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المسؤولية الجنائية عن الاعتداء على الاديان وازدرائها في القوانين العربية والغربية

Criminal Liability for Assaults On and Contempt of Religions in Arab and Western Laws

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ملخص البحث

Abstract

تقوم فكرة الدين علي وجود قوي وقدرة إلهية وعلاقات إنسانية لتصبح هي النمط الاجتماعي للإنسان فقد خلق الله سبحانه وتعالى الشعور الديني فطرة، فقد ضمن المجتمع الدولي للإنسان حقه في اختيار دينه وعقيدته وممارسة كافة الشعائر بكل حرية، وقد ورد النص علي ذلك من خلال العديد من التشريعات الوطنية والمواثيق الدولية، غير إنها في الآونة الأخيرة شهدت العديد من الانتهاكات سواء كان في الدول العربية أو الدولة الأجنبية وسميت تلك الانتهاكات باسم قانوني وهو اسم ازدراء الأديان، فبالرغم من توفر العديد من النصوص القانون التي تحث علي ضرورة حماية الأديان والمقدسات الدينية علي المستويين الدولي والمحلي، فإن ازدراء الأديان لا يزال منتشر بصور كبيرة بحجة الحق في حرية التعبير المنصوص عليه في القانون، ونتيجة لذلك كان يجب أن تقوم بعض الدول والحكومات بينما يتوجب عليه للحفاظ علي الأمن والاستقرار داخل المجتمعات لمواجهة الفتنة.

Abstract

The idea of religion is based on a strong existence, divine ability and human relations to become the social pattern of man. God almighty created a natural religious feeling. The international community has guaranteed the right to choose one's religion and creed and to freely practice all rites. This has been stipulated through numerous instruments, recently, however, it has experienced many violations whether in the Arab or Foreign countries and these violations were called "defamation of religion". Our current research is an attempt to understand the concept of defamation of religion and how was the law's position on that subject, as well as clarification of its findings and recommendations.

1. Introduction

The protection of religious sanctities is of special importance to the individual in order to protect his physical entity, due to the connection between those sanctities and his entity, whether cultural or civilizational. There is no doubt that there is a continuous increase in all cases that affect and attack those sanctities, which calls for the necessity of providing adequate legal protection to preserve them, despite the fact that it is known that the individual has the right to

freely choose all his religious beliefs and practice their rituals, but that does not mean that this right remains free without restrictions and controls that govern it, but regardless of the availability of legal texts that encourage the individual to protect religions and religious sanctities at the international and local levels. Contempt of religions is still spreading and expanding in various forms under the pretext of the right to freedom of expression stipulated in the law. As a result, all countries, whether Arab or Western, must fight and confront sedition by all accessible legal ways and the Possibilities and impose deterrent penalties for it.

2. The Problem of the Statement

The problem of the study is due to the significant overlap between the right to freedom of opinion and expression and the right to freedom of belief, respect for sanctities, and the practice of religious rituals. In addition to the lack of clear definitions to distinguish some rights and concepts, there are several international trends regarding this issue, some of which greatly sanctify freedom and narrow its restrictions to the greatest extent, and some of which point out the danger of uncontrolled freedom in disrupting world peace. Based on this, the research problem can be summed up in two basic points: the extent to which international and national legislation succeeds in clarifying the nature of the crime of contempt of religion, and the extent to which it highlights the most important of these crimes and imposes a penalty on them.

3. Significance of The Research

The importance of the research comes from:

1- The utmost importance of religion for humans in general and in our societies in particular, since ever, and that protecting religious symbols and sanctities, and preserving the freedom to practice religious rituals, is the best way to preserve human dignity and freedom, which is considered one of the most important pillars of human rights; The recent successive attacks on divine religions and religious sanctities have constituted a blatant violation of the individual's basic spiritual values, which are considered a safety and security valve for society, and a source of reassurance and hope for

the individual. Therefore, in order to avoid tensions and conflicts, achieving legal protection for religion in international and national laws has become of utmost importance for the stability and non-disintegration of human societies.

2- Addressing a very serious issue. As this stems from the importance of religion in human life and in the life of societies, whether Arab or Western. Attacks on religions have become a common object through publishing literary novels, publishing some posts, or displaying cartoons when exercising freedom of expression, and the matter is not limited to this. Contempt by one of the followers of one religion for another religion, or even by those belonging to the same religion. The fact that the practice of religious rituals is a legitimate right in people's lives is the best way to preserve human dignity and freedom, which is considered one of the most important pillars of human rights and a source of security and safety. Therefore, the implementation of the law for religion has become a possibility in all international or Arab laws in order to ensure a stronger stability for human society.

4. The Aims of the Research

The research aims to reach a statement of the extent of the success of Arab and international legislation in explaining the crime of contempt of performance in its distinctive form and its difference from any other crime, and the extent of the efficiency of laws and judicial rulings in reducing crimes of contempt of religions and insulting symbols, and how these provisions can be applied in Arab and Western countries, and ways to confront the crime. Contempt of religions through branches of law.

5. The Methodology

In this research the inductive, analytical and comparative approach adopted to study the texts and materials included in Arab and Western legislations on the subject.

6. Research Outline

I will address the study of this topic through two sections. In the first section, we address the concept of contempt of religions, through which we will explain in two requirements the definition of contempt of religions, and in the second section, we will show images of attacks

on religious feelings. As for the second section, we will discuss criminal liability for contempt of religions, which Through it, we will explain in two demands: the first is the criminalization of contempt of religions in Western laws, and the second is the criminalization of contempt of religions and its punishments in the Arab world.

The First Topic

The Concept of Contempt for Religions

To explain the concept of the crime of contempt of religions, this topic has been divided into two requirements. In the first requirement, we will discuss the definition of contempt of religions, and in the second requirement, we will discuss images of attacks on religious feelings, as follows:

The First Requirement: Description of Contempt of Religions:

Section One - Definition of contempt of religions:

Contempt, as a linguistically, means contempt, belittlement, and shame, and it is taken from the word zara, which means to criticize. According to some Arabic dictionaries, that verb includes sentences of defamation or slander, verbally or in writing, in hurtful phrases. As for its subject, it is religions, which is the plural of religion [(1)], and it is mentioned in Mukhtar al-Sihah, "zara" (despicable) on it. "He did it", he licked it with a kasra (with a kasra) "Zaraya with the 'weight or the level' of Hikaaya" (a story) and "taarzi" [(2)].

"Religions" are the plural of religion, and religion in language means "obedience and Submissiveness." Religion in general terminology defines what a person embraces, believes, and believes in regarding matters of the unseen and witnessed. Religion is defined as including the heavenly religions, represented in everything that the prophets receive from God - the Almighty - through revelation in order to convey it to people. He encounters within them a certain feeling that contains them and is born with them and directs their actions towards goodness and refines their behaviour as long as they observe it. If they ignore it, their actions will be stripped of goodness and their behavior will deviate from virtue [(3)].

Contempt is defined legally as: "Every transgression against the Religion or the sect that is likely to hurt the emotions of the adherents

of the religion, and the insult here falls on the religious feeling because religion is not insulted" [4].

As for the legal definition of religion: it is the social intellectual phenomenon that has accompanied human societies since their inception surpassing myths and superstitions. Religions are distinguished by their focus on the divine source and the teachings that guide to goodness behavior, truth, and justice [5].

In legal terminology, it can be defined as: "It is every act that would insult the divine essence, prophets, religions, messengers, or heavenly books in accordance with the provisions of the law" [6].

It is worth noting that Western jurisprudence has distinguished between the terms contempt or violation of the sanctity of religions, as contempt is an act or speech that exclusively insults religion, and the term defamation or slander, which can be used in the religious domain or in other fields that do not directly affect religions, which goes beyond the scope of our study. [7]

On the other hand, Artical 36 of the Irish Defamation Act 2009 defines contempt as: "publishing or uttering grossly offensive or insulting statements relating to matters considered sacred by any religion, which causes anger among a large number of followers of that religion, and is also considered contempt." If the person intends, by publishing it or uttering certain phrases, to arouse the same anger" [8].

As for the "Organization of the Islamic Conference", it has concluded that any speech perceived, or any individual or religious scholar sees, that criticizes or insults Islam or Muslims, automatically constitutes religious defamation speech [9].

Section Two - Forms of Contempt for Religions:

The various forms of contempt against religions, but they are all branches of one origin, which is the lack of acceptance of submission to the command of one God Almighty, and the subsequent skepticism about the existence of God Himself, the linking of attributes to the Creator, the denigration of His status, the disparagement of His knowledge, the likening of Him to created beings, and other shortcomings.

Which these people are trying to attach to the God Almighty, and if those who despise have attached bad qualities to the Messenger, then they have attached bad qualities to his messengers. Rather, they insulted them verbally, assaulted them by beating, killing, torturing, belittling, and belittling them, with the intention of criticizing what they brought, disbelieving in what they convey of the messages of heaven, and accusing them of shortcomings, faults, insults, and slander, and that is with the intention of attaching offensive words to the Divine Essence, or disbelief, or doubting the existence of, or confirming its existence, by equating them. We can summarize the forms of these assaults as follows: -

1. *Insulting any religion or one of its rituals, defaming or insulting it, and disrupting the performance of any licensed religious rituals, such as insulting in word or action.*
2. *Insulting the heavenly books and distorting or desecrating them in any way, such as distorting by adding or deleting anything from the heavenly books.*
3. *Insulting one of the prophets, messengers, their wives, or companions, whether by mockery or insulting them.*
4. *Intentional vandalism and damage to places of worship, cemeteries, and places of worship such as mosques, churches, and temples, and any sabotage or removal of their contents with the intention of tampering or stealing.*

The Second Requirement: Forms of Assaults on Religious Feelings

Assault on religious feeling may take the form of an act that violates the law or applicable legislation, and it may be limited to an act that is permissible according to Sharia and law, but it causes harm to the opposing party. In all cases, whenever harm occurs, the harmed person must be redressed, either through compensation, rehabilitation, or stopping the harmful action. [(10)].

In this request, we highlight some examples of assaults on religions that lead to hurting the feelings and beliefs of the person who follows his religion, as shown below:

1. Vandalizing Places of Worship

Places of worship mean every place designated for members of a particular sect, or religion, to perform the rituals of that religion there, and therefore they are characterized by privacy (11).

As for the heavenly religions, there are places designated for performing religious duties. The Islamic religion has the mosque, while the followers of the Christian religion practice their rituals in churches, and the Jews use monasteries as a holy place. The non-heavenly religions have places that differ according to their religions, in which they practice their religious ideologies and methods. This is in addition to other places that may have the grade of sanctification due to the presence of the grave of a companion or religious figure or for some other reason.

Most types of assaults on religions are carried out by vandalizing places of worship and violating their sanctity, whether by demolishing them, vandalizing their landmarks, or taking them to practice actions that are contrary to the teachings of the religion of the owner of the place, or preventing the holding of religious rituals and celebrations therein. Whenever any of the above occurs, each affected person may seek legal protection in the following manner. specified in the law (12).

2. Disrupting The Performance of Religious Rituals:

Rituals is a word derived from feelings, meaning the places of rituals, which are the actions of Pilgrimage "Hajj" and everything that is made as a sign of obedience to God Almighty (13).

Every action that leads to disrupting the performance of those rituals, sabotaging preparations, or disturbing them is considered an assault that must be stopped by legal means, such as disrupting the performance of the obligatory prayer on Friday or the Sunday mass, or even participating in those rituals in a way that does not suit the principles of religion (14).

3. Removing or Stopping Religious Manifestations:

Appearance is everything that a person appears to show his relationship to a certain concept, whether the concept is related to the person's gender, the fashion that appears on him, or the religious

orientations that he shows, and it seems that the latter is what concerns us in our research. We often see people who follow a religion appearing with what It suits the teachings of their religion, such as the appearance of a Muslim woman wearing a hijab in public places, a Christian woman wearing a cross, and so on.

And showing what is appropriate for the teachings of religion, such as depriving the personal freedoms guaranteed in the statutory laws in every country, and every action that would remove those manifestations or even prevent followers of a certain religion from displaying them, and this is considered an assault on the religious feelings of this person, as we see in preventing the wearing of the hijab in some cases happened in some European countries.

4. Overt Ridicule of Religions:

Any insult, disdain, or use of cursing expressions that would undermine the dignity of the religion or degrade its value, in overt way or in a public place [(15)], is considered a violation of this religion, and if the matter is limited to Merely discussing religious issues or asking about religious teachings is not considered an infringement unless words of ridicule and contempt are used in the context of speech, and this is what the Egyptian Criminal Court judged, as it stated in a ruling: (The limit to which debate and discussion of religious issues must stop is without disdain and contempt). And everything that degrades the value of the religion and drops its dignity, and everything that is included in the term "transgression" used by the legislator [(16)].

Prohibiting ridicule of religions may seem to conflict with the provisions contained regarding freedom of expression or belief, but even if freedom of belief and expression is guaranteed by statutory laws, this does not permit anyone who disputes the principles of religion to insult its sanctity, degrade it, or intentionally disdain it. With the controversy that he provoked, he only wanted to undermine the sanctity of religion and ridicule it, so he could not seek protection from that with freedom of belief [(17)]

The Second Topic
Criminal Liability for Contempt of Religion

Beyond any doubt is that contempt of religions does not rise to saying that it falls under the name of freedom of opinion and expression, but rather constitutes a deliberate infringement on freedom of thought and belief and a mockery of people's feelings. Others and their religious symbols. In the crime of contempt of religions or exploiting religion to promote extremist ideas, religion is used by any means of expressing opinion with the aim of harming society and its national unity.

The crime is achieved by the occurrence of the criminal act and the presence of intention, regardless of whether the goal of this act is achieved or not. If it becomes clear that his intention, through the controversy he aroused, was to undermine the sanctity of religion and ridicule it, then he does not have the right to seek refuge in that with freedom of belief, and the presence of criminal intent is among the matters that the trial court infers from the facts and circumstances before it. It is not required that the penalty ruling explicitly mention the bad faith of the accused, but rather it is sufficient for the totality of its phrases to have something to the effect of that. Therefore, studying criminal responsibility for the crime of contempt of religion requires identifying the elements of the crime, but the research does not expand on that. I will suffice with explaining the criminalization of contempt of religion in Western laws in a first requirement, and I will explain the criminalization of contempt of religion in the Arab world in a second requirement, as follows:

The First Requirement: Criminalizing Contempt of Religion in Western Laws:

Every individual has the right to enjoy his basic rights mentioned in legal laws, and one of the most important of these rights is the right to freedom of expression and opinion. Unfortunately, there are those who consider that this right makes religions and sanctities a permissible field for defamation and contempt, which necessitated the establishment of some international and local legal controls, with the aim of establishing sound controls for freedom of opinion, preserving

the heavenly religions, and practicing religious rituals (3). Among the most important examples of Western countries that have criminalized contempt of religion in their constitutions, we limit ourselves to the following:

1- France: *France was interested in the freedom to choose religion to emphasize that it is a secular state. Freedom of conscience or consciousness is closely related to the principle of freedom of expression. This was clearly demonstrated in French Constitutional Council Resolution No. (67-76), which prohibited any reference recorded in employee files. Publicists clarify their beliefs, whether they are political, philosophical, or religious beliefs. It was stated in the French Declaration in Article No. 6 in 1978 that this law must be the same for all, and that everyone is equal to him and each one of them has the right to jobs and ranks according to his preparation and ability, as it is not permissible to give preference. A man is a man in that respect except for his advantages and talents.*

French law criminalized some acts that affected religions, but after the issuance of the French law in 1905 regarding the separation of churches from the state, the old crimes were abolished and replaced in the law itself with two provisions: "Anyone who forces a person by force or threat to perform or refrain from performing the rituals of a religion shall be punished." By reviewing the text of Article (31) of the French Penal Code, it becomes clear that the legislator has punished anyone or anyone who forces a person to do one of the following acts:

A- Performing the rituals of a specific religion.

B - Refraining from performing the rituals of a particular religion. By reviewing the above, it becomes clear that it is related to harming the person of the religious person and not religion itself. The text protects personal freedom and does not protect religious rituals per se. Therefore, we can say that the French legislator's approach in the text of Article (31) of the French Penal Code is consistent with the idea of secularism that prevailed in France and which details Between religion and the state and prevents the state from interfering in favor of a religion or against a religion. Therefore, the text does

not punish infringement on rituals, but rather it punishes infringement on personal freedom in action or non-action.

2- Italy: *The Italian Constitutional Court affirmed that the principle of state secularism stipulated in the constitution is a higher principle, but it does not mean the state's indifference towards religions. In 1993, the court confirmed Resolution No. 195 of the state's commitment to ensuring the protection of religious freedom and equality in dealing with all religions. It has in 1995, the Italian Constitutional Court ruled Resolution No. 440 of the constitutionality of the text that punishes insulting God, whatever its meaning, despite its ruling that there is no constitutionality in imposing penalties against those who insult clergy or religious symbols, such as insulting the Virgin* [(18)].

3- Germany: *- Article 1 of Chapter 1 of the German Basic Law, relating to fundamental rights, stipulates that "human dignity is inviolable, and its respect and protection are the obligation of all international authorities." As for the second paragraph, the affirmation of the universality of fundamental rights, the German people acknowledge their belief that human rights that do not It should be violated and cannot be overthrown and is the foundation of every human community, peace and justice in the world* [(19)].

The Second Requirement: Criminalizing Contempt of Religion and Its Punishments in The Arab World:

Among the legislation that we will mention as examples of laws that included respect for religion, criminalizing every act that is considered disrespectful to it, and imposing penalties that are considered a direct effect of those crimes, as the penalties imposed in the legislation of Arab countries varied, which will be explained as follows:

1- Iraqi law: *The Iraqi Constitution in force for the year 2005 affirmed in Article 2 the preservation of the Islamic identity of the majority of the Iraqi people. It also guarantees the full religious rights of all individuals to freedom of belief and religious practice, such as Christians, Yazidis, and Sabian-Mandaeans, and that followers of every religion or sect are free to practice religious rituals*

and administer. Endowments, their affairs, and their religious institutions are regulated by law, and the state guarantees freedom of worship and the protection of their places. Contempt of religion is considered an assault on the sanctity of religious belief, an insult to religion and the Messengers, and an attack on belief with falsehood. In Chapter Two (Crimes that Affect Religious Feelings) of the amended Iraqi Penal Code No. 111 of 1969, as it states (Article 372) to: Punish the crimes of contempt of religion, with its six multiple paragraphs, "with imprisonment for a period not exceeding three years or a fine not exceeding three hundred dinars" in the case of assaulting religious belief, obstructing or disrupting the establishment of religious rituals or a religious ceremony or meeting, and assaulting places of worship. Distorting the holy books, belittling them, religious insults, and imitating a religious celebration with the intention of mocking it. The crime of contempt of religion is considered a serious crime that may lead to igniting the fire of sectarian and sectarian strife in the country. It is a crime of public right and must be made public [(20)].

2- Egyptian Law: *The Egyptian Penal Code No. 58 of 1937 included several texts granting criminal protection to religions, whether by prohibiting their exploitation or by prohibiting insulting them. Violating what you prohibit, as stated in Articles (98, 160, and 161), which includes establishing freedom of belief and the right to perform religious rituals. The second matter is beatings at the hands of those who tamper with the beliefs of others and who mock their feelings.* [(21)] *Which may raise strife and hatred and cause unrest in society. As for the penalty for the crime stipulated in Article 98, Paragraph F of the Penal Code, this article punishes the exploitation of religion to promote extremist ideas.* [(22)]

It is worth noting that the draft law stipulates that this crime shall be obligatorily punished by imprisonment and a fine, meaning that the penalty in the event of committing the crime, imprisonment and a fine, was obligatory and not optional as stipulated, but the Constitutional and Legislative Affairs Committee decided to amend the amount of the fine and make it no less than five hundred. One

pound and not more than one thousand pounds due to the seriousness of the sinful acts. Although the legislator had specified the punishment of imprisonment as starting from one day to three years, however, when implementing the punishment, he departed from this rule, as he tightened the punishment to reach severe imprisonment for five years. It is understood that the severity of the punishment is in order to achieve specific and general deterrence and to protect religions from tampering with them. and exploit it.

***3- Lebanese penal legislation**: The Lebanese legislator stipulated in the Penal Code issued by Legislative Decree No. 340 of 1943 the crime of violating the sanctity of a religion and contempt of it in Chapter Six of Chapter One under the title "Misdemeanors Affecting Religion." Article 473 criminalizes anyone who blasphemes the name of a religion. God - the Almighty - in public was punished by imprisonment from a month to a year, as criminalized in Article 374: "Anyone who, in one of the ways stipulated in Article 209, contempt's religious rituals that are practiced in public or encourages contempt for one of those rituals."* (23)

It is noted from this article that the Lebanese codifier has distinguished itself from the positive codifications, including the Egyptian legislator, by criminalizing and punishing anyone who defames the Supreme Being, as there is no clear text in Egyptian law regarding the criminalization of violating the name of God Almighty or ridiculing it, even if it is taken lightly, the penalty prescribed for that.

***4- Qatari law**: The Qatari penal code punished the crime of violating the sanctity of religions and contempt of them in Chapter Seven (Social Crimes) of the Qatari Penal Code No. (11 of 2004) in (Article 256), similar to Arab laws, by criminalizing all acts that were directly or indirectly related to Indirect contempt of religions.* (24)

***5- Algerian law:** The Algerian legislator stipulated in Article No. 42 of the Constitution amended in 2016 that: "The sanctity of freedom of belief and the sanctity of freedom of opinion shall not be infringed, and the freedom to practice worship is guaranteed in light of respect for the law." The Algerian Penal Code also criminalized desecration*

and attack on sanctities. Such as desecration of the Holy Qur'an and graves. [25]

6- UAE Law: *The text of the decree issued by UAE Federal Law No. 2 of 2015 regarding combating discrimination and hatred,* [26] *which criminalizes the misuse of freedom of expression of opinion incitement to contempt of religions or insulting them or their sanctities, combating all forms of discrimination, and rejecting hate speech.*

Article 4 of it stipulates that "Anyone who commits any of the following acts is considered to have committed the crime of contempt of religion: "Insulting, defaming, or insulting the Divine Essence, and insulting, insulting, or insulting a form of religion or one of its rituals or sanctities." or ridicule or harm them, or disturb the performance of licensed religious rituals or celebrations or disrupt them with violence or threats, and infringe upon any of the heavenly books by distorting, damaging, desecrating or insulting them in any way, and insulting one of the prophets or messengers or their wives or Insulting them or their companions, mocking them, insulting them, or abusing them, and vandalizing, damaging, abusing, or desecrating places of worship, cemeteries, graves, their annexes, or any of their contents."

Regarding the penalties imposed by this law for violating these restrictions, we mention what is stipulated in Article 5, which states: "Anyone who commits an act of the acts stipulated in Clauses (2, 3, 4) of Article (4) of this Decree-Law, by any means of expression or other forms or by using any of the means. The penalty shall be imprisonment for a period of not less than seven years, and a fine not exceeding Less than 500 thousand dirhams and not more than two million dirhams for anyone who commits one of the acts stipulated in Clauses (1) (4) of this Decree-Law, by any means of expression or other forms or using any of the means."

7- The Libyan Penal Code: *The Libyan law punishes the crime of violating the sanctity of a religion, Articles (290, 291)* [27]*, as Article 290 stipulates: "Anyone who assaults in any way in public shall be punished by imprisonment for a period not exceeding one year or by a fine not exceeding fifty pounds." Against one of the religions whose rituals are performed publicly." (Article 291) stipulates: "Anyone*

who publicly assaults the Islamic religion, which is the official religion of the state in accordance with the Constitution of Libya, or uses words that do not befit the divine entity, the Messenger, or the prophets, shall be punished with imprisonment for a period not exceeding two years." ".

Through the above two articles, it is noted that the Libyan penal legislator has devoted a special text to criminalize and punish infringement on the sanctity of the Islamic religion, which is the official religion of the state. This is not found in most Arab penal legislation. Rather, the matter was not limited to that, as it decided on a more severe punishment in the case of infringement of religion. The Islamic religion is more than the penalty prescribed for transgressing against other religions, as the former was given a penalty of imprisonment for a period not exceeding two years and made for transgressing against other religions a penalty of imprisonment for a period not exceeding one year.

This is undoubtedly an enviable position for the Libyan penal code, as the Islamic religion, as the official religion of the state and the final religion, requires special criminal protection more than what other religions require, especially after it has been frequently attacked recently.

CONCLUSION

The study on the subject of contempt of religions in light of international laws reached a set of results and recommendations, which are:

First: Results:

1. *Despite the presence of many Arab countries and some Western countries that affirm the criminalization and prohibition of contempt of religions, and despite the availability of legal texts that urge the necessity of protecting religions and religious sanctities at the international and local levels, contempt of religions is still widespread in multiple forms under the pretext of the right to freedom of expression stipulated in law.*
2. *The European Court is considered the special court for human rights, as it is the main bearer of freedom of religion. Despite the*

existence of many international legislations, Western countries have not implemented this optimal application.

3. *Religious dialogue is an integral part of dialogue between civilizations because it aims to respect religions and heavenly sanctities.*
4. *Religious sanctities, despite their different types, are inviolable and sanctity. It is not permissible to violate their sanctity or insult them under any circumstances.*

Second: Recommendations:

1. *States and governments must do what is necessary to maintain security and stability in societies, confront sedition in its infancy, fight it with all available legal methods, and impose sanctions.*
2. *Encouraging the language of dialogue between all different religions and among adherents of the same religion.*
3. *The necessity of establishing deterrent and severe punishments in the event of attacks on heavenly religions and sanctities, in a way that is commensurate with the sanctity and dignity of heavenly religions, since the amount of punishment, as we have observed in countries, is not proportional to the crime committed by the aggressor, and obligating countries to take legislative and technical measures to protect sanctities and religions.*
4. *The need for there to be cooperation at an international level and to work to oblige countries, especially Western countries, to reduce crimes related to religions, after the many attacks on the Islamic religion. Protecting the religious sanctities of the individual is no less important than protecting his physical entity, because these sanctities are linked to his cultural and civilizational entity. There is no doubt that the continuing increase in cases of violations and attacks on these sanctities calls for the need to provide adequate legal protection to preserve them.*

Endnotes

1. *Al-Wajeez Dictionary, Arabic Language Academy, 1993 edition, p. 288.*
2. *Mukhtar Al-Sahhah: Muhammad bin Abi Bakr bin Abdul Qadir Al-Razi, arranged by Mahmoud, Khater, Dar Al-Hadith edition, Cairo, without year of publication, p. 271.*
3. *Dr. Abd al-Razzaq al-Sanhouri, Fundamentals of Jurisprudence, 1936 edition, p. 65, Dr. Fatima Muhammad Abdel Aleem, The Impact of Religion on Legal Systems, A Comparative Study between Islam and Christianity, Dar Al-Nahda Al-Arabi, 1st edition, 2001, p. 24.*
4. *Mohsen Fouad Farag, Crimes of Thought, Opinion, and Publishing, 2nd edition, Dar Al-Ghad Al-Arabi, Cairo, 1993, p. 125.*
5. *Emile Badie Yacoub, Encyclopedia of Treasures of Knowledge, Religions, Nazir Abboud Publishing House, Lebanon, 1999, p. 259.*
6. *Khaled Suhail Al Mazrouei, The Crime of Contempt of Religion: An Analytical Study between Sharia and Law, Master's Thesis, submitted to the College of Law at Al Ain University of Science and Technology, 2016, p. 25.*
7. *The distinction is clear when highlighting the Irish Defamation Act of 2009, as Article 6 stipulates that: "It is considered defamation or slander: the publication by any means of defamation relating to one or more than one person, and a defamatory statement is considered to be related to a person if he or she is one of the It could be understood as referring to him or her.*
8. *To view the Irish Defamation Act (2009), it is published at the following electronic link: http://www.irishstatutebook.ie/eli/2009/act/31/enacted/en/html*
9. *Muhammad Rashad Tahoun, Freedom of Belief in Islamic Sharia, 1st edition, Etrak Publishing and Distribution, Egypt, 1998, p. 57.*
10. *Dr. Mohamed Al-Saeed Abdel Fattah, Criminal Protection of Freedom of Belief and People, an analytical foundational study, National Center for Legal Publications, 2005, p. 69.*
11. *Vandalizing places of worship is not something new and is not limited to monotheistic religions. Rather, history is witness to this type of war crimes in all parts of the world.*
12. *Dr. Alia Zakaria; Dr. Jamal Baravi: The crime of contempt of religion in international and national law, research published in the Journal of Sharia and Law, Volume 18, Issue 76, Year 32, October 2018, p. 8.*

13. *Mukhtar Al-Sahhah, previous source, Chapter on Poetry, p. 339.*
14. *Ahmed Abdel Hamid Al-Rifai, International Criminal Liability for Infringing Religious Beliefs and Sanctities, A Study in Light of Freedom of Opinion and Expression, Dar Al-Nahda Al-Arabiya, Cairo, 2007, p. 35.*
15. *Publicity means openness, rumor, and appearance, and in the language definition it is different from secret, and the legislator did well in the Penal Code when he stipulated in Paragraph (3) of Article (16) the definition of publicity as:*
    1- *Actions, signals, or movements if they occur on a public road, in a public forum, or in a permissible or frequented place or exposed to the public's attention, or if they occur so that whoever was in such a place can see them, or if they are transferred to him in an automated way.*
    2- *Speech or shouting if it is said out loud or repeated so that whoever is in such a place can hear it, or if it is broadcast in one of the mechanical or other ways so that it can be heard by someone who has nothing to do with its use.*
    3- *Press, other publications, and other means of advertising and publishing.*
    4- *Writing, drawings, pictures, badges, pens, and the like, if they are displayed in a place mentioned above, or if they are distributed or sold to more than one person, or offered for sale in any place.*
16. *As for public places, they are divided into:*
    1- *Public places by nature: These are places that anyone can enter or pass through, whether without restriction or in exchange for a fee or fulfillment of some condition, such as streets.*
    2- *Public places by designation: These are places that the public is allowed to enter during specified times only, for or without compensation. Like museums.*
    3- *Incidentally public places: They are places that are private in origin, but which the public is permitted to enter occasionally, such as commercial stores. Dr. Muhammad Al-Saeed Abdel Fattah, previous source, pp. 118-119.*
17. *Dr. Muhammad Al-Saeed Abdel Fattah, previous source, p. 92. A ruling published in the Law Journal for the year 2000, No. 5, No. 102.*
18. *Decision of the Egyptian Court of Cassation on January 27, 1941, Appeal No. 653, of the year 11, Collection of Legal Laws, quoted by Dr. Muhammad Al-Saeed Abdel Fattah: previous source, p. 94.*

19. *See: Ahmed Sorour, the relationship between freedom of expression and freedom of belief.*
20. *Provisions of Article No. 1 of the German Constitution issued in 1949, amended in 2012.*
21. *Mustafa Kadhim Al-Zaidi: The crime of contempt of religion in Iraqi law, Journal of Legal Studies and Research, 2022.*
22. *As (Article 98) states the following: "Anyone who exploits religion to promote, verbally, in writing, or by any other means, extremist ideas with the intention of provoking Sedition, contempt, or contempt for divine religions or the sects belonging to them, or harming national unity."*
23. *Dr. Yusra Hassan Al-Qassas: Criminal controls on freedom of opinion and expression (a comparative study), New University Press, 2014 edition, p. 4.*
24. *Dr. Adel Abdel-Al Kharashi - The crime of violating the sanctity of religions and contempt of them in positive criminal legislation and Islamic criminal legislation, first edition, National Center for Legal Publications, 2017, p. 4.*

    Article 256 stipulates the following: "Anyone who commits the following crimes shall be punished by imprisonment for a period not exceeding seven years:
    - *Insulting or attacking God through writing, drawing, gesticulating, or by any other means.*
    - *Insulting, distorting, or desecrating the Holy Qur'an.*
    - *Insulting the Islamic religion or one of its rituals.*
    - *Insulting one of the inviolable divine religions, in accordance with the provisions of Islamic Sharia.*
    - *Insulting one of the prophets verbally, writing, drawing, gesturing, or in any other way.*
    - *Vandalizing, breaking, damaging or desecrating buildings or any of their contents if they are prepared for performing religious rituals for one of the divine religions protected in accordance with the provisions of Islamic Sharia."*
25. *The new Article 144 of the amended Algerian Penal Code of 1966 stipulates: "Anyone who insults the Messenger (may God bless him and grant him peace) shall be punished by imprisonment from three to five years and a fine of 50,000 fifty thousand Algerian dinars to 100,000 one hundred thousand dinars, or by one of these two punishments only."*

(peace and blessings be upon him) or the rest of the prophets, or necessarily mocking what is known from the religion or any ritual of Islam, whether through writing, drawing, declaring, or any other means.

26. *Federal Decree Law No. 2 of 2015 regarding Combating Discrimination and Hatred, published in the Federal Official Gazette in its issue issued on July 28. The text of the Decree Law, which stated in its Article No. 21, that the effective date of this Decree Law shall be one month after the date of its publication.*
27. *Libyan Penal Code No. 97659 of 1955.*

REFERENCES

First: Linguistics books:

I. *Ibn Manzur, Lisan al-Arabi, Volume Three, Dar al-Ma'arif, Cairo, without date of publication.*
II. *Al-Wajeez Dictionary, Arabic Language Academy, 1993 edition.*
III. *Mukhtar Al-Sahhah: Muhammad bin Abi Bakr bin Abdul Qadir Al-Razi, arranged by Mahmoud, Khater, Dar Al-Hadith edition, Cairo, without a year of publication.*

Second: Legal books:

I. *Ahmed Sorour, the relationship between freedom of expression and freedom of belief.*
II. *Ahmed Abdel Hamid Al-Rifai, International Criminal Liability for Infringing Religious Beliefs and Sanctities, A Study in Light of Freedom of Opinion and Expression, Cairo, Dar Al-Nahda Al-Arabiya, 2007.*
III. *Emile Badie Yacoub, Encyclopedia of Treasures of Knowledge, Religions, Dara Nazir Abboud, Lebanon, 1999.*
IV. *Dr. Yusra Hassan Al-Qassas: Criminal controls on freedom of opinion and expression (a comparative study), New University Press, 2014 edition.*
V. *Dr. Adel Abdel-Al Kharashi, The Crime of Violating the Sanctity of Religions and Contempt of Religions in Manufacturer Criminal Legislation and Islamic Criminal Legislation, first edition, National Center for Legal Publications, 2017.*
VI. *Dr. Abd al-Razzaq al-Sanhouri, Fundamentals of Jurisprudence, 1936 edition, Dr. Fatima Muhammad Abdel Aleem, The Impact of Religion on Legal Systems, A Comparative Study between*

Islam and Christianity, Dar Al Nahda Al Arabiya, 1st edition, 2001.

VII. *Dr. Alia Zakaria; Dr. Jamal Baravi: The crime of contempt of religion in international and national law, research published in the Journal of Sharia and Law, Volume 18, Issue 76, Year 32, October 2018.*

VIII. *Dr. Muhammad Al-Saeed Abdel Fattah, Criminal Protection of Freedom of Belief and People, an analytical fundamental study, National Center for Legal Publications, 2005.*

IX. *Abdel Hamid Al-Shawarbi, Expressive Crimes, Al-Ma'arif facility, Alexandria, 2004.*

X. *Mohsen Fouad Farag, Crimes of Thought, Opinion, and Publishing, Dar Al-Ghad Al-Arabi, Cairo, 2nd edition, 1993.*

XI. *Muhammad Rashad Tahoun, Freedom of Belief in Islamic Sharia, first edition, Etrak Publishing and Distribution, Egypt, 1998.*

XII. *Mustafa Kadhim Al-Zaidi: The crime of contempt of religion in Iraqi law, Journal of Legal Studies and Research, 2022.*

Third: Articles

I. *Khaled Suhail Al Mazrouei, The Crime of Contempt of Religion: An Analytical Study between Sharia and Law, Master's Thesis, College of Law at Al Ain University of Science and Technology 2016.*

II. *Hadeel Malik and Nidal Abbas. 2012. "The Role of International Law in Protecting Freedom of Opinion and Expression." Journal of Politics and International. Baghdad. Number 21.*

Fourth: Court Decisions:

I. *Decision of the Egyptian Court of Cassation on January 27, 1941, Appeal No. 653, of the 11th year of the Legal Code.*

II. *Decision of the Italian Constitutional Court in 1995 No. 440.*

Fifth: Foreign references:

I. *MATHIEU, La liberté d'expression en France: de la protection constitutionnelle aux menaces legislatives, vol. 123, n°1, 2007, p: 235.*

Sixth: Constitutions:

I. *The Iraqi Legislative Constitution of 2005.*
II. *The Constitution of the Arab Republic of Egypt of 1941.*
III. *The Algerian legislator, Law 1996, amended in 2016.*
IV. *The Constitution of the United Arab Emirates of 1971.*
V. *The Constitution of the State of Qatar in 2003*
VI. *French Law Constitution of 1978*
VII. *Italian Constitution of 1995.*
VIII. *The German Basic Constitution on Fundamental Rights issued in 1949, amended in 2012.*

Seventh: Laws:

I. *The Iraqi Penal Code No. 111 of 1969, as amended.*
II. *Egyptian Penal Code No. 58 of 1937.*
III. *The Lebanese Penal Code issued by Legislative Decree No. 340 of 1943.*
IV. *Qatari Penal Code No. 11 of 2004.*
V. *Libyan Penal Code.*
VI. *French Penal Code*
VII. *The Algerian Penal Code by Ordinance No. 66-156 of 1966, amended.*
VIII. *Decree issued by UAE Federal Law No. 2 of 2015 regarding combating discrimination and hatred.*
IX. *Irish Defamation Law of 2009.*