

# Religious Laws and Religious Crimes in Developing and developed Countries

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**Abstract - Religious law refers to a set of moral and ethical principles that are promoted and obeyed by individuals of various religious backgrounds and traditions all over the world. Examples of religions that follow religious law include Christianity, which bases its teachings on the Old Testament. The Shariah is a kind of Hinduism that adheres to the lessons of the Vedas, the Dharma, and other holy books. Sikhism is a syncretistic religion that combines elements of Buddhism, Hinduism, Jainism, and others. The texts of Jainism provide a code of conduct for followers. Three Gunavratas (Subsidiary Vows) and four Siksavratas (Vows that instruct and lead one's deeds) round up the five Oaths Vows of Anuvratas. Hate crimes and other forms of community violence have been frequent in India since since the country gained its freedom. Christians, Sikhs, and Muslims in India are all adversely affected by the country's history of religiously motivated violence. This form of violence is typically employed for the purpose of gaining power or influence in society or the economy. Mobs often react violently to these incidents, and in some cases governmental officials are directly involved, whether instigating violence through hate speech or downplaying the importance of an in-depth inquiry into the events that had place.**

**Keywords - Religious Laws, Religious Crimes, Developed Countries, Developing.**

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## 1. INTRODUCTION

When a body of law is founded on the morals, ethical ideals, and obligations of a certain religion, we say that it is religious law. Religion and the judicial system have had a symbiotic relationship ever since their inception. In India, everyone belongs to a different caste, follows a different religion, and has their own distinct set of values and beliefs. Their religious practises are controlled by a canon of scripture. The varied groups' established customs and rituals are taken into account during the whole process of formulating these rules. From the time of the first colonial settlers, Indians have followed these standards. Citizens in India now have the freedom to choose between their own "personal laws" and parallel secular laws after the government made the decision to restrict the system of "personal laws" based on religion and unique to particular groups. Christianity, Islam, and Hinduism are only three examples of the various religions whose personal rules have been codified and revised over time.

There can be no doubt about the close relationship between law and religion, with the latter often serving as a major factor in maintaining lawfulness within traditional social structures in many parts of the world. [1]

### 1.1 Religious laws

When people talk about "religious rules," they're usually referring to the moral and ethical precepts that

their respective faiths teach their followers to uphold. The laws came from the central god, and it was up to the prophets to make sure they were followed. An example of a religious law is the law contained in the Old Testament and followed by Christians; another is the law found in the Vedas and Dharmas and followed by Hindus; another is the Sharia and followed by Muslims; another is the Halakha and followed by Jews; and so on. In reality, a fundamental principle of any religion is the upholding of societal and interpersonal respect. Many believe it will bring about peace and togetherness in their lives. Disagreements are inevitable, and it is the differing perspectives of individuals that lead to conflicts, given the variety of ways in which people interpret religion. Thus, it appears that religion is to blame for triggering violence and tearing communities apart over the globe. [2]

### 1.2 Religious crimes

Every day, awful crimes are done in the name of religion, yet the great majority of people remain oblivious to this sad reality. Religious bigotry, a sort of hate crime, is broadly defined as any action that directly or indirectly threatens the religious freedom of another person or group, or that causes the adherents of that faith to experience serious distress. Acts of violence can take numerous forms, and they are often justified by citing religious justifications. Conflict, bigotry, violence, blasphemy, and other types of oppression are all instances. Since the dawn of human history, there has been a problem

with atrocities done in the name of religion all across the world. [3]

### 1.3 Religious crime types

There are several varieties of religiously motivated violence, including:

**i. Religious wars** - This is right up there with the worst examples of religious persecution. Numerous countries have been devastated by wars caused by religious strife. The Indo-Pakistani War of 1947–1948, the French Wars of Religion, Muslim invasions, Spanish invasions, etc. are only a few instances.

**ii. Religious Persecutions** - The term "religious persecution" refers to the systematic oppression of individuals or communities based on their beliefs.

**iii. Insulting religious sites** - The vandalization of religious buildings including mosques, temples, and churches is a widespread type of violence. These kinds of actions inflame the most vulnerable religious groups to more bloodshed.

**iv. Verbal violence**- To do so requires the dissemination of false propaganda and the denigration of other faiths.

**v. Gender violence** - Women and children are disproportionately affected by acts of religious violence. The ladies undergo enslavement, rape, kidnapping, and other atrocities at the hands of their oppressors.

**vi. Forced Conversions** - Most individuals are coerced into changing their faith against their will because they are afraid of being persecuted, punished, or treated unfairly if they do not conform to the dominant religion.

### 1.4 Causes of Religious crimes

Religiously motivated violence has several causes. Let's talk about a few of them.

**i. Communal ideology** - Incompatible worldviews are the primary cause of religious violence. All faiths are at odds with one another because they have radically different views on the meaning of life.

**ii. Political organization**- Government and political parties spread religious intolerance by promoting one particular faith. Because of this, members of religious minorities in that nation become fearful and more likely to perform criminal acts.

**iii. Poor implementation of Secular laws** - Many of the world's democracies embrace the idea of "Secularism" wholeheartedly. The Preamble of our Indian Constitution explicitly lists secularism as one of the goals of the country. When politics gets in the way,

religious law takes precedence over secular law, which often results in bloodshed.

**iv. Ineffective handling of crimes** - This contributes to religious violence in a roundabout way. Unfortunately, most acts of violence against religious communities are never recorded or punished in any meaningful way.

**v. Religious intolerance** - People of different faiths are often assumed to be tolerant of one another in nations like India, which is well-known for its variety. Actually, disagreements arise due to a failure to respect one another's religious beliefs and the existence of competing worldviews.

**vi. Economic interests** - In terms of material well-being, there is a wide gap between the various faiths. It is not uncommon for governments to enact laws that are biased towards people of different faiths. As a result, tensions rise and sometimes even turn violent amongst people of various faiths.

## 2. RELIGIOUS CRIMES IN DEVELOPED COUNTRIES

It's commonly assumed that religiously motivated violence is rarer in modern nations. It's true that they face the threat of religious crimes too, just as the underdeveloped countries. The growing climate of "Islamophobia in the United Kingdom" poses a serious threat to the country's Muslim minorities. Invasion of mosques, sending of threatening letters, and the dumping of pork-related objects into mosques are only a few examples of the many acts of hate committed against Muslims without any justification. In the name of Islam, Muslim women are being persecuted and abused. As an illustration, consider the case of a pregnant woman who is severely battered to the point where the baby is lost. The United States of America is another industrialised nation where hate crimes have increased. Statistics show that one in five hate crimes had a religious motivation. Sixty-three percent of hate crimes were directed towards Jews, while thirteen percent were directed at Muslims. In fact, the vast majority of hate crimes never make it to the police's radar, therefore the FBI's data on the topic is limited at best.

The Christchurch terror incident, which killed 49 people in two mosques, raises concerns about Islamophobia. Minority Muslims are now worried. The survey by the NSW Police Force found that the vast majority of hate crimes were motivated by religion, specifically targeting Muslims. Verbal harassment, vandalism, violence, bias, and so on were all examples. Many members of religious minorities, including Tibetan Buddhists, Uighur Muslims, etc., have been exploited and subjected to forced conversions in China. Other wealthy nations likewise have a problem with violence. [4]

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

The first place that comes to mind is India, which is itself a very diverse country. Every day in the news, we read about an act of religiously motivated violence. Conflicts between Hindus and Muslims, like the well-known Babri Masjid event and the Godhra Train Incident, have been a major contributor to the current state of affairs in India. On top of that, Islamic terrorist organisations have been responsible for the demolition of sacred places, the mass murder of innocent people, severe torture, and other crimes against the Kashmiri Pandits. In a similar vein, Islam is the dominant religion in Saudi Arabia. Non-Muslims are subjected to societal restrictions and widespread prejudice. The government has outlawed the open exhibition of non-Islamic religious items and has conducted raids on secret house churches.

Religious minorities have been the target of genocide, torture, rape, sexual assault, and extortion in nations like Syria and Iraq. Daesh, an Islamic terrorist organisation, is responsible for these massacres because it seeks to wipe out the region's religious minorities. The most basic forms of bias and rights denial might amount to religious crimes. Minorities such as Hindus, Christians, and Sikhs in Pakistan face discrimination and are sometimes wrongly accused of making offensive comments. Worshipers, churches, and Ahmadi mosques have been attacked. Christians in Israel are demanding security since they are the target of rising numbers of hate crimes. Both Jewish and Muslim extremists teach their followers to hate Christians and use political propaganda to spread this message. Several incidents of religious discrimination and hate crimes in underdeveloped nations have been brought before the commission on Human Rights. [5]

### **4. WAY FORWARD**

As a result of these acts of religious violence, many individuals have lost their lives, families, and homes. So, it's important to do more than merely look at these atrocities; action is needed. The following are a few solutions that have been proposed to deal with this issue.

- To start, it's important to start educating kids from an early age on all the different religions so that they don't grow up with any preconceived notions or biases. Training for police personnel to better record and respond to these offences is possible at a higher level.
- Secondly, all nations should adopt secular legal codes. Unlike religious fundamentalism, secularism protects the rights of all individuals without regard to their religious beliefs. Author and associate of the National Secular Society Taslima Nasreen argues that India must embrace the Uniform Civil Code, which calls for the abolition of personal religious rules in favour of a more equitable legal framework.

- Third, the current laws that penalise these religious offences need to be modernised to avoid being superseded by more harsher laws. The laws should seek to ensure fundamental human rights and foster diversity by enabling minority religious groups to participate in the operation of government and public agencies.
- Fourth, it's important that those who have been affected by these religiously motivated atrocities have a voice in the judicial trials against their perpetrators. This has the potential to improve communication and facilitate peacemaking between the two factions. It has the potential to reduce ideological tensions as well.
- As a fifth point, the media and civil society groups may help in the fight against these kinds of religious crimes. They need to work to harmonise criminal legislation with the prevalence of social media.
- Finally, police personnel should make every effort to ensure that victims of hate crimes report the incidents and that appropriate action is taken against those responsible. [6]

### **5. LAWS PERTAINING TO RELIGION**

The elimination of incitement to violence against any religion is one of the stated goals of the International Covenant on Civil and Political Rights, signed in 1966, the International Covenant on the Elimination of All Forms of Racial Discrimination (ICERD), signed in 1965, and the International Convention for the Protection of All Persons from Discrimination on the Basis of Race, signed in 1966.

According to Article 4 of the International Convention for the Elimination of All Forms of Racial Discrimination, it is illegal for any religion to assert its superiority in a way that can incite conflict among people of other religions or prejudice towards people of other races. To end all forms of racial discrimination, this provision was inserted to the treaty. Every world leader took an oath in 2005 to defend their people from crimes against humanity, genocide, and war crimes.[7]

### **6. RELIGION (INDIAN PERSPECTIVE)**

Indian law has its own history and customs. For authoritative legal guidance, the Arthashastra (written about 400 B.C.) and manusmriti (written around 100 A.D.) were looked to. Religion has always played a key role in Indian society, from the formation of the legal system to the development of social norms and customs. To which faith the vast majority of Indians have pledged allegiance.

The 2011 census data from All Indian Religion shows that Honorius make up 79.80% of the overall population. In terms of adherents, Muslims make up 14.23%, while Christians make up just 2.30 Sikhs make up 1.72 percent, followed by Buddhists at 0.70

percent, Jains at 0.37 percent, and others at 0.66 percent. The Indian government, at its highest levels, is tolerant of all religions. While "secularism" is acknowledged in India's top legislation, the constitution, all people are guaranteed the right to religious freedom. [8]

People's religious beliefs are protected by Indian law, however those who abuse this protection face criminal penalties. Although religion is often viewed as a means of liberation, there are serious problems within the religious community that, if not addressed, might lead to crimes motivated by religious intolerance.

## 7. NEGATIVE IMPACT OF RELIGION

The connection between criminal activity and religious beliefs is the primary challenge that emerging countries must overcome. The number of criminal offences connected to religion has skyrocketed over the past year. In the name of religion, the nation is driven by perverted ideologies, and in many countries, such as India, Egypt, Turkey, Israel, Iran, and Afghanistan, parties or communities with such ideologies have achieved breakthroughs in electoral systems and have also established theocratic governments. This is the case even though the nation is driven by perverted ideologies.

In the 21st century, when technology is entertaining us on the one hand and frustrating us on the other. Abortion, marriage between people of the same gender, hostility 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 rise. [9]

## 8. HATE CRIMES

- **9/11 ATTACK:**In the attack on September 11, hijackers who were responsible for killing innocent people were persuaded by the perverted ideology of Al Qaeda in the guise of Islam.
- **NAZI SLAUGHTER OF JEWS :**A hate crime was committed by Nazi Germany when it implemented the Final Solution, a code term for the mass slaughter of all Jews within the Reich's grasp.
- **RWANDAN CIVIL WAR:**Rival Hutu and Tutsi factions among the Rwandan people have been at odds for a long time, leading to fighting between the Rwandan military and a patriotic militia.
- **EXODUS OF KASHMIR HINDU:**Masked men raced through the streets of Kashmir with AK-47s, killing Kashmiri pundits and other Hindus who refused to flee the region.

Hate crimes are acts of violence committed against a person because of their membership in a particular social group, such as race, religion, or sexual orientation.

Suppression of hate crimes is becoming a hot topic of discussion on a global and national scale. We can observe the devastating effects that religiously motivated hate crimes have on all facets of modern life.[10]

## 8.1 Role Of Religious Law In Hate Crime

As was said before, there are a few examples of hate crimes that occurred between two different religions; nevertheless, there is one more aspect of hate crime that has to be addressed on a priority basis, and that is the religious legislation. It is an undeniable fact that every nation on the face of the earth has accepted laws on the basis of their religious teachings, and those laws have been backed with penal provision. The major disadvantage of such laws, however, is that they have not been tested to determine whether or not they can be applied to the current generation. As is common knowledge, it is difficult to follow a law that is rigid in nature. The purpose of this article is to provide light on certain laws that are adopted based on religious doctrine, although the laws' intent would discriminate against gender and communities.[11]

## 9. RELIGION AND HUMAN RIGHTS

It is not uncommon for the term "religion and law" to be used nowadays to refer to the more expansive sphere of modern life that is ostensibly controlled by protections for religious freedom in national constitutions, transnational agreements, and other international legal instruments. The Enlightenment's guarantees of religious freedom in the West have proven insufficient in the face of growing pressure to recognise and protect a broader range of religious practises from both established religious communities and emerging religious movements, some of which are unwilling to accept the legal implications of secularisation. Despite widespread calls for contemporary, secular law to recognise (or at least appear to recognise) the significant impact religion has on individuals and communities, this goal is complicated by the universalist assumptions underlying such legislation.

## 10. NAMES OF SOME COUNTRIES HAVING RELIGIOUS FREEDOM

The extent to which citizens of different countries enjoy legal protection for their religious beliefs varies widely.[12]

- **Sweden:**For its residents to practise their religion freely, Sweden is recognised as the sixth best country in the world.
- **New Zealand:**When it comes to allowing its inhabitants to freely practise their religion, New Zealand is listed in at number 12.
- **Denmark:**According to an international ranking of countries' tolerance of religious diversity, Denmark comes in at number 13.



- **Belgium:**The international index of religious freedom ranks Belgium at number seventeen.
- **United Kingdom:**When it comes to allowing its residents freedom of religion, the United Kingdom ranks fifth in the world.

## 11. CONCLUSION

Crimes motivated by religion are a problem that plagues an unacceptable number of people in both industrialised and developing nations. If we wait too long to take action, it will worsen, which will result in greater damage to humanity. Not only would it have an effect on religious minorities, but it will also have a negative effect on the prosperity and economics of the country. As a result, it is of the utmost importance to improve the quality of the law enforcement agencies within the criminal justice system. In addition, there must be a promotion of variety as well as an interchange of diverse religious beliefs since doing so may still result in tolerance and cooperation amongst the many religious groups. On a global scale, the commission of these crimes can be brought under control by bolstering existing international institutions and using more effective diplomatic strategies. As a result, this subject has to be examined in great detail, and the nations involved need to take the appropriate actions to put a stop to these criminal acts.

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