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**The Impact of the COVID-19 Pandemic on Personal Rights and Freedoms in
Algeria: The COVID-19 Pandemic as a Model**

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Abstract:

Personal rights and freedoms pertain to the essence of human dignity and represent the foundation upon which other human rights and freedoms are built. Ensuring a person's life, mobility, security, and protection of their home and privacy is the cornerstone for exercising other rights and freedoms. For instance, what value does the right to property or the right to work hold if a person is restricted in movement, insecure, or unsafe in their own life?

In this article, we address the impact of pandemics on personal rights and freedoms in general, with a focus on COVID-19. We aim to highlight the concept of personal rights and freedoms in light of Islamic law and Algerian legislation, as well as to examine the unique nature of the COVID-19 virus and its impact on these rights and freedoms. These include the right to security, the sanctity of one's home, freedom of movement, and confidentiality of correspondence.

We adopted a descriptive-analytical and comparative approach to comprehensively address the topic. Our findings reveal that the COVID-19 pandemic cannot merely be considered a public health emergency; it extends far beyond that scope. It can be described as an economic, social, and humanitarian crisis that has affected human rights and public freedoms, particularly personal freedoms.

This virus imposed exceptional restrictions on the right to security, movement, and mobility, isolated nations from one another, imposed curfews on populations for varying durations, claimed millions of lives, and instilled fear and panic instead of security and peace. It placed humanity in a state of both activity and inertia and enforced social distancing to safeguard public health.

Additionally, we found that the Algerian legislator enacted several laws and decisions to protect the rights to security and life, even at the expense of other rights, and resorted to restricting certain freedoms with scientific justification and in collaboration with the World Health Organization.

Keywords: Pandemics; COVID-19 Pandemic; Impacts; Personal Rights and Freedoms; Right to Security; Freedom of Movement.

INTRODUCTION

The year 2020 stands out as an exceptional year in the realm of human rights and public freedoms. It witnessed a global pandemic that affected all nations, both developed and developing, namely the COVID-19 pandemic. This virus impacted various aspects of human life, and with its rapid and widespread transmission, numerous individuals suffered disruptions in many areas of their lives. Consequently, the "pandemic" became one of the most discussed topics in studies and research.

COVID-19 not only posed a threat to the healthcare sector but also extended its impact to numerous other domains, most notably human rights and public freedoms, particularly personal rights and freedoms. While all divine laws, led by Islamic legislation, and human-made laws, including Algerian law, have emphasized safeguarding personal freedoms in their various manifestations, the pandemic rendered human life and security explicitly threatened.

This situation compelled many governments, including democratic ones, to implement a "public health emergency," enabling them to adopt exceptional measures to counter the spread of the deadly virus. These measures included the swift enactment of laws that restricted people's movements and granted executive authorities broad powers to impose limitations on freedoms, including personal freedoms.

This leads us to pose the following central question:

What are the impacts of the COVID-19 pandemic on personal rights and freedoms?

We aim to address this question through three main sections. The first section is dedicated to the conceptual framework of the topic, including the theoretical foundation of personal rights and freedoms and an overview of the COVID-19 virus. The second section examines the impact of COVID-19 on the right to security and the sanctity of the home. The third section explores the effects of COVID-19 on freedom of movement and the confidentiality of correspondence.

THE FIRST TOPIC: The Conceptual Framework of the Subject

In this section, we aim to discuss the concept of personal rights and freedoms, as well as the concept of the COVID-19 pandemic.

First requirement: The Concept of Personal Rights and Freedoms

The terms "rights" and "freedom" are among the most challenging to define and delineate. This difficulty arises because these concepts are dynamic and evolving, influenced by the passage of time, varying beliefs, cultures, and diverse intellectual and political ideologies.

First section: Defining Freedom

Discussions about freedom—its domains, scope, and manifestations—have become some of the most significant topics in modern times. Virtually every field within the humanities and social sciences addresses the subject of freedom. Freedom represents an innate tendency in all humans, yet consensus on its essence remains elusive. The concept of freedom resists a universal definition due to cultural and civilizational differences¹. The ambiguity surrounding the definition

of "freedom" is further compounded by its importance and centrality to human existence. Methodological challenges, conflicting perspectives, and diverse usages across disciplines—philosophy, theology, politics, sociology, psychology, and education—add to this complexity. Consequently, the meaning of freedom varies based on the contexts in which it is employed². Rather than delving into the philosophical dimensions of freedom, this study focuses on its linguistic, Islamic legal, and contemporary legal meanings, particularly as it relates to human rights.

As for freedom in Islamic jurisprudence, it appears that Muslim jurists did not address the term freedom in its comprehensive modern sense. Instead, they discussed it in its linguistic meaning, which refers to the absence of constraints or other linguistic connotations, as well as in the sense of being free from slavery or bondage. They also addressed issues and topics related to freedom, presenting numerous scientific theories on its content, albeit using different expressions and terminology. Ibn Taymiyyah remarked: "Understanding the languages and terminologies of people helps us comprehend their objectives. We then evaluate them using the Book of Allah. Whatever conforms to it is truth, and whatever contradicts it is falsehood³." This means that when making judgments or comparisons, the focus should be on the substance and content rather than the names or terms. Ibn Ashur defined the term freedom in its modern sense as: "A person's ability to do what they are capable of doing according to their will, without interference from others." He noted that the Arabic language does not have a root or derivative that corresponds directly to this meaning. The closest equivalents in Arabic are the terms release (al-inطلاق) or removal of constraints (al-inkhilā')⁴. In another context, Ibn Ashur offered an enhanced definition of freedom, describing it as: "A cherished sentiment in human nature that fosters the growth of human capabilities in thought, speech, and action⁵. It unleashes intellectual talents to compete in fields of innovation and precision. Freedom should not be constrained except by limits that prevent harm or secure benefits for the individual⁶." In Maqasid al-Shariah (Objectives of Sharia), he stated: "The equality of individuals in managing their own affairs is a fundamental objective of Sharia, and that is what is meant by freedom⁷." Fathi al-Durayni summarized the concept of freedom using the language of Islamic jurisprudence and law, stating: "Freedom is the general capacity granted by Sharia to individuals equally, enabling them to act at their discretion without harming others⁸." Thus, in the Islamic perspective, freedom is defined as the individual's ability to believe, speak, or act as they wish, provided this does not harm themselves, infringe on the rights of the Creator, or violate the rights of others⁹.

As for freedom in secular law, several researchers have noted that the concept of freedom in Western thought first emerged prominently in the 17th century, following the French Revolution (1789) and the remarkable advancements in experimental science. This period saw the rise of a "spirit of human self-reliance and rationality" in Western societies, where conceptions and systems were developed independently of religion. It was in this environment that the concept of freedom began to take shape¹⁰. Freedom came to revolve around the liberation of human will from the constraints imposed by the Church and its

clergy. The idea of freedom was built upon the notion of natural rights, with an emphasis on individualism. This is evident in Hobbes' definition of freedom: "True freedom is the absence of external constraints that prevent a person from acting according to their reason and judgment¹¹." Similarly, John Locke defined freedom as "the right to do anything permitted by the law¹²." But what laws? Clearly, these are laws created by humans, based on their reason and free will. This highlights the fundamental difference between the Western and Islamic conceptions of freedom. The Islamic view does not stem from a purely human reference point that grants individuals inherent natural rights by themselves. Instead, the cornerstone of Islamic thought is the recognition of the ultimate truth: that Allah is the Creator, Owner, and Sustainer of everything in this universe. He is the supreme legislator, and His revelation serves as the ultimate reference for establishing rights and freedoms¹³.

The essence of the Islamic creed is for a person to submit themselves entirely to Allah Almighty alone in all matters, which necessitates liberation from everything else. The freedom that Islam legislated for humanity is this very freedom rooted in the doctrine of monotheism (Tawheed)¹⁴. In contrast, secular thought has failed to unify the concept of freedom due to ideological conflicts between individualism and collectivism, divergent interests, and the varied circumstances surrounding the emergence of many modern terms, including freedom. This highlights that defining higher human values, concepts, and regulations must transcend temporal and spatial relativism. With certainty, we believe this can only be achieved by relying on a supreme legislative source that is above the laws of time, place, and humans—a source to which humanity submits as individuals, motivated by faith and conviction¹⁵.

Rights and freedoms are interconnected, as the mention of the word "rights" is often followed by "freedoms," commonly referred to as "human rights and freedoms." Some contemporary jurists believe there is a clear distinction between rights and freedoms, referring to the latter as "license." They argue that a right involves exclusivity and entitlement to its subject matter, which is specific to an individual or a particular group. In contrast, freedom is a general capacity granted by the legislator to all individuals equally, enabling them to act at their discretion. Freedom falls under the category of "permissible acts." From a scientific perspective, a distinction is made between equality in action, as seen in freedom, and exclusivity in action, as seen in rights. An example of this distinction is ownership (*milkiyah*), which is considered a right, whereas the ability to own (*tamaluk*) is considered a freedom¹⁶. On the other hand, another group of jurists sees no difference between rights and freedoms except in terms of generality and specificity. They argue that a right is broader than freedom, encompassing both exclusivity and shared entitlement. In contrast, freedom applies only to what is shared and equal among individuals¹⁷. However, some reject the idea of equating freedom with mere permissibility. It is illogical to assume that Islam, when proclaiming general freedoms, would simply say, "Do as you please; you are free," without addressing the scope, limits, and guarantees of these freedoms¹⁸.

Second section: Definition of Rights

The word "right" in language: The right is the opposite of falsehood. The right is a singular form of rights, and *haqqah* is more specific than it; for example, it is said, "This is my *haqqah*," meaning my right. It is something established that cannot be denied. It is one of the names or attributes of Allah Almighty, the Quran, the opposite of falsehood, a decided matter, justice, Islam, wealth, ownership, an established existence, truth, death, and determination, as well as a singular form of rights.

As for the definition of the right in Islamic jurisprudence: The term "right" has been used by Muslim jurists in multiple contexts and various issues. Perhaps its most significant use is in matters concerning the Creator, Almighty Allah, and the corresponding obligations of the accountable individuals. Some scholars discussed "the rights of the Creator" and "the rights of the creatures," dividing the latter into three categories¹⁹: The rights an individual has over themselves; The rights of some individuals over others; The rights of animals over humans. The second category is what is referred to in many dictionaries and jurisprudential encyclopedias. For example, *Mu'jam al-Mustalahat wa al-Alfaz al-Fiqhiyya* defines the right as: "What is obligatory upon you for another, which they demand from you, or what is obligatory upon another for you, which you demand from them²⁰." It appears that despite the prevalence of the term "right" in the works and compilations of classical jurists, they did not address its concept or define its meaning explicitly. Instead, they used the term within its linguistic context, the phrase's usage, and the ultimate purpose of the right being discussed, delving into its details and implications without framing a comprehensive definition.

Modern jurists have attempted to define the term "right," relying on the classifications of classical jurisprudence and drawing upon the meaning of "right" in contemporary law. Among the most notable is Fathi al-Durayni, who reviewed several contemporary definitions and proposed a selected definition of the right, stating: "A right is a privilege recognized by Sharia, granting authority over something or obligating a performance from another to achieve a specific benefit²¹." It is noticeable that al-Durayni's definition incorporates all types of rights under the umbrella of Islamic law, clarifying their purpose as achieving a specific, Sharia-considered benefit. As for the definition of "human rights" in its modern sense, this term is not explicitly found in classical Islamic jurisprudence. However, Islamic scholars have addressed the subject within the context of discussions on *imama* (leadership) and public policy (*siyasa shar'iyah*) more than in other jurisprudential sections, often referring to it as "the rights of the servants²²."

The right is defined in law as: "A privilege recognized by the law for a specific person over a specific object, enabling them to perform all acts permitted by law concerning that object²³." As for human rights, they have been defined as: "A branch of social sciences concerned with determining the essential rights and privileges necessary for the flourishing of each individual's personality in society, based on their human dignity²⁴." Regarding their source and origin, human rights can be described as: "A collection of modern values that began to emerge through

a series of declarations and charters that gradually and cumulatively developed over the course of the European Renaissance, starting with the humanist movement and leading to constitutional revolutions in Western Europe and America, along with their charters and declarations²⁵." From the perspective of their purpose, some have defined human rights as: "Rights aimed at ensuring and protecting the essence of humanity across various political, economic, social, and cultural domains²⁶."

Thus, there is no single definitive definition of human rights. Instead, there are numerous concepts and definitions that vary from one society to another and one culture to another. Nevertheless, this term represents an ancient reality that has accompanied humanity since its inception and has been a concern of divine religions and various intellectual and philosophical systems, eventually becoming sacred in the modern era.

It is observed that the disagreement regarding the relationship between right and freedom stems from the perspective used to define these terms. Those who view "right" and "freedom" through the lens of civil law inevitably find differences between them. In contrast, those who approach these terms from a political or intellectual perspective see no clear distinction, as, in the realms of thought and politics, rights are closely linked to freedom. A right cannot be truly a right unless it encompasses the freedom to enjoy it²⁷.

Thus, the terms "right" and "freedom" are intertwined and closely related, especially in intellectual, political, and legal studies. Since freedoms are always mentioned with the qualifiers "general" or "fundamental," as in "general freedoms" or "fundamental freedoms," their meaning overlaps with that of rights. The state has a duty to protect, safeguard, and guarantee these general and fundamental freedoms. Every duty corresponds to a right, as is well-known. Consequently, all freedoms become rights in this sense. Hence, it is often said: "The right to freedom of such and such." On the other hand, some rights cannot be described as freedoms, such as the right to social security. Therefore, we can say that every freedom is a right, but not every right is a freedom.

Third section: Definition of Personal Rights and Freedoms

Human freedoms and personal rights are at the forefront of human rights because they pertain to the essence of the individual and their inherent dignity. They form the foundation upon which other human rights and freedoms are built. Personal freedoms rank highest among freedoms as they are essential for the enjoyment of other public freedoms and are a prerequisite for their existence. They are the origin of human freedoms, the basis of human life, and the source of an individual's value, dignity, and progress toward the highest ideals of humanity²⁸.

Personal freedom refers to an individual's right to move, travel, and circulate freely within the country and to leave it if they wish. It also includes their right to security, meaning they cannot be arrested, detained, or punished except under the law and within its prescribed limits²⁹. Personal rights and freedoms encompass the right to security, freedom of movement, sanctity of the home, and confidentiality of correspondence³⁰. Islam has recognized all these rights,

declaring the human right to life and movement, mandating respect for the sanctity of the home and the confidentiality of correspondence. Personal freedoms are enjoyed equally by all people regardless of their religion, gender, or language because they pertain to the individual as a natural person. They also impose limits on the authority of the state, which must not overstep these boundaries.

Thus, personal rights and freedoms refer to the rights and freedoms tied to the individual's humanity and private life, including their rights to life, security, freedom of movement, confidentiality of correspondence, and sanctity of the home.

Second requirement: The Concept of the COVID-19 Pandemic (Coronavirus)

This section explains the meaning of the COVID-19 pandemic and elaborates on the methods of transmission and symptoms of the COVID-19 virus.

First section: Definition of the COVID-19 Pandemic

In terminology, scholars have differed in defining it. It is described as something that cannot be resisted, such as a natural disaster, an invading army, or theft³¹. A *jā'iha* is anything that, by its overwhelming nature, causes destruction to crops or plants after they are sold³². Hence, the term carries the meaning of overwhelming force and inability to resist. Anything fitting this description, whether natural or man-made, can be called a *jā'iha*. In the medical field, a pandemic is defined as a disease that occurs across a wide geographic area and affects an exceptionally high proportion of the population. Operationally, it refers to the wide geographic and global spread of the COVID-19 virus, which has resulted in millions of infections and deaths³³. COVID-19 is an infectious disease caused by the most recently discovered coronavirus. There was no prior knowledge of this new virus or its associated disease before its outbreak in Wuhan, China, in December 2019. COVID-19 has since become a pandemic affecting many countries worldwide. This virus belongs to a large family of coronaviruses that cause a range of illnesses in humans, from common colds to severe acute respiratory syndrome (SARS). Coronaviruses in this family also cause diseases in animals. The coronavirus strain that causes Middle East respiratory syndrome (MERS) was first discovered in 2012 in Saudi Arabia. The World Health Organization's understanding of the virus and the disease it causes continues to evolve. A primary global concern is the virus's potential for widespread transmission. Coronaviruses are viruses that infect mammals and birds. In humans, they primarily cause respiratory infections ranging from mild colds to more severe illnesses such as SARS, MERS, and the novel coronavirus. In animals, such as cattle and pigs, they may cause diarrhea, while in chickens, they can cause upper respiratory tract diseases. There are currently no approved vaccines or antiviral treatments for the prevention or treatment of these viruses. Coronaviruses belong to the subfamily *Orthocoronavirinae* within the family *Coronaviridae* and the order *Nidovirales*. Coronaviruses are enveloped viruses with a positive-sense single-stranded RNA genome and a helical nucleocapsid. Their genome size ranges from 26 to 32 kilobases, making it the largest among RNA viruses. The name "coronavirus" (Arabic: فيروس كورونا, abbreviated as CoV)

is derived from the Latin word *corona*, meaning crown or halo. The name refers to the characteristic appearance of the virus particles (virions) under an electron microscope, where they exhibit a fringe of surface projections resembling a crown or the solar corona³⁴.

Second section: Methods of Transmission of the COVID-19 Virus

The virus causing COVID-19 can spread through close contact with an infected person or by touching surfaces or objects that the infected person has touched. Respiratory droplets are released into the air when an individual infected with COVID-19 sneezes or coughs. These droplets do not travel far, typically covering a distance of no more than 6 feet (approximately 2 meters). The virus may remain on surfaces for several hours to several days. The methods of transmission can be summarized as follows:

- Direct transmission through droplets expelled by the patient during coughing or sneezing or through direct contact with infected individuals.
- Indirect transmission by touching contaminated surfaces or objects and subsequently touching the mouth, nose, or eyes.
- Consuming uncooked foods, particularly meat and eggs.
- Sharing utensils and drinking containers (e.g., water bottles, spoons, or sandwiches).
- Unprotected contact with wild animals or farm animals.

Third section: Symptoms of COVID-19 Infection

The most common symptoms of COVID-19 include fever, cough, shortness of breath, fatigue, and muscle pain. The World Health Organization has noted that typical signs and symptoms also include fatigue, nausea, chills, vomiting, diarrhea, and others.

As the disease progresses, the virus targets the lungs, leading to acute respiratory distress, which can ultimately result in death. Additionally, some individuals (asymptomatic carriers) may contract the disease without showing any symptoms.

THE SECOND TOPIC: The Impact of the COVID-19 Pandemic on the Right to Security and the Sanctity of the Home

In this section, I address the effects and implications of COVID-19 on both the right to security and the sanctity of the home.

First requirement: The Impact of the COVID-19 Pandemic on the Right to Security

Here i address the right to security as outlined in both Islamic legislation and Algerian legislation, and the implications of the COVID-19 pandemic on this right.

First section: The Right to Security

In terminology, the right to security is defined as the protection of an individual's life, property, and honor, ensuring their safety, and preventing harm, degradation, torture, or persecution—whether by the state or other individuals³⁵. Islamic legislation has guaranteed the right to security and prohibited any form of violation against it under any circumstances. Starting with the right to preserve life as the foundation of achieving security, Islamic legislation has affirmed this

right, emphasizing its protection and preservation by prohibiting any unjustified destruction of life. Islamic jurists consider this a crime, whether committed against a Muslim or any person whose blood is sacred, associating it with the gravest sin of polytheism. Islam strongly emphasizes preserving human life and prohibits suicide, defined as a deliberate act by a rational individual to take their own life³⁶. Allah Almighty said: And do not kill 'each other or' yourselves. Surely Allah is ever Merciful to you (Surah An-Nisa aya 29). The reasoning here is that Allah has forbidden a person from taking their own life; thus, it is never permissible for a person to commit suicide³⁷. Islam has also emphasized protecting the fetus, deeming abortion—defined as a crime against an incomplete life or the fetus—a violation of the right to life³⁸. Abortion involves expelling a fetus that is not fully developed or is premature. Scholars unanimously agree on the sanctity of the fetus's life after the soul has been breathed into it, except in cases of necessity³⁹. Violations of a person's reputation, dignity, and honor are also considered breaches of their right to life in its moral aspect. Sharia has laid foundational principles for protecting the moral aspects of human life, prohibiting slander and assigning it a penalty. Slander is classified as a hadd offense due to its severity. Islam also forbids gossip and backbiting, as stated in the Quran: O believers! Avoid many suspicions, 'for' indeed, some suspicions are sinful. And do not spy, nor backbite one another. Would any of you like to eat the flesh of their dead brother? You would despise that!1 And fear Allah. Surely Allah is 'the' Acceptor of Repentance, Most Merciful (Surah Al-Hujurat aya 12). The prohibition aims to counteract harmful assumptions based on false indicators, which lead to further sins. Spying, as an extension of suspicion, becomes a major sin when it results in public harm, and backbiting is explicitly forbidden by the verse and supported by prophetic traditions⁴⁰. The right to life, like other human rights, is subject to public interest. The state may impose capital punishment on individuals for intentional murder to serve the public good, as Allah Almighty said: And there is for you in legal retribution [saving of] life, O you [people] of understanding, that you may become righteous (al-Baqarah aya179). Islam's respect for human dignity extends beyond life into death. It mandates the preparation and burial of the deceased and prohibits acts that desecrate graves. It also forbids the mutilation of corpses and their representation⁴¹.

This respect for human dignity and physical integrity has led to universally accepted rights in modern times, such as the prohibition of slavery and human trafficking, the prevention of crimes against humanity, the prohibition of torture, degrading treatment, arbitrary detention, and wrongful imprisonment.

The Algerian constitution has guaranteed this right, holding the state responsible for the security of individuals and property. In the latest constitutional amendments.

Second section: The Impact of the COVID-19 Pandemic on the Right to Security

The COVID-19 virus caused widespread panic in society due to the inability to predict when and how this disease would end, its rapid spread, and the resulting consequences. This virus claimed millions of lives, particularly as it was a novel disease with insufficient information available about it. Many interpretations emerged regarding the virus, and this fear disrupted and destabilized security. The spread of the virus led to a general fear within society—fear of contracting the disease and losing loved ones. The longer the pandemic persisted, the greater the pressure on individuals.

The novelty of the disease meant there was neither an adequate quantity nor quality of information to instill reassurance and security. The virus also heightened feelings of suspicion about everything around individuals and even those close to them, who could potentially be sources of the virus. This uncertainty, coupled with the spread of rumors, led to widespread panic. Many were ready to accept any rumor to explain what was happening, fueling conspiracy theories and further destabilizing security both among populations and between states. Accusations were exchanged, such as claims that the virus was meant to suppress public movements in Algeria, or mutual accusations between China and the United States.

Social media platforms were used to exploit the crisis, spread fear, and destabilize security, with attempts to incite people against governments by accusing them of negligence and disseminating false information about virus management. Additionally, some racist behaviors emerged, targeting individuals of Asian descent, especially Chinese people, blaming them for the crisis. These attitudes manifested not only in negative comments on social media but also in physical assaults.

Despite these negative outcomes, there were positive manifestations, such as the spread of solidarity among members of society threatened by a common danger. Moral support grew among individuals, encouraging each other to continue fighting the virus with preventive and therapeutic measures, maintaining individual and societal balance, spreading hope and solidarity, and protecting vulnerable groups in society.

The virus also led to increased domestic violence due to prolonged home confinement. Extended quarantine disrupted family relationships, heightened conflicts, and threatened social bonds. Irrational scenes emerged, such as people rushing in stores or doctors choosing which patients to save, as witnessed in several countries like Italy. COVID-19 patients also suffered from a sense of insecurity, even after recovery. Moreover, the virus affected the burial methods, preparation, and funeral prayers for victims.

Thus, COVID-19 threatened the safety and security of populations in both developed and developing countries alike. Since the right to security is not limited to protection from harm by the state and its authorities but also requires the state to prevent harm from individuals, entities, or institutions by enacting laws that

provide effective protection and impose penalties on violators, states had to intervene.

In Algeria, the government intervened immediately after the World Health Organization declared the spread of the virus. Following the first recorded case of COVID-19 in Algeria on February 25—a case involving an Italian national working in the south of the country—the government issued several decrees and executive orders. These included mandatory quarantine, home confinement, social distancing, closure of institutions that could contribute to the virus's spread, restrictions on inter-province movement, and the closure of all borders. Preventive and therapeutic measures were adopted to combat the virus.

The Algerian government instructed governors and relevant authorities to strictly enforce measures related to COVID-19 prevention. It also launched an informational campaign as part of preventive efforts, establishing a call center with a toll-free number (3030), developing public service announcements broadcasted on radio, television, and the Ministry of Health's network, distributing brochures and posters aimed at citizens, and organizing seminars and programs to raise awareness and reassure the public. These measures were taken to safeguard citizens' physical and psychological well-being.

To achieve this goal, the Algerian government imposed penalties, including imprisonment and fines, on those who violated home quarantine measures and curfews except for permitted cases with proper authorization. Article 459 of the Algerian Penal Code stipulated it.

Furthermore, the Algerian legislator penalized actions endangering the life or physical safety of others under Section Three, adding Article 290 (bis).

All these measures were taken by Algerian authorities to protect citizens' lives, thereby preserving the right to life and ensuring the security of individuals and communities. The government also respected the dignity of those who died from the disease by permitting funeral prayers with necessary preventive measures.

Second requirement: The Impact of the COVID-19 Pandemic on the Sanctity of the Home

I will address the right to the sanctity of the home in both Islamic legislation and Algerian legislation, as well as the implications of the COVID-19 pandemic on this right.

First section: Sanctity of the Home

One of the essential requirements of life is for a person to have a refuge where they can reside, rest, and protect themselves from natural elements such as rain, cold, and heat, as well as shield themselves from the view of others. Islamic legislation has recognized this right and considers it a fundamental necessity of life, akin to food, drink, and clothing. For this reason, jurists have emphasized that the state is obligated to provide a dignified minimum standard of living for individuals. Ibn Hazm states: "They must be provided with sustenance sufficient to sustain life, clothing suitable for summer and winter, and a dwelling that protects them from rain, heat, and the eyes of passersby⁴²." Islamic Sharia has also affirmed the sanctity of this dwelling, meaning it cannot be entered without the

owner's permission, except in cases of a legitimate or legally established necessity. Such necessities are limited to their scope, like extinguishing a fire or providing medical assistance to someone in distress⁴³. The Quran explicitly addresses the sanctity of the home and prohibits entering it without the owner's permission: O you who have believed, do not enter houses other than your own houses until you ascertain welcome and greet their inhabitants. That is best for you; perhaps you will be reminded (Surah An-Nur aya 27). This principle is also enshrined in Article 12 of the Universal Declaration of Human Rights and in all Algerian constitutions⁴⁴. The concept of a home refers to the place where a person resides permanently or temporarily, alone or with their family, and which contains some furniture and necessities that facilitate living⁴⁵. The definition extends to its dependencies, such as gardens, playgrounds, and storage areas, and applies to any place a person resides in, whether owned or rented, large or small⁴⁶. Violating the sanctity of the home includes entering or searching it without proper authorization unless it is part of an investigation or inquiry by judicial authorities. Subordinate laws allow public officials to enter homes and breach their sanctity only under specific circumstances, such as a request for assistance from inside the home or an urgent necessity like a fire⁴⁷. This right encompasses subsidiary rights, such as the right to choose a residence and the right to use the home. Every individual has the right to select their dwelling and enjoy their private life within it as they see fit, free from interference by public authorities or others, provided they respect laws and regulations⁴⁸. However, competent authorities may intervene to restrict certain uses of the home, such as keeping animals, engaging in harmful activities, hosting disruptive gatherings, or causing disorder⁴⁹.

National constitutions provide legal protection for homes, establishing guarantees, rules, and principles governing the entry and search of homes. These measures aim to prevent arbitrary actions, safeguard personal rights and freedoms, and protect the sanctity of homes from violation and assault.

Second section: The Impact of the COVID-19 Pandemic on the Sanctity of the Home

With the spread of COVID-19 and its characteristics of rapid infection through direct contact between individuals, measures such as social distancing were required. Consequently, decrees and directives were issued to ban gatherings, weddings, and feasts. In cases of noncompliance with these directives, public authorities, represented by law enforcement, were authorized to intervene to stop weddings and disperse gatherings. They were also permitted to enter homes to prevent family gatherings due to celebrations. Additionally, in situations where authorities were notified of suspected COVID-19 cases, they were allowed to enter homes in search of infected individuals to provide them with treatment. Thus, this virus restricted individuals' freedom to use their homes as they wished in order to preserve public health.

THE THIRD TOPIC: The Impact of the COVID-19 Pandemic on Freedom of Movement and Confidentiality of Correspondence

In this section, I address the effects and implications of COVID-19 on both freedom of movement and confidentiality of correspondence, in addition to the right to security and the sanctity of the home.

First requirement: The Impact of the COVID-19 Pandemic on the Right to Security

Here I address the right to security as outlined in both Islamic legislation and Algerian legislation, and the implications of the COVID-19 pandemic on this right.

First section: Freedom of Movement

Freedom of movement refers to the ability to travel within a state from one place to another and to journey from one country to another. All religious and legal systems guarantee this freedom⁵⁰. Islam considers freedom of movement a fundamental necessity of life. Human mobility and movement are essential components of life, much like water for the thirsty, food for the hungry, and air for the living. Movement serves as a means to work, work is a means to earn, and earning is a means to sustain life. Movement and travel, whether during the morning or evening, are integral to human existence⁵¹. Islam permits travel for its various benefits, including reflection on Allah's signs, learning from the consequences of those who rejected the truth, and earning a livelihood through trade⁵². Travel may even become an obligation, such as migrating from a land of disbelief to a land of Islam. Allah says: Indeed, those whom the angels take [in death] while wronging themselves - [the angels] will say, "In what [condition] were you?" They will say, "We were oppressed in the land." The angels will say, "Was not the earth of Allah spacious [enough] for you to emigrate therein?" For those, their refuge is Hell - and evil it is as a destination (Ayah an-Nisa aya 97).

However, this freedom is restricted by considerations of public interest. For example, Umar ibn al-Khattab (may Allah be pleased with him) prohibited senior companions among the Muhajirun and Ansar from leaving Medina without his permission to ensure their counsel and input on matters concerning the welfare of the Muslim community⁵³. Similarly, during the plague of Amwas in the Levant⁵⁴, Umar (may Allah be pleased with him) adhered to the Prophet's saying: "If you hear of a plague in a land, do not enter it; and if it occurs in a land where you are, do not leave it⁵⁵." This hadith indicates situations where restricting movement is necessary and does not constitute an infringement on freedom of movement. Instead, it serves as a means to prevent harm and protect lives⁵⁶. To safeguard this freedom, Islamic legislation prescribes severe penalties for those who threaten travelers by committing highway robbery, instilling fear, or stealing their possessions. Freedom of movement is also recognized in the Universal Declaration of Human Rights and enshrined in Article 49 of the Algerian Constitution⁵⁷.

Second section: The Impact of the COVID-19 Pandemic on Freedom of Movement

In principle, individuals have the right to move freely within the borders of their country, as well as to leave and return to it without restrictions, prohibitions, or obstacles, except those imposed by law. Thus, no one should be prevented from internal movement or traveling abroad unless it is necessitated by public interest or the individual's own dignity⁵⁸. However, during the COVID-19 pandemic, to save lives from the danger of the widespread virus, states, including Algeria, were compelled to limit the rights and freedoms of their citizens. Emergency measures were introduced, disrupting the usual system of checks and balances. Most countries restricted citizens' rights and freedoms of movement. COVID-19 significantly hindered freedom of movement, both internally—such as travel between provinces or even within neighborhoods in some areas—and externally, as nations closed all their land, air, and sea borders. The pandemic was considered an exceptional circumstance in which guaranteed rights, foremost among them freedom of movement, could be restricted to protect public health.

Second requirement: The Impact of the COVID-19 Pandemic on the Confidentiality of Correspondence

I will examine the extent to which the confidentiality of correspondence is guaranteed in both Islamic legislation and Algerian legislation, as well as the implications of the COVID-19 pandemic on this right.

First section: Confidentiality of Correspondence

It is essential for human life that communications and correspondence remain secure and protected from unauthorized access, as such intrusion constitutes a blatant violation of an individual's secrets and private life. Freedom of correspondence is reflected in its confidentiality and the safeguarding of its privacy. Any infringement on this freedom is an attack on the moral value of a person and their sanctity⁵⁹. The disclosure of people's secrets could lead to their dissemination, spreading immorality and corruption. The Prophet Muhammad (peace be upon him) said: "If you pursue people's faults, you will corrupt them or nearly corrupt them"⁶⁰. The reasoning here lies in the prohibition of investigating hidden matters, which often involve evil. It was said that it refers to searching for faults. The meaning is that if you scrutinize their flaws and expose them, it will reduce their sense of shame and embolden them to commit similar acts openly⁶¹. The confidentiality of correspondence as a personal right is guaranteed for two reasons⁶²: First, it must be regarded as the property of its owner, and any interference with it constitutes a violation of the right to ownership, which is prohibited under Sharia unless authorized by the owner. Second, it is akin to a trust (*wadi'ah*) until it reaches the intended recipient, and it is prohibited under Sharia to interfere with or misuse a trust under any circumstances. This ensures its preservation and prevents tampering. Correspondence, regardless of its type, is a tangible expression of a person's thoughts. Individuals are free to express their ideas as they wish in their writings. Thus, it is impermissible to confiscate, withhold, access, or disclose private documents, letters, or parcels, nor is it permissible to eavesdrop on telephone communications or hack electronic

messages or monitor private social media pages unless authorized by a court order for a specific duration and in accordance with the law⁶³. This is affirmed by the Universal Declaration of Human Rights and Article 47 of the Algerian Constitution⁶⁴.

Confidentiality of correspondence includes two branches: The first branch relates to letters, where it is impermissible to disclose their contents as it constitutes an infringement on the rights to ownership and privacy. This protection of letters includes ensuring proper handling and delivery of correspondence, safeguarding the ownership of the letter both physically and morally, and protecting the content of the letter. The second branch relates to personal conversations and includes protecting individuals during their personal conversations and communications, whether over the phone or through other means of communication. Listening, eavesdropping, or publishing such conversations is prohibited. Recording personal conversations or phone calls or intercepting them by any means constitutes a violation of this right and freedom⁶⁵. The third branch relates to the protection of images. Laws prohibit publishing or broadcasting images depicting the private lives of others without their consent. However, exceptions may be made for public safety measures, such as surveillance cameras in public places or along roads to regulate traffic, or to protect individuals and their property in areas prone to theft or assault⁶⁶. This freedom may be restricted when national security is at risk, such as during war, unrest, judicial investigations, or within correctional facilities⁶⁷.

Second section: The Impact of the COVID-19 Pandemic on the Confidentiality of Correspondence

The emergence of the coronavirus and the collective fear it caused in societies led to an increase in correspondence, particularly electronic correspondence, which included various behaviors, strategies, and attempts to address the pandemic. Some of these approaches were accurate, while others were misleading and malicious, aiming to instill fear and discord. These included spreading false and incorrect rumors about the nature of COVID-19, ways to combat it, and the reasons behind its emergence and spread. Certain nations were accused and held responsible for the pandemic in front of the world, while some messages incited people against governments, such as the rumor that the virus was introduced to stop the popular movement in Algeria. The dissemination of such rumors undermined trust between the people and the authorities, prompting the Algerian legislator to intervene and impose penalties on the dissemination of false information. Article 196 (bis) of the Penal Code which indicates that the authorities may intervene and impose penalties if correspondence contains false or malicious news that could lead to chaos and contribute to spreading fear and insecurity.

CONCLUSION:

Personal rights and freedoms are guaranteed in both Islamic legislation and Algerian law. However, in exceptional and emergency circumstances, authorities may intervene and take actions that are ordinarily prohibited under normal conditions. These interventions are necessitated by imminent dangers that require immediate action to preserve security, tranquility, or public health. As a result, certain rights and freedoms may be restricted for the sake of public interest.

Given that pandemics, such as COVID-19, pose a threat to humanity as a whole, the pressing necessity becomes the protection of the right to health and life above all else, as it is one of the fundamental rights essential to human existence. This may come at the expense of other rights. Such measures are supported by a legitimate basis, as these rights and freedoms are subject to public interest and are governed by legal principles, such as "necessities permit prohibitions."

Moreover, these measures are grounded in international legal standards, as reflected in international human rights charters, which acknowledge and accommodate the need for certain exceptional restrictions on freedoms during life-threatening crises.

In conclusion, pandemics represent significant social experiences that leave long-lasting effects. Their repercussions persist for years and may contribute to the development of legal systems in various countries, despite the challenges and reactions that accompany the pandemic period.

Bibliography List:

- 1- Khalid Mustafa Fahmi, *Freedom of Opinion and Expression*, 1st Edition, Dar Al-Fikr Al-Jami'i, Alexandria, 2008, p. 01.
- 2- Sultan bin Abdulrahman Al-Omairi, *Spaces of Freedom*, 2nd Edition, Arab Center for Human Studies, Cairo, 2013, pp. 15, 33, 34.
- 3- Sultan bin Abdulrahman Al-Omairi, *Spaces of Freedom*, 2nd Edition, Arab Center for Human Studies, Cairo, 2013, pp. 50, 51.
- 4- Ibn Taymiyyah, Taqi al-Din Ahmad bin Abdul Halim, *Bughyat al-Murtad fi al-Radd ala al-Mutafalsifah wa al-Qaramitah wa al-Batiniyyah*, edited by Moussi Suleiman Al-Duwish, 3rd Edition, Maktabat al-Ulum wa al-Hikam, Medina, 1995, Vol. 1, p. 235.
- 5- Al-Tahir Ibn Ashur, *The Fundamentals of the Social System in Islam*, 2nd Edition, Tunisian Distribution Company, Tunisia, p. 160.
- 6- Ibid, p. 163.
- 7- Al-Tahir Ibn Ashur, *Maqasid al-Sharia al-Islamiyya*, edited by Muhammad al-Habib Ibn al-Khuja, Ministry of Endowments and Islamic Affairs, Qatar, 2004, Vol. 3, p. 373.
- 8- Fathi al-Durayni, *Characteristics of Islamic Legislation in Politics and Governance*, 2nd Edition, Dar al-Resalah, Beirut, 1987, p. 404.
- 9- Sadid Belkheir, *The Criminal Protection of the Sanctity of Prophets: A Comparative Study*, Doctoral Dissertation, Faculty of Islamic Sciences, University of Batna, Algeria, 2019–2020, p. 33.
- 10- Sultan bin Abdulrahman Al-Omairi, *Op. Cit.*, pp. 38–45.
- 11- Ibid, p. 47.
- 12- Karim Keshakash, *Public Freedoms in Contemporary Political Systems*, Manshaat al-Maarif, Alexandria, 1987, p. 25.
- 13- Sultan bin Abdulrahman Al-Omairi, *Op. Cit.*, p. 63.
- 14- Muhammad Ali Al-Sallabi, *Freedoms in the Quran*, 1st Edition, Dar Al-Ma'arif, Beirut, 2017, p. 43.

- 15- Abdullah bin Muhsin Al-Turki, Human Rights in Islam, no publication details, p. 14.
- 16- Fathi al-Durayni, The Right and the Extent of the State's Authority to Restrict It, Op. Cit., pp. 204, 205.
- 17- Hani Suleiman Al-Tu'aimat, Human Rights and Fundamental Freedoms, 3rd Edition, Dar Al-Shorouk, Amman, 2006, p. 31, citing Ahmed Fahmi Abu Sanah, The General Theory of Transactions, pp. 50, 51.
- 18- Rashid Al-Ghannouchi, Public Freedoms in the Islamic State, 1st Edition, Center for Arab Unity Studies, Beirut, 1993, p. 37.
- 19- Al-Izz Ibn Abdul Salam, Qawa'id al-Ahkam fi Masalih al-Anam, edited by Taha Abdul Rauf Saad, Maktabat al-Kulliyat al-Azhariyah, Cairo, 1991, Vol. 1, p. 153.
- 20- Mahmoud Abdul Rahman Abdul Munim, Mu'jam al-Mustalahat wa al-Alfaz al-Fiqhiyyah, Dar Al-Fadilah, Cairo, Vol. 1, p. 579.
- 21- Fathi al-Durayni, The Right and the Extent of the State's Authority to Restrict It, 3rd Edition, Dar al-Resalah, Beirut, 1984, p. 193.
- 22- Mahmoud Ahmed Ghazi, Freedom of Expression of Opinion, Research presented at the 19th Conference of the Islamic Fiqh Academy, Sharjah, pp. 5–9.
- 23- Jaber Ibrahim Al-Rawi, Human Rights and Fundamental Freedoms in International Law and Islamic Sharia, 1st Edition, Dar Wael for Publishing, Amman, 1999, p. 162.
- 24- Abdul Wahid Muhammad Al-Far, Human Rights Law in Secular Thought and Islamic Sharia, Dar Al-Nahda Al-Arabiya, Cairo, 1999, p. 3.
- 25- Wajih Kawtharani, Human Rights in Arab Thought, Center for Arab Unity Studies, Beirut, p. 417.
- 26- Jaber Ibrahim Al-Rawi, Op. Cit., p. 166.
- 27- Hani Suleiman Al-Tu'aimat, Human Rights and Fundamental Freedoms, Op. Cit., p. 31.
- 28- Kamal Abdul Wahab, Op. Cit., p. 56.
- 29- Muhammad Kamel, Political Systems, Nahdat Misr Press, Cairo, 1960–1961, p. 705.
- 30- Abdul Wahab Abdul Aziz Al-Shishani, Human Rights and Fundamental Freedoms, p. 372; Tharwat Badawi, Political Systems, 1st Edition, p. 420.
- 31- Abu Al-Hassan Al-Maliki, Kifayat al-Talib, Dar Al-Ma'rifah, Beirut, 1992, Vol. 2, p. 281.
- 32- Ali Al-Saidi Al-Adawi, Hashiyat Al-Adawi ala Sharh Kifayat al-Talib al-Rabbani, edited by Yusuf Al-Baq'a'i, Beirut, Dar Al-Fikr, 1992, Vol. 2, p. 281.
- 33- Khalid bin Saeed Al-Saeed, The Impact of Certain Aspects of Preventive Measures to Combat the Coronavirus Crisis on Psychological and Social Security, Journal of Education, Al-Azhar University, Issue 187, Part 4, July 2020, p. 217.
- 34- UNICEF, What Parents Should Know About COVID-19, <https://www.unicef.org/lebanon/ar/96Dg:81%D8%B1%D9%88>.
- 35- Wahbah Al-Zuhayli, The Right to Freedom in the World, 3rd Edition, Dar Al-Fikr, Damascus, 1426 AH / 2005 CE.
- 36- Abdul Qadir Awda, Islamic Criminal Legislation, 1st Edition, Dar Al-Kitab Al-Arabi, Beirut, Lebanon, Vol. 1, p. 446.
- 37- See: Muhammad Al-Zuhayli, Human Rights in Islam, 2nd Edition, 1318 AH / 1997 CE, Dar Al-Kalim Al-Tayyib, Damascus, p. 28; Rawiya Al-Zhahar, Human Rights in Islam, 1st Edition, Dar Al-Muhammadi, Jeddah, 2003, p. 46.
- 38- Al-Maraghi, Hamad bin Mustafa Al-Maraghi, Tafsir Al-Maraghi, 3rd Edition, 1394 AH / 1974 CE, Dar Al-Fikr, Beirut, Vol. 5, p. 19.
- 39- Abortion is defined as the expulsion of the fetus from the womb. It is said, "The pregnant woman miscarried and expelled her child prematurely." In the hadith, "She miscarried her fetus," Al-Mu'jam Al-Wasit, Op. Cit., Vol. 1, p. 143.
- 40- Ibn Ashur, Al-Tahrir wa Al-Tanwir: The Refinement of Correct Meaning and Enlightenment of the New Mind in the Glorious Interpretation, Tunisian Publishing House, Tunisia, 1984, Vol. 26, p. 253.

- 41- Abdul Wahab Abdul Aziz Al-Shishani, Human Rights and Fundamental Freedoms in the Islamic System and Contemporary Systems, Scientific Association Press, 1980, p. 374.
- 42- Ibn Hazm, Al-Muhalla, Dar Al-Fikr, Vol. 6, p. 156.
- 43- See: Wahbah Al-Zuhayli, Op. Cit., p. 91.
- 44- Khader Khader, Introduction to Public Freedoms and Human Rights, 3rd Edition, Modern Institution for Books, Beirut, 2008, p. 318.
- 45- Ibid.
- 46- Kamal Abdul Wahab, Printed Materials on Public Freedoms, Faculty of Law, Setif, 2015, p. 60.
- 47- Arous Mariam, The Legal System of Freedoms in Algeria, Master's Thesis, Faculty of Law and Administrative Sciences, Algeria, 1999, p. 43.
- 48- Ahmad Saleem Su'aifan, Op. Cit., pp. 52–53.
- 49- Kamal Abdul Wahab, Op. Cit., p. 61moçofoior
- 50- Wahbah Al-Zuhayli, Op. Cit., p. 92.
- 51- Abdul Wahab Abdul Aziz Al-Shishani, Op. Cit., p. 380.
- 52- Munir Hamid Al-Bayani, The Legal State and the Islamic Political System, National Printing and Publishing House, Baghdad, 1st Edition, 1989, p. 172.
- 53- See: Al-Tabari, History of Nations and Kings, 3rd Edition, Dar Al-Ma'arif in Egypt, 1964, p. 40.
- 54- Muhammad Hussein Haykal, Al-Faruq Umar, Maktabat Al-Nahda Al-Misriyah, 1964, p. 293.
- 55- Narrated by Al-Bukhari in Kitab Al-Tibb (Book of Medicine), Chapter on What is Mentioned About the Plague, Vol. 5, p. 2163, Hadith No. 5728.
- 56- See: Ibn Hajar Al-Asqalani, Fath Al-Bari Sharh Sahih Al-Bukhari, Dar Al-Ma'arif, Beirut, Lebanon, Vol. 10, p. 187.
- 57- Presidential Decree No. 20-442 dated Jumada al-Awwal 15, 1442 AH, corresponding to December 30, 2020 CE, regarding the issuance of the constitutional amendment, Official Gazette, Issue 82, 2020.
- 58- See: Muhammad Bakr Hussein, Rights and Public Freedoms, Dar Al-Fikr Al-Jami'i, Alexandria, 2007, p. 33.
- 59- See: Abdul Ghani Basyouni, 4th Edition, Manshaat Al-Maaref, Alexandria, 2002, p. 406.
- 60- Narrated by Abu Dawood in Kitab Al-Adab (Book of Manners), Chapter on Prohibition of Spying, Op. Cit., Vol. 4, p. 272, Hadith No. 4888, authenticated by Al-Albani in Sahih wa Da'if Sunan Abi Dawood, p. 2.
- 61- Abu Abdul Rahman Al-Siddiqi, Op. Cit., p. 159.
- 62- Munir Hamid Al-Bayani, Op. Cit., pp. 177–178.
- 63- Muhammad Al-Saleh Fneish, Public Freedoms: Lecture Summary, Faculty of Law, University of Algiers, 2008/2009.
- 64- See: Article 47 of Presidential Decree No. 20-442 dated Jumada al-Awwal 15, 1442 AH, corresponding to December 30, 2020 CE, regarding the issuance of the constitutional amendment, Official Gazette, Issue 82, 2020.
- 65- See: Khader Khader, Op. Cit., p. 309.
- 66- Ibid., p. 310.
- 67- Arous Mariam, Op. Cit., p. 46.