioned points must not be used as excuses for unnecessary and wide-ranged investigation and inspection in people's personal lives. Otherwise many a time excessive, untimely and unduly interfere in others' personal affairs that causes disgracing and defaming of a person is unlawful and a sin.

For removing any doubt about the excessive and unnecessary interferences in the people's private area it is necessary that:

Firstly, values and principles to be determined which are necessary to be observed by states and presented to the public to consider the necessary attention for observing them.

Secondly, any control and inspection must be performed in the forms defined in legal and Islam religion law criteria and any kind of undefined and obstinate action that causes disturbance in people's privacy must be avoided.

As an example, exerting control and surveillance or setting limitations for people's access to the internet must be performed by the government and in accordance with determined policies .This control aims not to cause disturbance in the free information stream and society individual's right of speech.

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