



## **RELIGIOUS LAWS AND RELIGIOUS CRIMES IN DEVELOPING AND DEVELOPED COUNTRIES**

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### **Abstract**

*A complicated subject of research is presented by the confluence of religion, law, and criminal activity, particularly when analysed across both developing nations and developed countries. Legal frameworks, social standards, and judicial procedures are all significantly influenced by religious rules, which frequently have their origins in culture and spiritual traditions that have been passed down for generations. Religious laws sometimes coexist or overlap with civil and customary systems in developing nations. This has the effect of affecting criminal justice in areas like as blasphemy, apostasy, gender roles, and family conflicts. This may result in difficulties in the protection of human rights, the promotion of social justice, and the harmonisation of international legal standards. Developed nations, on the other hand, tend to place a greater emphasis on secular legal systems. Despite this, religious crimes, which include hate crimes directed against religious groups, the exploitation of religious identity for political violence, and tensions between secular law and faith-based behaviours, continue to be a major problem. In this comparative research, the dual nature of religious laws is brought to light. Religious laws serve as a source of moral guidance, but they also have the potential to be used as restrictive or exclusive measures. Additionally, it highlights the many expressions of religious crimes, which are determined by socio-economic circumstances, legal diversity, and levels of institutional development. In the end, the study emphasises the need for a more nuanced understanding of how states might strike a balance between religious freedom, human rights, and social order while simultaneously addressing crimes motivated by religious beliefs in both emerging and developed environments.*

**Keywords:** Religious, Crimes, developed, countries

### **Introduction**

Throughout the course of human history, religion has been one of the most powerful elements in the formation of human civilisations, legal systems, and personal moral principles. From the beginning of human civilisation, religious rules have served as a source of instruction on matters pertaining to morality, justice, and social order. Religious frameworks have frequently coexisted alongside or directly affected secular legal systems. This is the case in a variety of religious traditions, including the Sharia in Islamic cultures, Canon Law in Christianity, and Halakha in Judaism. In many nations, particularly those in the developing world, religious rules are incorporated into constitutional provisions, family law, or criminal codes. This has the effect of influencing government and the administration of justice. Nevertheless, the function of religion in legal systems is not consistent; it varies greatly between developing nations and industrialised nations due to the historical, political, and socio-economic settings of each of these

categories. Religious laws sometimes hold a larger formal power inside the apparatus of the state in societies that are still in the process of growing. It is possible that as a consequence of this, rules concerning blasphemy, apostasy, interfaith marriage, inheritance, and gender norms would be enforced under the garb of religious obligation. The existence of such frameworks can occasionally result in conflicts between domestic legislation and international human rights norms, which in turn can give rise to discussions about the rights of minorities, freedom of religion, and freedom of speech. Acts such as religious persecution, forced conversions, communal violence, and the criminalisation of dissent against dominant faith traditions are sometimes included in incidents that fall under the category of religious crimes in these situations. On the other hand, developed nations have a tendency to place a greater emphasis on secularism and the separation of church and state practices. In most cases, religious laws do not act as legally enforceable state laws; rather, they serve as recommendations for personal or communal behaviour within certain religion groups. Despite this, religious crimes continue to be a widespread problem, showing themselves in the form of hate crimes committed against religious minorities, radicalisation, acts of terrorism, and discrimination in social or working situations. The contradictions that arise between secular legal systems and the religious identities of various communities are frequently brought to light by these crimes, particularly in nations that are more multicultural. In this way, the comparative examination of religious laws and religious crimes in developing nations and affluent countries exposes both similarities and differences between the two sets of legislation. Developed governments encounter issues in managing religious pluralism and preventing violence driven by religious beliefs, while poor nations may struggle with the institutionalisation of religion law in ways that are in conflict with basic human rights. In order to promote tolerance, social fairness, and the compatibility of legal pluralism with international norms, it is essential for policymakers, researchers, and advocates for human rights to have a solid understanding of these processes.

### **Historical Context of Religious Laws**

In the earliest civilisations, moral codes and heavenly commandments were frequently indistinguishable from the rules of the state. This suggests that religious laws have been around since the beginning of such civilisations. Hammurabi's Code was justified as divinely inspired, despite the fact that it did not strictly adhere to religious principles. In a similar manner, the Mosaic Law in Judaism, the Sharia in Islam, and the Canon Law in Christianity were fundamental in the administration of human communities for millennia. In South Asia, the Dharmaśāstra had a significant impact on the formation of Hindu law and social behaviour, particularly in relation to caste, family, and inheritance. These legal frameworks shed light on the ways in which religion has traditionally served not just as a spiritual guide but also as a system of administration. It was during the Enlightenment period in Europe that the concepts of secularism and the separation of religion from governmental affairs were first adopted. This contributed to the development of current constitutional law in many industrialised countries. On the other hand, in a number of developing nations, colonisation served to either strengthen or manipulate religious laws, so incorporating them into hybrid legal systems that are still in place today. The reasons why religious rules continue to have a significant role in certain circumstances while being primarily symbolic in others can be explained by this historical trend.

### **Religious Laws in Developing Countries**

The relationship between religion and the state is intricately linked in many emerging nations. For instance, the constitutions of nations such as Pakistan, Saudi Arabia, and Iran contain clauses that are explicitly derived from Islamic ideas. Along the same lines, in several African countries, civil law and customary and religious rules coexist, which frequently results in the existence of legal plurality. Certain aspects of family and personal law are particularly susceptible to the impact of religion law in developing countries. In many cases, religious precepts are used to control matters such as marriage, divorce, inheritance, and child custody. The laws that penalise criticism of religious leaders or departure from a dominant faith continue to be applied in a number of jurisdictions. These laws are known as blasphemy and apostasy. Women's rights, including as clothing standards, movement, and involvement in public life, are sometimes restricted by religious interpretation. Gender norms are subject to different interpretations. Additionally, these laws raise issues about infringement of human rights, particularly in connection to freedom of speech and gender equality. While these laws do create a sense of cultural identity and moral order, they also raise concerns about human rights violations.

### **Religious Laws in Developed Countries**

Developed nations, on the other hand, often function under legislative frameworks that are secular, and religion is given only a limited amount of power in the control of public institutions. For instance, the First Amendment to the Constitution of the United States of America protects both the right to freely practise one's religion and the ban against the establishment of religion by the state. In spite of the fact that European governments have historically been Christian, they have mostly moved towards secular legal systems while yet allowing for religious pluralism. In modern nations, however, religion law is not completely absent from the legal system. Arbitration in family affairs that is based on religious beliefs is permitted in many countries, provided that it does not directly violate national law. In the United Kingdom, for instance, Jewish Beth Din courts and Islamic Sharia councils are responsible for the resolution of civil disputes, provided that the parties concerned give their assent. This indicates that religious laws may work informally or in a parallel system to satisfy the requirements of the community even in states that are considered to be relatively secular.

### **Religious Crimes: Comparative Perspectives**

As a general rule, there are two ways to understand religious offences. Infractions that are defined or justified by religious law, such as blasphemy, apostasy, or sacrilege, are examples of crimes that have their origins in religion. Hate crimes, persecution, acts of terrorism, and prejudice motivated by religion are examples of crimes that are committed against religious organisations or religious communities. Religious crimes are frequently a reflection of the state's enforcement of religious conformity in developing countries. In these countries, individuals run the risk of being punished for breaching religious rules. Furthermore, in cultures that have poor governance and profound religious differences, there is a high likelihood of interfaith clashes, mob violence, and forced conversions occurring. Hate crimes, attacks on religious minorities, and acts of terrorism that are justified by radical interpretations of faith are the most common types of religious crimes that occur in developed countries. It is not the state's imposition of religion that is the source of these issues; rather, it is the conflicts that exist within heterogeneous society.

### **Religious Crimes**

Any action that offends religious sensitivities and generates strong negative feelings in persons who have strong religious convictions is characterised as a religious crime. Unfortunately, religious crimes are a common occurrence that the majority of people are unaware of. Religious crimes are closely related to religion and are a common occurrence. Only a few examples of religious violence include wars, crimes motivated by hatred, physical assault, blasphemy, persecution, and other forms of religiously motivated violence. Consequently, Offences Related to Religion There has been an issue on a global scale ever since the beginning of time.

### **Forms of Religious Crimes**

Religious Crimes Can Take Many Forms, Including:

**Religious Wars** – It is a particularly heinous form of religious terrorism that has been committed. Religious disputes have been responsible for wreaking havoc in the shape of wars in a number of countries. To name only a few examples, there are the French Religious Wars, Muslim Invasions, Spanish Invasions, and the Indo-Pakistan War that took place between 1947 and 1948.

**Religious Persecutions** – The systematic mistreatment of individuals or members of a religious group as a result of their religious affiliation is what we mean when we talk about religious discrimination.

**Desecration Of Sacred Places** – That which involves the destruction of mosques, temples, and other religious structures is one of the most common types of violence. Other forms of violence include the destruction of other religious structures. When these kinds of activities take place, they encourage even more weaker religious groups to engage in violent behaviour.

**Verbal Violence**- The dissemination of hatred through the use of false propaganda and the demonisation of other religious groups are both included in this.

**Gender Violence** – Men, women, and children are the most common victims of crimes committed in the name of religion. Women are subject to a wide variety of types of abuse, including but not limited to enslavement, rape, kidnapping, and other forms of violence.

**Forced Conversions** – People are typically coerced into converting to a different religion against their will out of fear of being subjected to penalties, fines, discrimination, and other similar consequences.

**Some Of The Most Violent Forms Of Religious Crimes Include** – Inevitable is the act of self-destruction. Bombings such as the attacks on September 11, 2001, the Gotha Train Incident, the Dash Genocide Against Religious Minorities in Syria and Iraq, and other occurrences in which hijackers followed the beliefs of Osama bin Laden and killed two thousand people are examples of these kind of attacks.

### **CRIME AND RELIGION IN DEVELOPING NATIONS**

The very first destination that comes to mind is India, which is a country that stands out for its high level of diversity. On a daily basis, we make it a point to read about an act of violence that is driven by religious beliefs. Conflicts between Hindus and Muslims, such as the well-known incident at the Babri Masjid and the incident that occurred on the Godhra Train, have been a significant factor in the current state of things in India. Furthermore, Islamic terrorist organisations have been responsible for the destruction of sacred places, the mass murder of innocent people, harsh torture, and other atrocities committed against the

Kashmiri Pandits. These crimes have been committed against the Kashmiri Pandits. Another religion that holds a significant amount of influence in Saudi Arabia is Islam. There are limits placed on non-Muslims by society, and there is widespread prejudice against them. At the same time as the government has undertaken raids on hidden home churches, it has also made it illegal to display religious artefacts that are not of the Islamic faith in public. In some countries, such as Syria and Iraq, members of religious minorities have been subjected to genocide, torture, rape, sexual assault, and extortion to a significant degree. The Islamic terrorist group known as Daesh is known to be responsible for these atrocities since it has the goal of eradicating the religious minorities that are located in the region. Even the most fundamental types of discrimination and the denial of rights might be considered religious offences. In Pakistan, members of religious minorities, such as Sikhs, Christians, and Hindus, are subjected to discrimination and are frequently falsely accused of uttering statements that are insulting. Christians, Ahmadi mosques, and places of worship have all been targeted by terrorists. Due to the fact that they are the target of an increasing number of hate crimes, Christians in Israel are seeking security. In order to disseminate their message of hatred against Christians, Jewish and Muslim radicals both encourage their followers to detest Christians and utilise political propaganda to do so. There have been several instances of religious discrimination and hate crimes that have been brought before the commission on human rights in countries that are considered to be relatively poor.

### **Contemporary Challenges**

One of the most important tasks of our day is to find a way to reconcile the freedom of religion with the rule of secular government. Developing countries are frequently criticised for utilising religion legislation as a justification for authoritarian policies or limits on human rights provisions. In the meantime, industrialised nations are seeing an increase in Islamophobia, anti-Semitism, and hate crimes committed against individuals belonging to minority groups, which raises problems regarding integration and tolerance. Globalisation and migration both add another layer of complexity to these movements. The desire of immigrant groups to maintain their religious laws and practices inside the nations that are hosting them frequently results in tension between the secular legal systems and the cultural identity of the immigrants. However, despite the fact that international human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR), place an emphasis on freedom of thought, conscience, and religion, the manner in which these rights are implemented differs from state to state.

### **WAY FORWARD**

A great number of lives, homes, and families have been shattered due to these religiously motivated acts of violence. Thus, it is not enough to just examine these crimes; immediate and decisive response is required. Some possible approaches to fixing this problem are as follows.

- So that they don't develop biases and stereotypes as adults, it's crucial to teach children about the world's faiths at a young age. More advanced training may be provided to police officers so that they can more effectively document and react to these crimes.
- Second, all countries ought to establish secular laws. Secularism aims to safeguard the rights of every individual, regardless of their religious convictions, in contrast to religious fanaticism. A more fair legal framework should replace individual religious regulations, according to author and

National Secular Society affiliate Taslima Nasreen, who contends that India ought to adopt the Uniform Civil Code.

- Thirdly, to prevent being replaced by harsher laws, the existing laws that punish these religious crimes should be updated. To promote diversity and protect basic human rights, legislation should make it possible for religious minorities to serve on public agencies and in government.
- Those who have been impacted by these religiously motivated crimes should be able to speak out during the trials of those responsible, which brings us to our fourth point. With any luck, this will help the two sides talk to each other more and eventually come to an agreement. Additionally, it may help ease ideological conflicts.
- The fifth reason is that there may be support in the battle against religious crimes from the media and civil society organisations. Police officers should do all in their power to encourage victims of hate crimes to come forward and report the occurrences so that the perpetrators can face justice. Criminal laws should also be updated to reflect the widespread use of social media.

## **LAWS PERTAINING TO RELIGION**

One of the stated goals of the International Covenant on Civil and Political Rights, which was signed in 1966, the International Covenant on the Elimination of All Forms of Racial Discrimination (ICERD), which was signed in 1965, and the International Convention for the Protection of All Persons from Discrimination on the Basis of Race, which was signed in 1966, can be found in the elimination of incitement to violence against any religion. In accordance with Article 4 of the International Convention for the Elimination of All Forms of Racial Discrimination, it is against the law for any religion to declare its supremacy in a manner that has the potential to provoke conflict between people of different religions or prejudice against people of other races. The treaty was amended to include this paragraph in order to put a stop to any and all types of racial discrimination. The year 2005 was the year when every world leader swore an oath to protect their respective people against crimes against humanity, genocide, and war crimes.

## **RELIGION (INDIAN PERSPECTIVE)**

Indian law has its own distinct history and set of conventions. Both the Arthashastra, which was written about 400 B.C., and the manusmriti, which was written around 100 A.D., were considered to be references for authoritative legal instruction. Every aspect of Indian culture, from the establishment of the legal system to the growth of social norms and practices, has been significantly influenced by religion throughout its history. What religion is the one to which the overwhelming majority of Indians have sworn allegiance? The information obtained from the census conducted by All India Religion in 2011 reveals that Hinduism constitutes 79.80 percent of the total population. Muslims account for 14.23% of the total followers, whereas Christians only account for 2.30 percent of the total. For example, Buddhists make up 0.70 percent, Jains make up 0.37 percent, and other religions make up 0.66 percent. Sikhs make up 1.72 percent of the population. There is a great level of religious tolerance throughout the Indian government, even at the highest levels. All individuals are given the right to religious freedom, despite the fact that "secularism" is recognised in the constitution of India, which is the country's most important written document. The law in India protects the religious views of individuals; yet, those who violate this protection are subject to criminal penalties. Despite the fact that religion is frequently seen as a technique for achieving emancipation, there are significant issues that exist within the religious community that, if they are not handled, might result in crimes that are motivated by religious intolerance.

## **NEGATIVE IMPACT OF RELIGION**

The most significant obstacle that developing nations need to conquer is the relationship that exists between participation in criminal behaviour and religious convictions. In the past year, there has been a significant increase in the number of criminal crimes that are tied to religion. In the name of religion, the nation is led by distorted ideas, and in many countries, such as India, Egypt, Turkey, Israel, Iran, and Afghanistan, parties or communities with such ideologies have made successes in electoral systems and have also built theocratic governments. In addition, the nation is driven by theocratic governments. The fact is that this is the case despite the fact that the nation is led by twisted ideals. This is the 21st century, when technology is both delighting us and aggravating us. On the one hand, technology is engaging us. Abortion, marriage between persons of the same gender, antagonism against religion, mob lynchings, prejudice against those of lower and more backward classes, and harassment are only some of the crimes that are on the increase. Other crimes that are on the rise include discrimination against them.

## **RELIGIONS AND RELIGIOUS INSTITUTIONS THAT ARE WELL-ESTABLISHED**

### **1. CHRISTIANITY**

The Mosaic Law and the directions that Jesus of Nazareth gave in the Gospel are two examples of the different ways in which the concept of religious law might be defined in the Christian religion. Canons are the ecclesiastical regulations that regulate the communities of churches that make up the Anglican Communion, the Eastern and Oriental Orthodox churches, and the Roman Catholic Church. Individuals who are aware and proficient in canon law are referred to as canonists. In the year 1917, Pope Pius X issued the first Code of Canon Law, which was later promulgated by Pope Benedict XV and went into force in the year 1918. 5. In the Roman Catholic Church, the canon law is referred to as Canon Law. Edson Luiz Sampel, a Brazilian canon law specialist, asserts that canon law is a component that was included in the establishment of several civil law organisations, such as the legal systems of nations in Latin America and continental Europe. While the canons of the Orthodox Christian faith are considered to be recommendations, they are not considered to be laws. Instead of attempting to analyse the theological conclusions made by the Ecumenical Councils, it is recommended that they be followed. Since the Reformation, the courts charged with ecclesiastical matters in England have been known as royal courts. The practice of teaching canon law was discontinued by Henry VIII. Attorneys who worked in ecclesiastical courts, on the other hand, received their training in civil law. As a result of rebellions conducted by Covenanters against the Bishops of Aberdeen in the aftermath of the convention held at Muchalls Castle in 1638, the Canon Law was abolished throughout Scotland.

### **2. HINDUISM**

However, there is no ecclesiastical structure within Hinduism, despite the fact that it encompasses a vast variety of spiritual views and traditions. Polytheism, pantheism, panentheism, and pandeism are all possible religious practices for Hindus. The investigation of India and its many cultures and faiths has been influenced by colonialism as well as Western conceptions of religion. This religion, which is more popularly known as Hinduism, may be broken down into many distinct currents. At the present time, there

are four major modern Hindu currents, which are Vaishnavism (Vishnu), Shaivism (Shiva), Shaktism (Devi), and Smartism. These are the five deities that are recognised as equals. Dharma, as defined by Van Buitenen, is the act of pursuing and carrying out one's real calling. The safeguarding of both thisworldly and otherworldly matters is what Krishna considers to be the essence of dharma. The word kama comes from the Sanskrit language and may be translated as "desire," "wish," "passion," "longing," "sensual pleasure," "aesthetic delight of life," "affection," or "love."

### **3. ISLAM**

The term "submission to God's will" is the meaning of Islam, which is the second most popular religion in the world. There is an ultimate judgement day, and Muslims believe that there is life after death. According to Muhammad's teachings, Allah is the one and only God, and Muslims are obligated to devote their lives to serving Him. Following the death of Muhammad, two major sects came into existence: the Sunnis and the Shias. The first four caliphs were recognised by Sunni Muslims, however Shia Muslims recognise Ali and his descendants as rightful heirs to the caliphship. There are several nations, civilisations, and cultures that have different interpretations of what the Sharia is. Sharia law is the Islamic moral code and religious law, which is also referred to as Islamic law. In contrast to secular law, Sharia law handles a broad variety of issues that are not addressed by secular law. These issues include criminal activity, politics, and the economy, as well as more personal concerns like as eating, clothing, praying, and fasting. At all times, Islamist movements have been working towards the goal of re-establishing sharia law in Muslim countries.

### **4. JUDAISM**

Within the body of rabbinic Jewish religious rules that are derived from the Written and Oral Torah, the Mishnah, the halakhic Midrash, the Talmud, and its commentaries are all included. The evolution of halakhah has been impacted by a number of different legal and quasi-legal procedures, including court rulings, legislative actions, and customary law, among others. Talmudic and Responsa literature served as the foundation for the development of Jewish legal systems, which were evolved in reaction to evolving social standards. In accordance with the rabbinic tradition, the written Torah has a total of 613 mitzvot. The commandments that may be found in the Torah, which are sometimes referred to as Moses' Law, are applicable to virtually every aspect of day-to-day living.

## **ORIGIN OR CHRONICLE OF CERTAIN LAWS**

### **A. Canon law**

In spite of the fact that there were no predetermined regulations in place to govern the public at the time, the roots of canon law may be traced back to the time of Christianity. Currently, it is the document that contains all of the political, cultural, and social developments that have occurred since that time. It was not until the Reformation in the 16th century when reformatory churches discarded the concept of canon law as it was used in churches in Rome, England, and other nations with minor alterations and modified it in line with their own preferences. This occurred after the year 1054, when it was developed in all western churches. The majority of its activities are educational and social in nature, and they are designed to encourage the establishment of institutions that provide essential services to the people who live in the community.

### **B. Hinduism**

The religion of Hinduism, which is often referred to as the Hindu religion, is the oldest religion in the world. It has more than 4,000 members and is the third largest religion in the world, following Islam behind Christianity. It is not possible to trace the beginnings of Hinduism because no one knows who the person who created it is. Instead, it is believed that Hinduism is a synthesis of the rituals and customs of different religions.

### **C. Sharia law**

When it comes to the origins of the religious law known as Sharia, the Islamic tradition is where it all began. Interpretations of the Quran and Hadith serve as the foundation for this school of thought, which originates from Islamic religious beliefs. There has been a topic of contention between Muslim fundamentalists and modernists on the manner in which it is implemented in the present day. As time has progressed, Sunni Muslim muftis have steadily integrated themselves into the various governmental organisations. The fiqh included regulations that were established by the rulers in the areas of economics, criminal law, and administration. Sharia law was first attempted to be codified through the Ottoman civil code, which was in existence from 1869 to 1876. This was the first effort to codify Sharia law.

### **Conclusion**

The persistent role of religion in the formation of law, identity, and social order is shown by the comparative research of religious legislation and religious crimes across developing countries and developed countries. The way in which religious rules are institutionalised and the manifestation of religious crimes are quite different in both of these contexts, despite the fact that both situations reflect the overwhelming impact of faith. In nations that are still in the process of creating their legal systems, religious laws frequently serve as binding aspects inside national legal frameworks, therefore influencing family, criminal, and social policies. This has the potential to promote cultural cohesiveness, but it also creates significant difficulties when such legislation and international human rights norms are in conflict with one another. The conflict that exists between religious tradition and universal rights is brought to light by issues like as blasphemy laws, apostasy, and gender discrimination. Intolerance, poor governmental institutions, and the politicisation of religion are frequently the root causes of religious crimes in these nations. These crimes frequently result in persecution, communal violence, and forced conversions within the community. Development nations, on the other hand, have a tendency to place a greater emphasis on secular administration, with religious rules being limited to personal or community-based adjudication. It is less about the state's enforcement of faith and more about social strife within heterogeneous communities that is the focus of religious crimes in this context. Hate crimes committed against religious minorities, radicalisation, and discrimination are the key issues, and they are a reflection of broader problems over pluralism, integration, and national identity. In light of the contrast, it is clear that both emerging nations and industrialised nations are confronted with distinct issues. While developing nations are tasked with navigating the process of reconciling religion legislation with human rights commitments, developed countries are tasked with addressing the growing religious intolerance that is occurring in populations that are becoming increasingly diverse. Under each of these circumstances, it is necessary to strike a delicate balance between protecting the right to religious freedom and ensuring equality, justice, and protection from violence that is motivated by religious beliefs. In the end, the study emphasises the importance of inclusive legislative frameworks, discussions between people of different faiths, and international collaboration. Respect for cultural traditions must be accompanied by a dedication to the dignity of the

human person and the protection of universal rights. It is only via this equilibrium that nations, whether they are emerging or developed, are able to successfully prevent religious crimes in a world that is linked and handle the intricacies of religious legislation.

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