

Introduction to Privacy and Cases of Privacy Violations

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ABSTRACT

The term privacy refers to a place or environment that must be protected and secured. Privacy is a fundamental right of humanity recognized in international human rights instruments, constitutional frameworks, and the Islamic legal system. This study discusses the concept of privacy, its main categories, and the legal and practical dimensions of its violation. It focuses on residential privacy, informational privacy, and physical privacy, with particular attention to Afghan constitutional law, criminal procedure provisions, and Islamic jurisprudence. The study further analyzes the circumstances under which privacy may lawfully be restricted and distinguishes them from arbitrary or unlawful intrusions. The aim of this study is to illustrate the circumstances where privacy is violated and let people know to respect the privacy of each other. This study is not only crucial for individuals, but also for government officials to know their privacy and honor it. My methodology of collecting data is library-based. I have tried my best to utilize the first-hand materials and sources. At the same time, appropriate books and Afghanistan laws are well discussed and used. As a consequence, I can say that privacy can be disturbed both by individuals and government officials; and the very common types of privacy violations are: residential privacy, communication privacy and physical privacy. Even though legal contexts exist to protect privacy, violations remain frequent due to weak implementation, technological development, and administrative practices. The study determines that establishment of legal safeguards and judicial misunderstanding is vital to ensure effective and efficient protection of privacy rights.

KEYWORDS: Islamic, Information, Privacy, Physical, Residential, Violation

1. INTRODUCTION

Literally, the term harim (حریم) refers to a place or environment that must be secure and safeguarded. It may also symbolize the boundary or edge of a well, a separation line, or a border area. In other words, harim indicates a zone of prohibition or restraint within Islamic jurisprudence, demonstrating matters that are legally or religiously forbidden or relevant to limitations. Lexically, the word privacy refers to what is non-public or

confidential. It may also indicate real or legal persons who operate outside the range of state supervision and administrative authority (Black's Law Dictionary, 2019).

The theoretical descriptions of privacy are inspected. Today, there is no comprehensively accepted definition of privacy that has been recognized by all legal scholars, as its explanation varies across the different legal systems and academic civilizations. Nevertheless, it is notable that throughout different historical eras, numerous definitions of privacy have been discussed. Some of these definitions are outlined below:

Privacy is the right of individuals to be protected from unauthorized interference by others in their personal and family life. Such interference may occur through direct physical means or through the dissemination of information (Westin, 1967; Solove, 2008).

The term "information" in this context may include images, addresses, spoken statements, defamatory remarks about a person, as well as communications such as telephone conversations and written correspondence. Any infringement upon privacy may also include hostile or malicious disputes directed at an individual, as such conduct may damage a person's reputation and dignity (Solove, 2008).

A clear example of violation of privacy and personal confidentiality in the modern world is the publication of nude or private images of individuals without their consent. However, in certain circumstances, personal information may be voluntarily disclosed by the individual concerned in exchange for certain benefits, such as for advertising purposes or other specific advantages. In such circumstances, the individual himself becomes the declarant of personal information. Legal difficulties arise where third parties afterwards will use such voluntarily revealed information without permission or for hurtful purposes (Westin, 1967; Solove, 2008).

1.1 Research Problem

In spite of the presence of constitutional provisions and legal protections, privacy violations persist commonly in practice. Individuals' residents, communications, and integrity are sometimes obstructed by both state authorities and private actors without sufficient legal justification. The main problem addressed in this research is the gap between legal provisions and practical implementation, in addition to the ambiguity surrounding the boundaries of lawful and unlawful intervention with privacy.

1.2 Objective of the Study

The foremost aim of this study is to analyze the legal and conceptual basis of privacy and to categorize the key situations in which privacy is violated, with special citation to the laws of Afghanistan and Islamic legal philosophies. The study also pursues to clarify the limits of legitimate interference and illegitimate intrusion into individual privacy.

1.3 Research Questions

This study answers the following questions:

1. What is the legal and theoretical definition of privacy?
2. What are the key categories of privacy known in law and Islamic jurisprudence?
3. Under what circumstances can privacy be legally constrained?
4. What are the common forms of privacy violations in practice?
5. What is the role of Islamic law in the protection of privacy rights?

1.4 Significance of the Study

The significance of this study lies in the information that privacy is directly related to human beings' self-respect, security and freedom. In modern civilizations, increasing technological progress and state surveillance have increased concerns about privacy violations. Considering the legal boundaries of privacy help law enforcement organizations, judicial ruling classes, and individuals to respect fundamental rights. Furthermore, this study underwrites to legal scholarship by bridging Islamic jurisprudence, constitutional law and criminal procedure, on the background of privacy protection.

2. LITERATURE REVIEW

Current literature on privacy illustrates its recognition as an essential human right in both international and national legal systems. Scholars such as Westin (1967) define privacy as the right of individuals to control access to their personal information and life. Solove (2008) further expands the view by categorizing privacy harms into numerous forms, including surveillance, information gathering, and disclosure.

In Islam legal literature, privacy is intensely protected through principles taken from the verses of Qur'an and Sunnah, which forbid unlawful entry into homes and unauthorized exploration into personal affairs. Traditional jurists give emphasis to the sanctity of personal space and confidentiality as vital elements of social ethics.

In the legal context of Afghanistan, constitutional provisions (particularly Articles 23, 27, 34, and 38) and the Criminal Procedure Code provide a formal legal framework for protecting and respecting privacy. Nevertheless, scholarly discussions specify that enforcement challenges and institutional limitations lessen the effectiveness of these protections.

Generally, the literature demonstrates that while privacy is widely recognized as a legal and moral right, its practical protection remains inconsistent, particularly in developing legal systems.

2.1 Importance of Privacy

Privacy is an important and key value, and it is standard as a basic right of humans. Individuals naturally seek to guarantee that all aspects of their privacy are protected and respected.

Islamic law does not ignore any part of human life unregulated. Because of this, it strongly prohibits any violation of individuals' privacy. In accordance with the Holy Religion of Islam, it strongly emphasizes that people must not interfere in the personal affairs or confidential matters of people.

The precious Qur'an and the life guide Hadiths of the Prophet Muhammad (peace be upon him) include clear injunctions regarding the respect for privacy and human dignity. For example, the following verse from the Qur'an is appropriate to demonstrate this principle:

Translation:

“Do you who have believed, do not enter houses other than your own houses until you certainly welcome and greet their inhabitants. That is better for you; perhaps you will be reminded.” (Qur'an 24:27)

This heavenly instruction founds that entering the homes of others without their permission is not allowed, and it is a violation of privacy. It emphasizes the obligation to get permission and offer greetings before entry, thus safeguarding the privacy of both personal and family. Islamic instructions further dishearten unnecessary intrusion into sensitive matters, especially when such deliberations may lead to harm, conflict, or social discordance. Similarly, Islam strictly prohibits entering another person's home without his/her permission, as such a deed is considered a clear violation of privacy rights.

Besides, Islam condemns backbiting and the disclosure of others' burdens, classifying such acts as major sins with recommended consequences. As Islam is the religion of peace and prosperity, it does not leave any aspect of human conduct without prescription. It provides thorough guidance for maintaining social harmony, dignity, and moral conduct.

Accordingly, any violation of the above principles results in accountability before Allah and may also cause harm to social order and public peace within humanity.

2.2 Types of Privacy

Privacy has more than a few forms. Among them are physical privacy, informational privacy, family privacy, privacy between parents and children, and privacy between husband and wife. These categories are briefly explained below:

2.2.1 Physical Privacy

Physical privacy is relevant to the protection of the human body and its physical shape from unauthorized interference.

Human beings, by nature, consider certain areas as their personal boundaries within which they seek safety and protection. Within such protected spaces, human life attracts meaning in terms of personality, status, dignity, residence, workplace, and stuff. Unauthorized and illegitimate entry into these protected areas is known as a violation of human dignity and an infringement upon the basic concept of humanity.

Physical privacy refers to a boundary or space where an individual, or sometimes jointly with others, enjoys exclusive control and rights. One of the most important features of physical privacy is its defined spatial limitation, which includes the following structures:

1. **Individual Selection of Space:** The range of physical privacy is determined by the individual and is recognized either through personal sympathy or legal reception. Such a space must not encounter with the public rights of others or the state; if not, it may constitute a violation of legal boundaries.
2. **Limits of Entry and Exit:** The individuals who define a space as private may restrict entry into and exit from that space. Such limits are legally and ethically binding, and unauthorized access is not allowable.
3. **The Personal Nature regarding Privacy Recognition:** The recognition of physical privacy is thoroughly linked to the individual. While property laws may describe certain spaces, privacy boundaries particularly in residential areas are often determined by personal choice and may be adopted by the individual.
4. **Independence from Ownership:** Physical privacy is not essentially subject to ownership of property. A person may have privacy rights in a residence even if they are not the legal owner of that property.
5. **Location-Specific Nature:** Physical privacy is involved in specific locations, and spatial requirements play an essential role in clarifying its scope.
6. **Non-transferability of Privacy:** Privacy rights are personal in nature and cannot only be transferred or recreated by leaving behind one location and moving to another.

Privacy differs across business, office environments and residential because of the differing nature and requirements of each space. The privacy attached to a place is not mechanically lost when its occupants relocate.

2.2.2 Informational Privacy

The privacy of information is discussed and referred to the protection of a person's letters, communications, and personal data and information.

It includes electronic communications, telephone conversations and other means of interaction. Individuals have the right to ensure that all forms of communication, including verbal and non-verbal, are confidential and safe and no one has access to them.

No media organization, including government officials, has the right to violate individuals' identity or privacy under the pretext of obtaining or publishing news. Privacy is an ultimate right that, on the one hand, arises from personal necessities and, alternatively, requires recognition by others in society. Though, with the expansion of information technology and the widespread use of the internet, privacy has become one of the most thoughtful concerns in the field of human rights.

Due to the ease of access and anonymity provided by digital stages, violations of privacy have been significantly enlarged, prompting governments to adopt legal measures to protect personal data and rights to privacy (Hamid, 1389 SH).

2.2.2.1 Informational privacy has the following features

1. ***Personal and Continuous Nature:*** It is involved to the individual and exists as long as the person exists. It is closely connected to personality, identity and thoughts.
2. ***Relative Value:*** Its significance depends on individual interests, preferences and beliefs. Information that may be insignificant to one person may be highly crucial to another.
3. ***Confidential Character:*** Even though not always inherently secret, informational privacy is often treated as confidential and subject to mentionable boundaries.
4. ***Non-inheritability:*** Informational privacy is personal and cannot be inherited. Even though heirs do not acquire rights over a deceased person's private communications, it means it cannot be left from father to son or others.
5. ***Socio-cultural Influence:*** The idea of informational privacy evolves with deviations in ethics, culture, and social norms through generations.

2.2.3 Residential Privacy

Residential privacy refers to the protection of a person's home and living camp. It is a fundamental right to ensure that residential areas, homes and enclosed spaces are protected from intrusion, occupation, or illegal interference. Surveillance deeds or identity checks within private residential spaces are commonly considered violations of residential privacy.

2.2.3.1 *The Privacy Between Parents and Children (Family privacy)*

Privacy between parents and children is frequently a present challenge. Parents often justify interference in their children's lives by claiming superior experience. In doing so, they may deny children their right to make independent choices and make their own opinions. It most often happens in families where parents think that their children are not capable of making decisions and they are stubborn. In Islam, we have the rights of parents but, meanwhile, children also have the right to be aware of their future.

This behaviour can cause dissatisfaction and conflict. It is therefore significant for parents to respect the privacy of their children, be involved in dialogue, and convince rather than impose decisions. One of the key aspects of children's privacy is their personal room (where they sleep), which is particularly significant throughout adolescence. Parents should not enter their children's rooms or interfere with their personal belongings without knocking on the door and taking permission (Ibn Manẓūr, 1307 AH).

2.2.3.2 *Privacy Between Husband and Wife (spouses' privacy)*

Privacy plays a main role in marital life and is based on mutual respect and consent between spouses. If one partner seeks control while the other values independence, it leads to conflicts. If a husband or wife asks such questions as; "Where did you go?", "Why did you say that?", or "To whom do you chat on your mobile?" may lead to tension and emotional hurt.

In marital life, privacy is a complex but important issue. In accordance with Islamic law, the rules governing privacy within the family are clearly discussed, and the borders are mentioned clearly. Marital privacy takes place after the conclusion of a legal marriage contract and not before it. The law of Islam also provides clear provisions about divorce and its legal consequences, which are part of the wider regulation of family relations. At the same time, when the husband searches the phone of his wife, it's also a kind of ensures and disbelief, and it lessens the relationship between husband and wife. So, both husband and wife should respect each other's privacy and not intervene much more (Khani, 1395 SH).

3. RESEARCH METHODOLOGY

This research implements a qualitative doctrinal legal research method. It depends on the analysis of primary legal sources, including the laws of Afghanistan, and relevant statutory provisions. Furthermore, Islamic jurisprudential sources, including the verses of the Holy Qur'anic and Hadiths of Hazrat Mohammad (PBUH) interpretations, are examined to provide a comparative legal viewpoint. Secondary sources such as academic books, journal articles, and legal commentaries are also viewed to support the analysis. The research is

conducted descriptive-analytical in nature, aiming to interpret and assess existing legal frameworks rather than conduct empirical fieldwork.

4. RESULT AND DISCUSSION

4.1 Instances of Violation of Privacy

In this chapter, the instances in which the privacy of individuals is violated, and identifying the circumstances under which a person's private life and personal sphere are infringed upon are discussed in detail. The perception of violation of privacy arises when any unauthorized, unlawful or unjustified interference with an individual's life, communications, property, or personal information. Such violations may take place in various forms. For instance, informational disclosure, physical intrusion, surveillance, or other activities that undermine the individual's right to personal dignity and autonomy.

As a result, the aim of this chapter is to analyze the various circumstances and conditions in which the privacy of individuals is harmed and under feet, whether through direct actions or indirect tools and means, and to highlight the legal and moral implications of such acts within the human rights framework and applicable legal provisions.

4.1.1 Instances of Violation of Residential Privacy

The right to the sacredness of the home is principally grounded in the legal principles of Islam, which clearly establish rules for maintaining justice and social order. Islamic legal law clearly provides that no one may enter another person's living place without the permission of its owner. Verse 27 of Surah Al-Nur has said discussed it:

(يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَدْخُلُوا بُيُوتًا غَيْرَ بُيُوتِكُمْ حَتَّى تَسْتَأْذِنُوا وَتُسَلِّمُوا عَلَى أَهْلِهَا ۚ ذَٰلِكُمْ خَيْرٌ لَّكُمْ لَعَلَّكُمْ تَذَكَّرُونَ)

(Qur'an 24:27)

Translation:

“Do you who believe! Do not enter houses of others until you have asked permission and greeted their inhabitants. That is better for you so that you may be attentive.” (Qur'an 24:27)

Likewise, the Constitution of Afghanistan (2004) recognizes the protection of residential privacy as a fundamental right. Article 38 states that:

“The residence of a person is immune from invasion. No one, including the State, shall enter or search a residence without the permission of its resident or without a court order, except in cases and procedures specified by law. In case of an evident crime, the responsible officer may enter or search the residence without prior court permission, but must obtain judicial authorization within the period prescribed by law.” Article 38.

Therefore, the right to residential privacy covers the following three fundamental elements:

- A. **Right to housing:** Every individual has the right to own or rent a house for themselves and for their family, and no one should be deprived of this right.
- B. **Right to change residence:** every individual has the right to choose their place of residence based on their requirements and conditions. No one is allowed to force others to live in the same place for ages.
- C. **Right to inviolability of the house:** Once an individual establishes residence in a place, that home is protected from any form of unlawful intrusion or interruption.

4.1.2 Forms of Violation of Residential Privacy contain

- Entering a person’s house without his/her permission
- Forceful occupation of a residence
- Pulling down houses for urban planning or other goals without legal justification
- Attacks on private houses during armed conflict and battles
- Seizure of property belonging to vague or displaced persons

Under the law, a person’s house is protected from interference, and no one, as well as the government, has the right to enter it without legal approval. On the other hand, certain exceptions exist:

1. Entry with a court order for evidence collection or investigation.
2. Entry by authorized officials in emergency situations.
3. Entry in cases of obvious crimes, with subsequent judicial approval.

Related provisions are also reflected in the Criminal Procedure Law, Articles 119, 120, and 121, which regulate conditions for search and entry, including judicial approval, documentation requirements, and the presence of female officers during investigation and searching where necessary.

Article 124 further allows entry without prior authorization in cases of obvious crimes, provided that judicial authorization is obtained within a specified period (Jafari Langroudi, 1382 SH).

4.2 The Violation of Privacy of Communications and Conversations

One of the ultimate human rights is the confidentiality of communications, telephone conversations and correspondence. Afghan law recognizes this right; nevertheless, it is frequently subject to violations. Any performance by networks or telecommunications officials involving unauthorized interception, suspension, opening, blocking, rerouting, seizure, or disclosure of communications is considered illegal and constitutes a criminal offense, subject to civil and criminal charges. Telephone communication belongs to verbal interaction between two individuals or more than two, through telecommunication systems, whether within or outside the borders of a country.

The instances of Violation of communication privacy are:

- Opening of communication
- blocking or Suspension of communications
- Devastation or interception of messages
- recording or Monitoring of conversations
- Disclosure of private information and data

Article 34 of the Constitution of Afghanistan (2004) guarantees freedom of expression and protection from arbitrary interference, while Article 367 of the Penal Code imposes punishments for misuse of telecommunication systems to harass others.

In spite of legal protections, privacy violations remain a concern due to technological advancement and weak enforcement in some conditions (Haeri Shahbagh, 1382 SH).

4.3 Violation of Physical Privacy

Human physical honor is one of the most fundamental and basic aspects of privacy, as all legal systems, ethical principles, and social norms are ultimately designed to preserve it. Physical privacy is seen as the most essential form of privacy because when the human body is violated, other forms of privacy lose their meaning and importance.

Physical privacy guarantees that individuals may carry their belongings, travel freely, use transportation, and move within their country where they wish, provided they comply with applicable laws. The state is obliged to protect individuals from illegal physical interference by third parties.

Violations of physical privacy may occur both by private individuals and by the state members.

4.4 Violation by Private Individuals

Private individuals may be both natural persons and legal entities (such as companies and organizations). Both categories can violate physical privacy.

Article 23 of the Constitution of Afghanistan states that life is a gift of Allah and a fundamental human right, and no one may be deprived of it except by legal authority.

Violations may occur, for instance, when companies fail to maintain a safe working environment, resulting in physical harm or the death of employees. In such cases, legal obligation lies with the employer or organization.

4.5 Violation by the State

States officials often have a strong tendency to look after and monitor individuals for the purpose of security, which may lead to interference with privacy rights.

4.5.1 Investigation of Beliefs

Every person has the right to hold personal beliefs in religion, politics, and philosophy without force. Forcing people to disclose beliefs or ideology constitutes a violation of privacy. Freedom of belief and religion is known as a fundamental human right.

4.5.2 Detention and Arrest

One of the most common practices of physical privacy violation is detention or arrest. Afghan law (Article 27 of the Constitution) provides that no one may be arrested or detained without legal grounds and due process.

While law implementation authorities may detain individuals under specific circumstances, arbitrary detention constitutes a violation of physical privacy if justified by law and judicial oversight.

4.5.3 Internal Body Searches

In some situations, criminal evidence may be concealed within the human body, requiring internal examination such as a blood check-up, medical procedures, or biometric identification.

Although such procedures may be essential for law enforcement, they must be conducted under strict legal protection to prevent violations of physical integrity.

Common internal examinations are:

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- Testing of Blood
 - Medical surgery
 - lavage or Gastric examination or
 - Biometric documentation procedures

Such interferences must balance criminal investigation needs with respect for human physical privacy and dignity.

4.6 DISCUSSION

The conclusions of this study reveal that the right to privacy is recognized as a fundamental legal and moral value under both Islamic law and the legal system of Afghanistan. Islamic jurisprudence establishes the inviolability of private life through explicit provisions of the Divine Qur'an and the Hadiths, which prohibit unauthorized interruption into the private affairs of people and emphasize respect for human dignity. These regulations and principles are reflected in the Constitution of Afghanistan and numerous statutory provisions that prohibit unlawful intrusion into an individual's private sphere. Nonetheless, the study discloses that the existing legal framework does not provide a comprehensive regime governing civil liability for violations of privacy, mainly with respect to the compensation of victims (Jafari Langroudi, 1382 SH).

The research further designates that privacy violations are no longer limited to old-fashioned forms of physical interruption. Contemporary technological improvements, including digital communication platforms, social media and electronic surveillance, have significantly increased the frequency and complexity of privacy violations. These advancements have created new legal challenges that were not envisaged when many existing Afghan rules, particularly the Civil Code, vanished. Therefore, reliance on general principles of civil liability most often proves inadequate to address modern forms of privacy violations (Bahrami Ahmadi, 1391 SH).

Another vital finding concerns the fragmented nature of the legal framework appropriate to privacy disputes. Even though Islamic Sharia, the Constitution, the Civil Code, and certain criminal laws offer partial protection for privacy, Afghanistan shortages a unified legal instrument unambiguously regulating civil liability for privacy violations. This legislative fragmentation creates doubt regarding the legal standards applicable to determining liability, measuring damages, and providing effective remedies to injured parties. In practice, this may result in inconsistent judicial decisions and unsatisfactory protection for victims (Warren, 2018; Rahbari, 2017; Saeed, 2022).

The study also suggests that the general principles of Afghan civil liability are capable of providing a legal basis for compensation where an individual suffers illegal harm arising from a violation of privacy. Under these principles, any individual who deliberately or negligently causes damage is obliged to compensate the injured party. This approach is dependable on widely accepted principles of comparative civil law, which know that illegitimate interference with legally protected rights gives rise to an obligation to repair the resulting harm. However, because privacy has both material and immaterial dimensions, existing legal principles provide limited direction on the assessment and valuation of non-pecuniary harm, such as reputational injury, emotional distress, and psychological suffering (Ibn Manẓūr, 1307 AH).

The consequence further discloses that criminal sanctions alone do not offer complete legal protection for victims of privacy violations. While criminal liability helps significant objectives, including deterrence and punishment, it does not essentially restore the losses suffered by the injured party. Effective legal protection consequently requires the parallel application of civil remedies that enable victims to attain adequate compensation for both pecuniary and non-pecuniary damage. The absence of obvious procedural mechanisms governing such reimbursement weakens the practical implementation of privacy rights and may dishearten victims from following legal remedies.

From a proportional perspective, many contemporary legal systems have implemented specialized legislative frameworks regulating privacy rights and civil liability for their violation, particularly in response to rapid technological advancement and the increasing collection and processing of personal data. Although Afghanistan has strong normative foundations derived from Islamic law and constitutional principles, the absence of complete legislation places it behind many jurisdictions in emerging effective civil remedies for modern privacy arguments.

Generally, the study reveals that strengthening the civil protection of privacy in Afghanistan requires legislative reorganization rather than reliance solely on general principles of liability. Enacting a committed law on civil liability for privacy violations, modernizing the Civil Code, providing stronger standards for judicial assessment of damages, and ensuring that courts effectively decide claims for civil compensation would considerably improve the protection of individual rights. Such improvements would not only align Afghan law with contemporary legal developments but would also strengthen the objectives of Islamic law in safeguarding human dignity, personal autonomy, and the sanctity of private life.

5. CONCLUSION

This study establishes the right to privacy as an integral part of the rights to human dignity, personal autonomy, liberty and security of the person, and that violations of this right can be intentional or unintentional, individual or in organized manner, by private persons or public authorities. Therefore, in Afghanistan, privacy is legally recognized and safeguarded by the various international legal instruments, thus rendering the interference with a person's private life as a legally significant violation that carries both criminal and civil repercussions which cannot be deemed to be merely a private or social issue.

However, the study finds that the very shortcoming in the current Afghan legal structure is not necessarily one in which no legal principles exist that can safeguard people from unlawful harm, but rather one in which there is no clear, comprehensive, and unified legal regime governing civil liability for breaches of privacy. While there is a legal framework for safeguarding individuals against misguided harm and for compensation in Islamic Sharia, in the constitution, and in applicable provisions of Afghan civil law, it does not seem to offer a consistently detailed and coherent set of rules about the unique nature of privacy-related injuries. Consequently, doubts and questions may arise regarding the standards of liability that apply, the nature of the wrong committed with respect to privacy, the nature of the damages that can be recovered, the amount of damages and the process by which a person injured by a breach of privacy can secure an effective remedy.

With the rapid development of digital technology, electronic communications, social media, digital records and collection and processing of personal information, the importance of this finding has grown. Violations of privacy are not limited to traditional intrusion into the home or into people's private lives, but can also include unauthorized disclosure, collection, use, dissemination or interference with an individual's private sphere through the dissemination, collection, use or disclosure of personal information. The fragmentation of the Afghan legal system must be addressed by the legal system to define standards that can effectively deal with the traditional and new types of privacy-related harms.

Legally and practically, the lack of a broad-based civil-liability system can undermine the predictability and function of judicial remedies and can create a challenging situation for injured parties in trying to prove liability and secure adequate compensation. Therefore, the development of a specific and coherent body of law on privacy protection and civil liability is a key priority for the law. It should also provide a clear definition of right to privacy and unlawful interference, differentiate intentional and inadvertent interference, set standards for establishing liability, recognize material and (where legally warranted) non-material types of interference, and

offer clear guidelines for determining the scope of compensation. It should also provide available and adequate judicial remedies, as well as adequate protection from unreasonable or arbitrary interference by both private individuals and public authorities.

The study acknowledges the limitations of its assessment amid the overall lack of comprehensive materials on jurisprudential and empirical dimensions of privacy-based civil claims in Afghanistan and the fragmented nature of the applicable legal framework in Afghanistan. This means that in terms of doctrine and practice, more research is needed to explore judicial practice, new avenues for violations of privacy in the digital realm, judicial interpretations of relevant Sharia provisions, and the compatibility of proposed legislation with the broader legal obligations and institutional realities in Afghanistan.

The study suggests, in conclusion, that the Afghan legislators and relevant legal bodies have to review the current legal system systematically and consider the preparation of a general law on privacy protection and civil liability. Such legislative change should be based on Islamic Sharia, which must be in accordance with the constitutional and legal principles applicable and taking into account the relevant principles of international human rights and the comparative experiences of other countries. Judicial authorities must also be equipped with more comprehensive and precise legal norms and appropriate capacity to effectively and consistently handle claims concerning privacy in a competent manner. These legal changes should be supported by raising awareness of privacy rights and responsibilities among the public. A legal framework that is coherent and legally binding would not only improve access to justice and compensation for victims but would also create legal certainty, improve protection of fundamental rights and better equip Afghanistan's legal system to handle the ever more complex problems of modern privacy infringements.

5.1 Recommendations

Based on the findings of this study, the following recommendations are proposed:

1. The Holy Qur'an holds clear and comprehensive provisions concerning the protection of privacy and the observance of its sanctity as part of Islamic moral and education. However, public alertness of these principles remains limited. Therefore, the Ministry of pilgrimage and Religious Affairs, through religious scholars and mosque chaplains, should actively support public awareness and emphasize the significance of respecting the right to privacy according to Islamic teachings.
2. The Islamic Emirate of Afghanistan should enact an inclusive and specialized law governing civil liability for violations of privacy, taking into account the legal and technological improvements of the 21st century.

currently, many countries have legislated specific legislation regulating civil liability for privacy violations. To ensure that such legislation is wide-ranging, practical, and enforceable, the legislative authorities should undertake a detailed comparative study of the pertinent laws of other jurisdictions, review authoritative legal commentaries and scholarly works, and consult both classical Islamic jurisprudential sources and contemporary works addressing modern legal subjects relating to privacy and civil liability.

3. Since Islamic Sharia provides broad and well-established principles concerning the protection of privacy, the Islamic Emirate of Afghanistan should guarantee that these principles are fully united into any legislation enacted on civil liability for violations of privacy.
4. The Islamic Emirate of Afghanistan should, as soon as realistic, undertake a comprehensive revision of the Afghan Civil Code to ensure its compatibility with contemporary legal and technological growths. The current Civil Code, enacted in 1977 (1355 Solar Hijri), no longer sufficiently addresses the numerous forms of privacy violations that have arisen as a result of advances in information technology and modern means of communication, many of which did not exist when the Code was initially enacted.
5. Courts should adjudicate criminal and other legal claims, also reflect the civil damages arising from violations of privacy and order appropriate compensation for hurt parties. In many cases, judicial actions emphasis solely on imposing criminal sanctions upon offenders, while the civil losses suffered by victims or their dependents stay uncompensated.
6. Given the sensitive nature of privacy-related disagreements, consideration should be given to founding specialized courts or judicial divisions with jurisdiction over cases including violations of privacy. Such specialization would improve judicial expertise, promote consistency in legal decisions, and advance the effective protection of privacy rights.

5.2 Conflict of Interest

All authors express no conflict of interest in any part of the research.

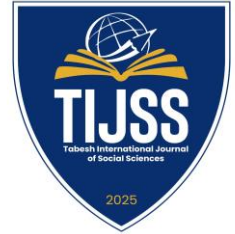
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