

Prostitution Fines in Cyberspace and Jurisprudential Solutions to Prevent It

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ABSTRACT

Cyberspace has many benefits; accordingly, it has many disadvantages that endanger the family in some cases. Therefore, in addition to the necessary legitimate use of the Internet, there are also abusers and criminals who have caused corruption and denial for various purposes and are considered a threat to the family and society. The benefits of using the Internet are not hidden from anyone, and in its legitimate use, no one has ruled to sanctify it. It has disadvantages and dangers interpreted as illegal use, and users' access to it leads to the spread of corruption, sinful gifts, insults, and so on. Therefore, cyberspace (Internet) is a ground for corruption, and Islamic Rules is obliged to prevent the perpetrators of prostitution in cyberspace and, if necessary, criminalize and punish them.

The present article, by examining the concept and example of prostitution crimes in cyberspace and the existing jurisprudential arguments regarding the need to punish the perpetrators of these crimes, emphasizes the role of privacy and its preventive function in committing Cybercrimes in the subject under discussion.

Keywords: Cyberspace, Examples of prostitution, Computer Crimes, Preventive Solution

1-Introduction

We are in the age of communication and the age of domination of the media phenomenon over human life. The degenerate civilization of the west has established thousands of communication networks to promote secularism, which broadcast various programs on a 24-hour basis for this purpose. It should be noted that when we speak about satellites and cyberspace, first, its anti-cultural issues attract attention, then scientific-political issues. Despite their goals and tastes, all of these networks have shared different tastes in attacking religious principles, and each of them has dealt with Islam with a specific mission. Though quiet and silent, this attack targets the foundations of belief and skillfully covers all groups.

Social networks in cyberspace have changed the way of communication, have created some changes at all levels, and consequently, these developments and their functions can be as destructive and harmful as it is constructive. New crimes are one of the destructive effects of cyberspace, with completely different characteristics from traditional crimes that require a change in countries' laws. Jurisprudence, which is the basis of legal laws in Islamic countries, must provide an answer to new developments. This research aims to review Cybercrimes from the Imami jurisprudence view. The use of social networks in cyberspace is in the shadow of the rules of the religion of Islam, the jurisprudential discussion of which has no background, and in which, according to the jurisprudential principles, the reasons for the sanctity and legitimacy of using cyberspace are discussed. Jurisprudential studies of some recurring crimes committed by social networks that have become very complex with their simple and rudimentary form of communication have also been analyzed.

With the development of cyberspace and the expansion of the application of information technology in some people's daily lives, there are some abuses known as computers. Due to the expansion of cyberspace users, the types and manner of occurrence of computers fines are increasing day by day, which has raised many questions for researchers in jurisprudence and law. This research which is descriptive-analytical research type intends to examine the examples and evidence of crimes committed in the field of prostitution by identifying the concepts of cyberspace by using the library and written research sources and to analyze and explain these crimes in preventive jurisprudential solutions that are based on maintaining privacy in real and virtual space.

2-Cybercrimes Background

Due to global advances in computers, close international cooperation in data processing, and the increasing flow of transnational data through International Communication Networks, Cybercrimes have been the focus of international attention on computers for recent years. As a result, the fight against computers fines is not desirable at the national level. However, the fight should be developed by close international cooperation, especially in criminological investigations, clarification, and amendment the applicable legal regulations and adopt security measures and prosecute cybercrime. For this purpose, researchers in this field have conducted various studies, which can be expressed in both internal and external parts.

2-1-Internal Resources

The book "Information Technology Law" was written by Hamid Reza Aslani with the cooperation of the Information Technology Center of Presidency, and in which he enumerates the privacy of cyberspace and the need to maintain privacy in this space.

The book "An Introduction to Cybercrime Criminal Procedure" written by Hassanali Bay and Babak Poorghahremani explains and describes different types of crimes and their evidence, and then he has studied the jurisprudence of this statement. The book "Preliminary Research on Cybercrime" is another research that has been prepared by Dr. Mohammad Reza Zandi. Numerous articles and dissertations have been written in this regard.

2-2- External Resources

In this regard, examining the laws relating to Cybercrimes and judicial procedure of developed countries indicates that these countries in the 1970 decade initially reacted to criminal offenses against privacy (offenses against individual rights) and then began to change and amend the law on economic offenses and the course of offenses against intellectual property.

Among the efforts and researches carried out at the international level, we can refer to the activity of the Organization for Economic Cooperation and Development, which for more information; set of articles of the Conference on Reviewing the Legal Dimensions of Information Technology, to the article on "International and Regional Organizations Actions, Regions, in Cybercrimes » written by Batoul Pakzad. The books on " Computer Crimes" written by [Ulrich Ziber](#), the eminent German jurist, referred to the translation of Mohammad Ali Nouri et al. and the book "Strategies for Preventing and Combating Cybercrime" written by Dr. David J. Eka et al. translated by Akbar Estarki and Mohammadsadegh Jujjagani and et al.

3- The concept of Cyberspace

Cyberspace is constituted from "Space" and "Virtual." Space means a simple, free, empty, and accessible space. Virtual or cyber is called "computer networks." The term refers to the non-physical and imaginary environment of interactive social communications formed through computers connected to a digital platform (Esmail 2016:57-60). By virtual, we mean communication that is through intermediaries or tools. This communication can be by letter or phone, or personal correspondence and chatting on the Internet and social networks.

4- Examples of prostitution crimes in Cyberspace

Although the emergence of the Internet has transferred the emergence of some crimes against traditional public morality and decency from the physical to the virtual environment (such as pornography, sex tourism, illicit relationships, prostitution, etc.), not all of them can be included in the cybercrime because in some cases the legislator has not criminalized.

In fact, in such crimes, the perpetrator uses the computer as a tool and develops and facilitates his work. Among the cases in this area that have been considered a crime by the Iranian criminal legislature, we can mention prostitution and pornography. Areas such as preparing, publishing, dealing with and committing obscene pictures, insulting and slandering and spreading lies, inviting people to commit criminal and immoral acts in cyberspace, spreading prostitution and denial, teaching crime, illegitimate relationships among all immoral acts and ethics and the sub-categories of pornography (Najafi 2004:67), which are the main elements of filtering.

4-1- Pimping

The second crime that he considered to be cybercrime is pimping. Moreover, among the sins that the holy shari'ah has set for that hadda. According to the definition in the verse of Al Lumah and its description of procurer," procurer is someone commits two acts of prostitution such as adultery, sodomy, and fornication and there is no mediation between them. (Shahid Thani: 2008: 84). Gathering between two prostitutes is also called procurer (Shirvanab 2007: 231). It is also stated in Jawahar al-Kalam: procurer is the gathering of men and women for adultery or the gathering of men for sodomy even if they are children (Najafi, 1989: 399).

In Islam, this is condemned for aiding in sin and transgression. As it is stated in Surah Al-Ma'idah: "And help one another with goodness and piety, not sin and oppression, and fear God, for surely the punishment of God is severe. (Sura Al-Ma'ida, verse 2). Nevertheless, does it mean to have a brothel as a prostitute, where one person mediates the physical presence of two people? That is, if this physical presence is not in

the presence of the pimp, the pimping has not taken place? The answer to this question is no because, in the text of Article 135 of the Islamic Penal Code, it is stated concerning the crime of prostitution: "Pimping is gathering and associating two or more people for women or sodomy." However, the purpose of the gathering is to bring the parties to prostitution in one place and implies the physical presence of before pimp. Connecting can only be introducing them to each other. This meaning is more general than gathering. Because the connection comes from the root "connection," and its infinitive is communication. Communication is also possible in various ways. Especially since there are so many different ways to do it today. As a result, the crime of pimping is possible without the presence of the pimp.

The scope of the crime of pimping was traditionally limited to two or more people, while pimping is done through a computer or a world, and the culprit can first influence people's thoughts with obscene and immoral data, and then in implement your ultimate goal at the right time. So in response to whether pimping is also done by computer or not? The answer is yes? Anyone familiar with computers and the internet, pimping with the computer is not only very easy and hassle-free. Criminals in cyberspace have taken advantage of anonymity, easily around the world, they do the work of pimping and not only two, who introduces several million to each other (Zaraat, 2014: 487). In this way, not only pimping but also encourages other people to do these things is required. A person who dedicates a site to a pimp, in order to develop and facilitate his work, puts on vulgar photos of his actions and advertises, these images and videos cause the mind to do more and more and encourage more people to do this.

However, the legislature has not referenced the prostitution or pimping of computers in Cyber Crime law, which deals with crimes of chastity and morality. Only Article 14 of the Cyber Crime Law is mentioned that: Anyone who publishes, distributes, or for trade or corruption, production or storage or maintenance will be sentenced to imprisonment from ninety-one days to two years or a fine of five million to forty million or both. Of course, the third note of this article acknowledges: "If the perpetrator commits the acts mentioned in the article as a profession or commits an organized act if he is not recognized as a corruptor, he will be sentenced to a maximum of two punishments provided in this article." Nevertheless, it is unclear whether the legislature refers to corruption or prostitution here. Due to this lack of attention, cybercriminals operate worldwide and face the least punishment if prosecuted. If the legislator meant these words to refer to pimping, it should be said that such a punishment has nothing to do with the crime.

Furthermore, even if his intention in enacting this article was not pimping, it turns out that this case has been much neglected. (Bay, 2009:26). While it is proven that the religion of Islam forbids pimping by any means possible. When traditional pimping, which has a lesser degree of corruption than a cyberspace type, deems such a punishment necessary, it is clear that cyberspace pimping will require more action. According to the well-known theory of the jurists is that pimping is subject to hadd, and its hadd is seventy-five lashes, and it does not matter whether the perpetrator is a Muslim or an infidel, a man or a woman. This is while in the commentary of Article 639 of the Penal Code, it is also explicitly stated: The punishment of those who are the perpetrators of corruption or prostitution and encourage people to corruption and prostitution applies to the title of prostitution. In addition to the punishment mentioned in the article, the hadd punishment of prostitution also applies (Zeraat, 2014:482). However, the legislature has not only not considered pimping in the enactment of cybercrime laws but also considers crimes against computer chastity and ethics to be less punishable.

It seems better for the legislature to take more action in this case and increase the punishment. The sanctity of prostitution by cyberspace is obvious, and to prove it, one can enter into the premise that the sanctity is forbidden. Because prostitution by cyberspace may not directly cause haram acts such as adultery and sodomy, it is detrimental to haram and encourages people to do haram, and the introduction of haram is also haram (Boroumend 2004:111).

Another argument could be about the sanctity of donations to sinners. Those who commit these crimes willingly or unwillingly donate to sin, which is reprehensible. A person who creates a site to introduce the perpetrators of corruption to each other or exposes obscene images is unknowingly a partner in the guilt of

the guilty person. The verse “and do not cooperate in sin and aggression” (Surah Ma'idah, Verse 2) also indicates the sanctity of this work. The phrase "and do not cooperate in this verse indicates the prohibition of the Shari'ah. (Boroumend 2004:112) The meaning of the prohibition and the form of prohibition have been discussed a lot in the principles, and here it is enough that both truths are in sanctity, that is, the true meaning of both sanctities. Prohibition is a lexical order to quit; from a jurisprudential and fundamental point of view, it causes the sanctity of any of these acts, and from a legally useful point of view, it is obligatory and obligatory not to do them (Hamoo, 62). In contrast, participation in sin, done by computer, is not included in our law. Furthermore, according to Law 2 of the Islamic Penal Code, nothing can be considered a crime unless prescribed by law for that punishment.

The least effect of the publication of obscene data is the disappearance of the ugliness of the action. Pimping traditionally involved a specific group of people who generally made adultery or obscenity their profession. Nevertheless, Pimping through a computer can cover the moral health of families and, consequently, communities, and this is a clear example of the issue of prostitution, which has been repeatedly emphasized in the Qur'an and hadith. The Internet is as vast as the world, which is enough to spread the word. God has strictly forbidden human beings from this act and has warned, "Those who love that the work of denial will spread and become famous among the believers, they will have painful retribution in this world and the end. God knows their nakedness and lies, and you do not know (Nurah Verse).

What emerges from this argument is that the crime of pimping is not the same among those who commit such acts of their own free will as it is against those who are deceived and enticed by at least one party, and the legislature must determine the punishment between the two different. Another gap in the cybercrime law is that it does not mention illicit computer relationships. With the help of computers and the Internet, criminals can establish unhealthy and illegitimate relationships with people in the farthest corners of the world. Of course, the legislator may want to investigate this crime under traditional law and not include the type of device in its quality. This perception seems to be flawless because the quality and illegitimate relationships in the computer do not go beyond the traditional type and can be measured by the former law (Ghodsi 2010, 127)

2-4-Pornography

The second type of crime is pornography. This crime is one of the most important crimes against public morality and decency and directly impacts families.

Pornography, in the general sense, means the presentation of material that is presented with the intention of sexual harassment. Images such as male and female proportions, female and male sex, or woman with a woman are displayed in this crime. Their criminal examples can be display, presentation, production, trade, and obscene content. (Soleimani 2010, 129)

The advent of the Internet has taken this crime out of the traditional mode and provided a good tool for sexual abusers. This modern communication technology has multiplied the volume of abuse. According to criminal law experts, the related cases can be considered the beginning of child pornography. There are two different views on this: One is the high-profile issue of server computers. This case was not addressed as the beginning of attention to child pornography in cyberspace, but rather its importance in the criminal liability of Internet providers, but the problem of pornography was raised in it, the case of Wonderland Club, Orchid Club, and other important cases was filed in 1998 and 1999. However, the late 1990s are a time to pay attention to child pornography (ibid., P. 38).

5- Jurisprudential reasons for the necessity of punishing perpetrators of prostitution in cyberspace

As stated earlier, any illegitimate relationship between individuals is forbidden according to the religion of Islam, and in this regard, there is no difference between committing crimes in a real outdoor environment

or cyberspace. Also, according to the jurisprudential rulings, in some cases, punishments have been considered for the perpetrators of these crimes, including fines and ta'zir. In the following, the jurisprudential reasons for these punishments will be examined.

5-1 Citing the general reason for the existence of ta'zir for any forbidden act in jurisprudence

According to well-known jurists, anyone who commits a haram act or leaves an obligatory deserves a ta'zir punishment. (Heli 948/ Heli 548) According to this introduction, if it is proved that practical pornography is forbidden, according to the well-known principle of the jurists, forging a ta'zir punishment for the perpetrator will have a religious justification and approval.

The sanctity of pornography, which is the practice of prostitution and the display of obscene and vulgar fixing and moving images, can be argued for several reasons, such as the sanctity of prostitution, the sanctity of revealing one's secret, and the donation of sin. In addition to the arguments mentioned below, there may be other arguments for the sanctity of pornography that are sufficient to justify the purpose of the arguments.

5-2-Citing specific reasons for the prohibition of the spread of prostitution

In the Holy Qur'an, it is said about people who intend to spread prostitution and denial among the believers: Indeed, for those who want to spread prostitution among the believers, there will be a painful torment in this world and the hereafter (Nourah sura, Verse 19).

In one narration of the Holy Prophet, it is said that a person who reveals a denial is like a person who is the beginning of a scandal. (Sadugh 247) Another narration states A person who hears a denial about a person and reveals it will be like the perpetrator of that act (Hor Ameli 2018:296).

Showing naked and semi-naked images and sexual acts are obvious examples of the above verses and hadiths. It will be haram, so according to the well-known jurists' principle of ta'zir, It is based on the rule "A ta'zir for every forbidden act is used", the perpetrator can be punished for this act (Allameh heli 2018, 948) as well as according to the verse, the prostitute has been promised a worldly punishment. However, the type and quality of this punishment have not been determined, so the punishment for this act will be ta'zir. (Hamou, 548)

5-3-Applicability of reasons for banning donations on sin

The publication of vulgar and obscene images and videos causes others to be caught in the mire of sin and corruption. For this reason, it is an example of contribution in sin and according to the verse, "And do not cooperate with sin and aggression" is a forbidden and forbidden act, and according to the well-known principle, the perpetrator will be entitled to ta'zir.

In addition, the publication of images in some cases led to the use of their owners and their sexual exploitation. Hence the introduction of action is forbidden. If it is accepted, the forbidden introduction is forbidden. Pornography can be practical forbidden and led to ta'zir (Makarem Shirazi: 1995: 162) Introduction of Haram sometimes it is in such a way that it is forbidden to do forbidden, and in other words, the introduction of the cause of production and the general and specific causes of Haram action. In a way, forbidden is also explored outside after committing an introduction. Some jurists have made such preconditions as al-haram li-datihi¹(Khui: 1419: 361) and some al-haram li-gayrihi²(Khorasani 160). Some also consider the sanctity of this way to accept the necessity of the introduction.(Makarem Shirazi, 427, Sobhani (Bita) volume 1:400) Considering that pornography with sexual exploitation and a forbidden act

¹*Prohibited because of its essence and harm it causes to an individual. Adultery, murder, theft.*

²*Prohibited because of external reasons that are not fundamentally harmful but are associated to something that is prohibited.*

or thing, such as Erotic looking of others in these images, although in the most cases is like this, it cannot be subjected to this.

Sometimes the forbidden introduction is not considered as a means of production. It is forbidden like an incomplete cause. In such a case, if the intention of the perpetrator of the preamble is haram, to reach the haram outside and the haram is also realized, committing the preamble will be haram, but if the haram is not fulfilled outside, committing the preamble of the haram will not be haram except according to the basis that makes the boldness haram. (Khouei 361; 1419) Therefore, if the intention to commit pornography is to make others sin erotically, and these things are also achieved, according to some principles, pornography can be considered haram as a preamble.

5-4-Inclusion of evidence of sanctity of reveal secret

Some instances of pornography that are somehow related to private and family films and legitimate sexual relations (marital relations) are subject to the reasons for revealing the secret, even showing pictures and videos of sex that have been secretly taken, even though these relations are lawful. It is an example of revealing the secret which has religious sanctity.

Some examples of pornography are subject to other forbidden titles, such as *bothar*, because showing pictures of to disappear. There are many examples where people with different purposes expose the images of others and do confuse them. (ibid:43) The perpetrator of pornography can be punished for corruption on earth if his action is widespread and subjected to verse "And they seek corruption in the land" can be punished for corruption on earth. (Makarem Shirazi:77) Also, according to the religious statement of a group of jurists on the sanctity of *tasbib*, in the previous augments (Ansari, 1995:64). Hence, it is difficult to consider the sanctity of *tasbib* as an independent reason against the arguments above.

Another point is that pornography may be banned in other ways; for example, give the assembled image of a person who indicates sexual intercourse with that person and the image of his image next to the woman, which shows his illegitimate relationship. In these cases, the action of such a person is forbidden due to attributing an illegitimate act to a person. (Bay and Poor Ghahremani, 2009: 104-107)

6- Protecting privacy as a jurisprudential solution to prevent blatant crimes in cyberspace

6-1- The concept of privacy in cyberspace

The main and current element of protecting privacy in cyberspace is information-based definitions and personal control over the distribution of information and data. People in the community each have information that they do not want others to know about by keeping it secret. This category of information, when it is related to a person's privacy, is considered his privacy, and when it is published in cyberspace, it is about the privacy of people in cyberspace.

6-2 Components of privacy protection in cyberspace

The most common terms used in Islamic verses and hadiths about privacy can be expressed as follows.

1- Prohibition of spying, scouting, and inspection

2- Prohibition of eavesdropping and sighting

3- Prohibition of the spread of prostitution

4- Prohibition of suspicion; Suspicion has been introduced in the Qur'an and Sunnah as the main source of inquiry into the private affairs of others, and therefore its avoidance has been strongly recommended. In this regard, we can refer to the first paragraph of verse 12 of Surah Al-Hujurat, which calls on believers to avoid suspicion.

5-Prohibition of the curse, lampoon, and ridicule. According to the four arguments, Sheik Ansari says that cursing the believers is forbidden. (Ansari, 1995:94) In a narration, Imam Sadegh is quoted as saying, "cursing the believers puts man on the verge of ruin and destruction." (Hor Ameli, 1993:298)

6- Prohibition of gossip and backbiting; gossip and backbiting is a kind of violation of the privacy of one's information. Shahid Sani has defined the truth of gossip as disclosing a secret, the holder of which does not allow its disclosure to others. (Shahid Sani, 1995:206) backbiting is also the most severe type of gossip. (Shahid Sani, 1995:304)

7-Prohibition of betrayal in trust, God, has commanded the people to be trustworthy in verse 58 of Surah An-Nisa: "God commands you to return trusts to their owner" In verse 37 of Surah Anfal, the believers have forbidden to commit betrayal in trust. Observance of trust is also emphasized and recommended by the infallibles in many narrations.

6-3-Jurisprudential components of generalizable privacy in cyberspace and its role in crime prevention

Among the seven components that have been mentioned for the protection of privacy in the jurisprudential texts, although all of them can be related to the protection of privacy in cyberspace, we can mention three components for use in cyberspace. Let us cite more and generalize them further, including the prohibition of spying and inspection, the prohibition of the spread of prostitution, and the prohibition of eavesdropping. Therefore, we will describe and elaborate the three mentioned components according to the subject in the following.

6-3-1- The prohibition of spying and inspection

Different definitions have been used from the two words of investigation and research. In usage, "investigation" means greeting and includes asking about secret affairs of individuals and evil deeds of people. However, if the inquiry is made about the secret affairs of the people, or from their evil deeds, or their open affairs or good deed of them, it is an example of espionage for evil purposes. In any case, in Persian, spying is meant to seek information, and scholars have said about its nature that to search for secret and invisible matters of people to discover the flaws and darkness of their lives are called spying. The author of the *Majma Bahrain* considers it to be an investigation into the heart of acts and the search for news, which is often done about evil (Dehkhoda 1982, under the word). Spying on people to find fault with others interferes with their work and can lead to a breach of privacy. Verse 12 of Surah Al-Hujurat says: "O you who believe, avoid much suspicion, for some suspicion is a sin, and do not spy." In this verse, God forbids human beings from curiosity and discovering the secrets and flaws of the believers. Moreover, since the phrase "do not a spy" in verse, apparently it is possible to inference from it, and spying on the affairs of others can be considered forbidden, except for a special reason, or specifically outside the subject of spying.

Investigations into the personal and secret affairs of the believer have also been condemned in Shiite and Sunni hadiths. In the books of *Sahih Bukhari* and *Sahih Muslim*, it is narrated from Abu Hurayrah that the Prophet of Islam said: Do not be curious and spy on the obvious and hidden deeds of the people and do not expose each other. (Montazeri Najafabadi, 540,541) Avoid exploring the secrets of the believers, because whoever examines the faults of others, God will investigate his faults, and whoever God investigates his faults, will be disgraced and disgraced, even if he slipped in the corner of his house (Barghi 1992:104)

Bringing together personal information and data uploaded in cyberspace and the need to analyze them provides the ground for spying on personal matters, which causes a violation of privacy. The subject of the prohibition is the nature of information and personal data of individuals, which, due to this prohibition, the Shari'a has sought to create privacy to protect them to prevent others from analyzing the personal information of others. In other words, what is the focus of the Shari'a for support and intends to keep it out of the reach of others is the principle of individuals' data, which should be given a private domain. Now

acknowledging the appurtenant of the mentioned sentence and stating that the importance of this sentence is in considering the principle of personal information. It can be seen that the ban is not dedicated to cyberspace and cannot be considered exclusive. Therefore, the prohibition of spying and searching and searching cannot be limited to the realm of real space, and the function of this prohibition should not be considered to include cyberspace. Finally, it must be stated that in addition to real space, the ban also covers issues in cyberspace.

6-3-2- Prohibition of the spread of prostitution

In the Holy Qur'an, the spread of prostitution is introduced as an act that will lead to the torment of this world and the hereafter. In Surah Noor, verse 19 says Those who like to spread ugly and evil deeds among the believers, for them, there is a painful punishment in this world and the hereafter, and God knows, and you do not know. Therefore, in Islamic jurisprudence, exposing the sins of individuals is recognized as a forbidden act, and the ruling of sanctity has been imposed on it. Regarding the above verse, Imam Sadeh says: Those who narrate everything they have seen or heard about the believers are the ones about whom God has spoken.” Those who like to spread obscenity...” (Koleini: 357)

The prohibition of prostitution and the sanctity of the breach of privacy are evident, both privately and personally and publicly. The spread of prostitution in the personal domain violates the privacy of individuals and spreads their flaws. On the other hand, the spread of prostitution also has a public aspect due to its connection with the public space. Of course, this aspect is more important because a man may not be dissatisfied with the disclosure of some of his secrets, which are usually hidden by people and do not want to disclose them, or may consent to its disclosure, but the disclosure of these secrets should be considered "prostitution" in society. Obviously, in such cases, even the consent of the owner of privacy cannot be considered a license for disclosure of secrets because by spreading cases that contradict the public morality of society, the violation of public rights is achieved. This is one of the differences between Islamic law and other legal systems in privacy violations. In other legal systems, the consent of individuals to the violation of their privacy can be a license for this action, according to which the scope of his privacy is greatly expanded and come to an end, and therefore there will be no responsibility for others to violate it. In this case, the private and personal aspects of the spread of prostitution will be authentic.

Nevertheless, in the Islamic legal system, no agreement can be made, and based on that, all confidential and personal matters can be disclosed. Therefore, the principle is based on generality. Therefore, the religion of Islam, in addition to forbidding the government and its agents and agents, as well as other persons, from spying on and entering the privacy of human beings and revealing secrets, such as their moral corruption, does not allow the owner of privacy to personally disclose and spread those secrets that have become called “private part” due to the need to remain secret or allow someone else to reveal them. Any violation of personal privacy in cyberspace that spreads prostitution is not allowed. Therefore, no one can upload obscene images in cyberspace or commit ugly acts.

The ban on the spread of prostitution is very important because it overshadows other cases of privacy violations. Of course, if any of these privacy violations, such as slander or backbiting, as a result of leaving the private domain, lead to the spread of prostitution, the issue becomes a matter of ruling and command, and personal consent will not affect the ruling. In other words, the spread of prostitution can have a legal effect on any case of privacy violations that have a purely moral aspect, and its treatment of the violator can guarantee proper implementation (Saadati 2013, 170-1710).

6-3-3- Prohibition of eavesdropping and sighting

Eavesdropping and sighting are some of the spy cases examined separately due to their importance. In general, eavesdropping can be seen as a person secretly watching another and listening to his speech and content without his consent or secretly watching him.

The concept of eavesdropping is secretly listening to another word, which is forbidden from the point of view of Islamic law, and a person who does secretly control the conversation of individuals has committed espionage in the privacy of others. In the interpretation of the Holy Prophet of eavesdropping, it is stated that "for every organ of the human body is a share of commit adultery and adultery of the human ear is a secret word." (Mohades Nouri, 269). Also, the Prophet of Islam (PBUH) said: Anyone who listens to the words of others, while they are not satisfied with this, will pour lead in his ear on the Day of Judgment (Aboubasir, 2001:3)

Eavesdropping also means unauthorized and secretive looking at anything that falls into the privacy of individuals, while the owner of the privacy is not satisfied and willing to look at another. For this reason, he has not exposed it publicly and openly. In Islamic jurisprudence, human beings are advised not to look at the privacy of individuals by looking. The Holy Quran says in verse 19 of Surah Fatir: "He knows the traitors of the eyes and what hides the chests." In this verse, he condemns the betrayal of the eye, one of the obvious forms of which is looking at the privacy of individuals without permission. Regarding looking at people's correspondence without permission, the Holy Prophet said: Whoever looks at the letter of his religious brother, it is as if he has looked at his private parts. We can also refer to this prophetic narration: "Whoever sees his nakedness, you will cover it as if he revived a person" (Aljestani: 454:141)

The jurists have forbidden looking at strangers and have considered it illegitimate to look at people's houses secretly. That the landlord has the right to throw something at him, and there is no implied liability for him, even if one looks at houses that are far away from him with a tool (such as a powerful camera) as if he has looked closely. (Mousavi Khomeini, 2007, 492-491) According to the rules of Islam, if a person causes the loss of vision in the other two eyes, he owes the full amount of blood money to a perfect human being, and the amount of blood money in one eye is equal to half the blood money of a perfect human being. However, if a person sneaks into the house and the secrets and private parts of the people or their principles and thus violates the privacy of the people, and at the same time he is harmed, and the eyes of that person are injured, no blood money is required.

The ruling expresses the worthlessness of the traitor's eyes and, consequently, the importance of privacy and the prohibition of its violation in Islamic jurisprudence. Some jurists in response to the question that "Is it permissible to use eavesdropping devices to spy on and listen to people's conversations, such as recording the conversations of people who hate to disclose them or controlling a person's phone?" Emphasizing the impermissibility of eavesdropping, they stated: "Otherwise, the exclusive necessity about repelling a significant corruptor is not permissible." (Behjat Foumani: 1428:222) Islam has blocked the ways of violating privacy by imposing the sanctity of eavesdropping and sight, which, according to the nature of the divine commandments, can be extended to matters related to cyberspace, and in some ways, it can be said that the scope of these rulings in the mentioned space will be much more than before.

Conclusion

In this article, relying on the principled arguments of jurisprudence, we extracted the jurisprudential components of privacy protection, and it became clear that:

1- The five basic principles of Islam for the general protection of privacy in a moral doctrine and jurisprudential rules, including the seven components that are derived from the above-mentioned jurisprudential principles and protect privacy in the real world, are: "Prohibition of suspicion, "prohibition of slander "," prohibition of spying, detection and search", "prohibition of dumbness and backbiting ", prohibition of betrayal of trust", prohibition of eavesdropping and sight "and" prohibition of the spread of prostitution "

2- To deduce the jurisprudential components of protecting privacy in cyberspace, it is necessary to clearly explain among the mentioned components that have supported the mentioned right in cyberspace, those that can be promoted according to the differences between cyberspace and real space. The differences

between cyberspace and real space may make us hesitant to use general components to support this right in cyberspace. Analyzing and promoting components that can support this right in cyberspace can act as a response to this skepticism and be helpful. In this regard, three components to protect the privacy of individuals in cyberspace could be generalized, including "prohibition of spying, detection, and search," "prohibition of the spread of prostitution," and "prohibition of eavesdropping" and we have sought to promote and explain them.

3- As the principles and components of privacy protection in the virtual space can be inferred and mentioned in previous research, the protection of the right to privacy in cyberspace also exists in Islamic sources. They can be used as a source of law to formulate judicial rules and procedures, and by promoting these principles and components, it became clear that there is no difference between privacy in cyberspace and real life.

4- Qur'an has introduced the best and most irreplaceable methods for preventing crimes and moral corruption. All of these practices are an integral part of a comprehensive prevention policy.

5- In order to fulfill its mission, the Qur'an has a special emphasis on moral reform and education of individuals and bringing human beings to high spiritual positions. In addition to leading man to ultimate perfection and nearness to God, this can effectively prevent crimes.

6- According to several verses of the Qur'an, which explicitly instruct measures to protect the felony and the people under attack and their property, the fact is proved that the method of preventing the situation is not the product of the theorizing of Western thinkers. However, the antiquity of this view dates back to the time of the revelation of these verses, and the prevention of corruption and prostitution is essential.

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