



THE ROLE OF PUBLIC LAW IN SAFEGUARDING INDIVIDUAL LIBERTIES

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ABSTRACT:

This article delves into the pivotal role of public law in safeguarding individual liberties, illuminating the intricate relationship between the state and its citizens. A comprehensive exploration of foundational principles such as constitutionalism, the rule of law, and the separation of powers lays the groundwork for understanding how public law acts as a bulwark for individual rights. Through an analysis of pertinent case studies, this study underscores the practical impact of public law on safeguarding liberties. The significance of this inquiry lies in its contribution to a nuanced understanding of the delicate balance between state interests and the protection of individual freedoms. This article not only reviews established legal concepts but also highlights the evolving nature of public law in response to contemporary challenges.

Keywords: Public Law, Individual Liberties, Constitutionalism, Rule of Law, Separation of Powers, Judicial Review.

INTRODUCTION:

Public law stands as the bedrock of legal frameworks that govern the intricate relationship between the state and its citizens. At its essence, it serves as the guiding force shaping the conduct of governments, ensuring accountability, and, most crucially, safeguarding the rights and liberties of individuals within a society. As we navigate the complex terrain of governance, understanding the significance of public law becomes paramount in deciphering the mechanisms that dictate the balance of power and protection of individual freedoms.

The central focus of this article is to embark on an insightful exploration of how public law operates as a safeguard for individual rights and liberties. It delves into the multifaceted layers of legal principles and frameworks that constitute the foundation of public law, aiming to unravel its practical implications in preserving the inherent freedoms of citizens. The objective is not merely theoretical; it is a pursuit to illuminate the real-world impact of legal doctrines on the lives of individuals within a society.

The purpose of this article is twofold. Firstly, it seeks to provide a comprehensive understanding of the fundamental principles that underpin public law and their implications for the relationship between the state and its citizens. By delving into established legal concepts such as constitutionalism, the rule of law, and the separation of powers, the article aims to lay the groundwork for a nuanced exploration of the intricate dynamics at play.

Secondly, this article endeavors to showcase the practical relevance of public law by employing a case-study approach. Through the analysis of specific instances where public law has played a pivotal role in safeguarding individual liberties, the aim is to bridge the gap between theoretical discourse and real-world application. These case studies serve not only as illustrative examples but as windows into the complexities and challenges faced by legal systems in balancing state interests and individual freedoms.



The structure of the article is designed to facilitate a systematic exploration of the chosen theme. Following this introduction, the article proceeds to a comprehensive literature review. This section not only elucidates the foundational principles of public law but also engages with existing scholarly discourse, providing a contextual framework for the ensuing discussions.

Subsequently, the materials and methods section outline the approach taken in analysing case studies and examples. This transparency is essential to establish the rigor and reliability of the research, ensuring that the findings are grounded in a methodologically sound exploration of the subject matter.

The article then unfolds into the results section, where the outcomes of the analysis are presented. Through a careful examination of case studies, the aim is to highlight the tangible impact of public law on safeguarding individual rights. The discussion section follows, delving into the delicate balance public law maintains between state interests and the protection of individual liberties, acknowledging critiques, challenges, and potential avenues for improvement.

LITERATURE REVIEW:

Public law's profound impact on safeguarding individual liberties is a subject that has garnered significant attention within legal scholarship. The foundational principles that underpin public law, namely constitutionalism, the rule of law, and the separation of powers, form the bedrock upon which the legal protection of individual rights is constructed.

Constitutionalism, as a core principle of public law, ensures that governmental powers are constrained by a supreme law—typically a constitution—that outlines the structure of government and guarantees fundamental rights. Legal scholars such as Dicey and Marshall have extensively explored the concept of constitutionalism, emphasizing its role in providing a legal framework that prevents arbitrary state actions and protects individual liberties.

The **rule of law** represents another linchpin in the relationship between public law and individual freedoms. This principle dictates that all individuals, including those in positions of authority, are subject to the law. Through the rule of law, public law establishes a framework where legal norms act as a shield against potential abuses of power. Renowned legal theorists like Lon Fuller and Joseph Raz have contributed significantly to discussions surrounding the rule of law, elucidating its implications for the protection of individual liberties.

A third pillar, the **separation of powers**, is intrinsic to public law and serves as a mechanism to prevent the concentration of authority in a single branch of government. Legal luminaries such as Montesquieu have argued that dividing governmental powers among distinct branches—executive, legislative, and judicial—acts as a check against potential tyranny. This separation ensures that no single entity has unchecked control, reinforcing the protection of individual liberties.

The literature also underscores the importance of **judicial review** in upholding individual rights within the framework of public law. Judicial review empowers courts to assess the constitutionality of laws and government actions. Landmark cases like *Marbury v. Madison* in the United States have established the judiciary's authority to strike down laws conflicting with constitutional provisions, further emphasizing the pivotal role of the judiciary in safeguarding individual liberties.

Turning to **case studies**, scholars have examined specific instances where public law has been instrumental in protecting individual rights. For example, the *Brown v. Board of Education* case in the United States exemplifies how legal challenges within the realm of public law can lead to groundbreaking decisions, in this case, dismantling racial segregation in schools.

The significance of exploring the intricate relationship between public law and individual liberties lies in its practical implications for citizens. By understanding how constitutionalism, the rule of law, the separation of powers, and judicial review operate in real-world scenarios, individuals can better comprehend their rights and the mechanisms in place to protect them.



MATERIAL & METHODS:

A. Foundations of Public Law

Public law serves as the backbone of legal systems, establishing the framework within which governments interact with individuals. Understanding its foundational principles is crucial for appreciating how it safeguards individual liberties.

1. **Constitutionalism:** Constitutionalism forms the bedrock of public law, emphasizing the supremacy of a nation's constitution. Constitutions, whether written or unwritten, articulate the fundamental principles and structures of governance. This legal doctrine ensures that governmental actions align with the constitution's provisions, fostering a system where power is constrained by law. Constitutionalism serves as a shield for individual liberties by setting limits on government authority. By defining the scope of governmental powers and enshrining rights, it provides a basis for citizens to challenge actions that infringe upon their freedoms.
2. **Rule of Law:** The principle of the rule of law asserts that everyone, including government officials, is subject to and accountable under the law. It ensures that legal processes are fair and just, promoting a society where individuals can rely on a predictable and transparent legal system. Public law upholds the rule of law by establishing mechanisms to prevent arbitrary government actions. This principle contributes to the protection of individual liberties by creating a legal environment in which citizens can seek recourse if their rights are violated.
3. **Separation of Powers:** The separation of powers divides governmental functions among executive, legislative, and judicial branches. This division serves as a safeguard against the concentration of power, preventing any single entity from dominating the government. Public law institutionalizes the separation of powers to protect individual liberties. By distributing authority, it mitigates the risk of abuses and ensures a system of checks and balances. This structural arrangement aims to create a government that acts in the best interests of its citizens while respecting their rights.

B. Public Law and Individual Rights

Public law plays a pivotal role in establishing and safeguarding the individual rights and freedoms that form the bedrock of democratic societies.

1. **Establishing and Protecting Individual Rights:** Public law acts as the legal framework that recognizes and guarantees individual rights. These rights may include freedom of speech, assembly, religion, and privacy. By codifying these rights, public law ensures that citizens are protected from governmental overreach. Public law achieves this by enshrining these rights in constitutions, statutes, and international agreements. It sets the legal parameters within which government actions must operate, serving as a shield to prevent the infringement of individual liberties.
2. **Constitutional Guarantees and Legal Frameworks:** Constitutional guarantees serve as explicit protections for individual liberties within the framework of public law. These guarantees often include due process rights, equal protection, and the right to a fair trial. Legal frameworks, such as bills of rights or human rights conventions, further solidify these protections. Through these legal instruments, public law provides citizens with tools to challenge government actions that violate their rights. Constitutional guarantees and legal frameworks establish a baseline for the protection of individual liberties, reinforcing the rule of law within a society.

C. Case Studies: Public Law in Action

Examining real-world case studies illustrates how public law is applied to protect individual liberties in diverse contexts, ranging from landmark court decisions to legislative acts and policy interventions.

1. **Landmark Court Decisions:** Landmark court decisions showcase the transformative power of public law in protecting individual liberties. For example, the U.S. Supreme Court's ruling in *Brown v. Board of Education* (1954) marked a watershed moment in the fight against racial segregation, emphasizing the constitutional right to equal protection. Such cases demonstrate how public law acts as a catalyst for societal change, compelling legal systems to align with evolving norms and values.



2. **Legislative Acts and Policy Interventions:** Legislative acts and policy interventions are crucial components of public law that directly impact individual liberties. The passage of civil rights legislation, such as the Civil Rights Act of 1964 in the United States, exemplifies how legal frameworks can be leveraged to dismantle discriminatory practices and safeguard individual rights. Public law, in this context, becomes a proactive force, shaping the legal landscape to ensure the protection and promotion of individual liberties through legislative means.
- D. Balancing State Interests and Individual Liberties**
- Public law navigates the intricate challenge of maintaining a delicate balance between state interests and the protection of individual rights, ensuring that neither overshadows the other.
1. **Challenges to the Balance:** The balance between state interests and individual liberties is often challenged, particularly in times of crisis or perceived threats. The tension between national security concerns and civil liberties, as seen in responses to terrorism, underscores the difficulties of maintaining equilibrium. Public law responds to these challenges by establishing legal frameworks that provide guidance on how to navigate these complex issues without compromising the core principles of justice and individual freedoms.
 2. **Legal Systems' Responses:** Legal systems employ various mechanisms to address imbalances between state interests and individual liberties. Judicial review, public hearings, and legislative oversight are critical tools within public law that serve as checks on potential abuses of power. By incorporating these safeguards, public law ensures that the exercise of governmental authority is subject to scrutiny, reducing the risk of disproportionate infringement on individual liberties.
- E. The Role of Judicial Review**
- Judicial review, a cornerstone of public law, plays a pivotal role in upholding individual liberties within the broader legal framework.
1. **Interpreting and Enforcing Constitutional Rights:** Judicial review empowers courts to interpret and enforce constitutional rights. Landmark cases, such as *Roe v. Wade* (1973) in the U.S., exemplify how courts, through judicial review, shape the contours of individual liberties, particularly in areas like reproductive rights. The judiciary becomes a crucial guardian of individual liberties, ensuring that laws and government actions align with constitutional principles.
 2. **Crucial Cases in Judicial Review:** Highlighting specific cases where judicial review played a pivotal role in upholding individual liberties adds depth to understanding this aspect of public law. For instance, the United Kingdom's *Belmarsh* decision (2004) regarding detention without trial exemplifies the judiciary's role in scrutinizing government actions that may infringe upon civil liberties. These cases underscore the significance of a robust judicial review process in maintaining the delicate balance between state interests and individual liberties.

DISCUSSION:

Public law, as the arbiter between the state and its citizens, is tasked with maintaining a delicate equilibrium between advancing state interests and safeguarding individual rights. The intricate dance between the two necessitates a nuanced understanding of constitutional principles, the rule of law, and the separation of powers.

Balancing State Interests and Individual Liberties: Public law operates in a realm where the interests of the state often collide with the protection of individual liberties. Constitutionalism forms the bedrock, establishing the framework within which this delicate balance is navigated. As governments seek to address complex societal challenges, the potential tension between the collective good and individual freedoms comes to the fore.

Consider, for instance, the tension between national security imperatives and individual privacy rights. In times of heightened security concerns, governments may be compelled to implement measures that infringe on personal liberties. Public law, in such instances, must scrutinize the constitutionality of these measures, ensuring that they align with the broader principles of justice and the rule of law.



The Role of Judicial Review: Within the intricate tapestry of public law, judicial review emerges as a critical instrument for upholding individual liberties. Courts serve as the ultimate arbiters, tasked with interpreting the constitutionality of laws and executive actions. Landmark cases often exemplify the judiciary's role in striking down legislation that encroaches upon individual rights.

For instance, consider the case of [Reference Case], where the judiciary played a pivotal role in striking down legislation that infringed upon freedom of expression. This illustrates how judicial review acts as a safeguard against potential overreach by the legislative or executive branches, reinforcing the importance of an independent judiciary in preserving individual liberties.

Critiques and Challenges: Despite its fundamental role, public law is not without critiques and challenges. The potential for abuses of power is ever-present, especially in contexts where legal frameworks are not robust or enforcement mechanisms are weak. Instances of executive overreach, unchecked by effective legal remedies, can lead to erosion of individual rights.

Moreover, the limitations of legal remedies become apparent in cases where the legal system itself may not adequately address evolving societal norms. In situations where laws fail to keep pace with societal changes, individuals may find their liberties inadequately protected. Acknowledging these challenges is essential for refining public law frameworks and enhancing their efficacy in safeguarding individual freedoms.

CONCLUSION:

In summary, this exploration of the role of public law in safeguarding individual liberties reveals the intricate dance between state interests and the protection of rights. The principles of constitutionalism, the rule of law, and the separation of powers form the foundation upon which this delicate balance is built.

Judicial review emerges as a crucial mechanism for upholding individual liberties, showcasing the importance of an independent judiciary in preventing potential abuses of power. The analysis of case studies demonstrates the tangible impact of public law on preserving and advancing individual rights. However, acknowledging critiques and challenges is equally crucial. The potential for abuses of power and the limitations in legal remedies highlight areas for improvement within the existing legal frameworks. As we move forward, refining public law to address these challenges becomes imperative.

In conclusion, the ongoing importance of public law in preserving and advancing individual liberties cannot be overstated. It remains a cornerstone of democratic societies, ensuring that the rights of citizens are protected even in the face of evolving challenges. Future research in this area should focus on enhancing legal mechanisms, addressing critiques, and adapting public law to meet the changing needs of society.

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