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# STUDY ON RELIGIOUS LAWS AND RELIGIOUS CRIMES IN DEVELOPING AND DEVELOPED COUNTRIES

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## ABSTRACT

The term "Religious Law" refers to any kind of traditional practices/customs that have been followed by people for centuries, as well as an ethical and moral code of conduct that are preached/practiced by people of various religions around the world, such as Christianity, which follows the principles of the Old Testament, also known as biblical law, and Hinduism, which follows the principles of dharma, Vedas, and other religious texts. Sikhism is a religion that combines all of the beliefs of Buddhism, Hinduism, Jainism, and other religions, and believes that there is only one God. Jainism adheres to the scriptures, which describe the five vows. Non-violence, truthfulness, non-possession, chastity, and non-stealing are the minor or restricted vows, followed by three gunavratas (subsidiary vows), and four siksavratas (instructions and following the path of discipline). If we talk about the different types of religious laws in the world, they are all sacred in nature and teach everyone to respect the society and the people in it. On the other hand, the term "Religious Crimes" or "Religious Offenses" refers to an activity that may offend the religious opinions or beliefs of people belonging to a particular religion or that may have a negative impact on them, also known as "Sin". Most people believe that religion reduces crime, which is accurate since it preaches religious books, scriptures, and other religious materials. Countries with a single (state religion) have lower crime rates. Religious places such as churches, mosques, temples, and "Gurudwaras" apply and teach religious laws. This research paper will explore the origins of religious laws, compare them to secular laws, religion and crime, countries that provide religious freedom, examples of religious laws, and countries with official state religions.

**Keywords:** religious laws, religious crimes, religion, countries, freedom.

## INTRODUCTION

The term "religion" is derived from the Latin phrase "religio," which means "recital of required ceremonies and rituals in the name of gods"<sup>1</sup> according to Cicero, while the term "law" refers to the rules and regulations defined by the legislation that govern the aberrant behaviour of all members of society. Religious laws are a collection of customary practises, norms, and regulations that have existed for generations, or they are an ethical code of conduct and moral principles that have been observed by people of various religions for millennia. In many countries, religion has played a significant role from ancient times. It is the foundation of human existence, and its adherents must follow moral guidelines. It refers to a way of life that includes norms, traditions, and rituals that people must adhere to. People were obligated to respect religious regulations and claim religious rights prior to the advent of democracy. As a result, it is clear that religion served as a kind of law in primordial civilization, resulting in the establishment of religious laws.

Hinduism (Hindu Law), which is derived from the Sanskrit word "Sindhu"), is preached through the principles of Vedas, Smritis, Shrutis, Upanishads, Dharma, and customs. Sikhism<sup>2</sup> believes that there is only one god, that everyone is equal in the eyes of god, that one can live a good life only if they take care of others (community service), and that one can live a good life only i.e. Nam Japna, Kirt Karna & Vand Chakhna. The five vows are enumerated in Jainism's scriptures<sup>3</sup>. Non-violence, truthfulness, non-possession, chastity, and non-stealing are the minor or restricted vows, followed by three gunavratas (subsidiary vows), and four siksavratas (instructions and following the path of discipline). Christianity adheres to the principles of the Old Testament, also known as biblical law and canon law, which were developed and preached by an authority inside particular churches. Islam began during the prophet Muhammad's lifetime in Mecca, in modern-day Saudi Arabia. "Submission to God's will" is the meaning of the word "Islam." Islamists want to live a life in which they are completely obedient to Allah. "Jihad," which means "battle," is a major concept in Islam.

Internal and exterior efforts to defend the faith are referred to as jihad. If a "just war" is required,

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<sup>1</sup> Wikipedia (Religion), <https://en.wikipedia.org/wiki/Religion>

<sup>2</sup> Sikh Believes, <https://www.bbc.co.uk/religion/religions/sikhism/beliefs/beliefs.shtml>

<sup>3</sup> The lay Jain life code , <https://www.bbc.co.uk/religion/religions/jainism/living/layjaincode.shtml>

it may entail military jihad.<sup>4</sup>

### **Research Objectives**

- A. To know about religious laws.
- B. To know about religious crime.
- C. To know about the causes of religious crimes.

### **Research Questions**

- A. What are religious laws?
- B. What is religious crime?
- C. What are the causes of religious crimes?

## **REVIEW OF LITERATURE**

Government prohibitions on religion have increased significantly over the past decade, with 52 governments now imposing "high" or "very high" restrictions. This includes violence and harassment of religious groups, with the Middle East-North Africa region beginning with a high level of limitations. Europe and Sub-Saharan Africa have seen the most significant rises in the previous decade. Research examines the extent to which governments and societies interact (Cullen 2011). The National Crime Watch reported 282 attacks that resulted in 100 deaths and 704 injuries, with Muslim's accounting for 57 percent of the population. There is no special statute to deal with hate crimes, so there is an urgent need to ensure unity and brotherhood in the country. Every citizen has a responsibility to boycott atrocities perpetrated in the name of religion (Sachin Narang 2017). Religious institutions offer youth a normative set of guidelines, which can help to reduce antisocial behaviours. Religion has been shown to be an effective social control tool for teenagers and young adults, as individuals who are members of religious communities are less likely to engage in antisocial behaviours. This aligns with the social control theory(Walters 2014). Religions around the world have different approaches to devotion and spiritual observation, and the Old Testament torah is the oldest

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<sup>4</sup> ISLAM - FIVE PILLARS, NATION OF ISLAM & DEFINITION HISTORY.COM,  
<https://www.history.com/topics/religion/islam>

body of law. Homens of worship have been closed, development of new worship facilities has been blocked, and adherents of minority faiths have been arbitrarily arrested (Pranati et. Al 2015). This study investigates whether religion, in and of itself, or the opportunities it provides for its congregations to form social links, deters violent crime. It will look at religiosity in three ways: self-identification, frequency of religious service attendance, and religious organisation membership. Policies that promote active community engagement, reduce inequality, and improve public health can help to create a welcoming environment (Christine Marie 2013).

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

### **1. CHRISTIANITY**

Religious law in Christianity can be defined in various ways, such as the Mosaic Law and Jesus of Nazareth's instructions in the Gospel. Canons are the ecclesiastical laws that govern the Roman Catholic Church, the Eastern and Oriental Orthodox churches, and the Anglican Communion of churches. Canonists are those who are knowledgeable and skilled in canon law.

Pope Pius X issued the first Code of Canon Law in 1917, which was promulgated by Pope Benedict XV and became effective in 1918.<sup>5</sup>

Canon Law is the Roman Catholic Church's canon law.<sup>6</sup> According to Edson Luiz Sampel, a Brazilian canon law expert, canon law is contained in the birth of various institutes of civil law, such as the law in continental Europe and Latin American countries. The canons of the Orthodox Christian tradition are regarded as guidelines rather than laws. The dogmatic decisions of the Ecumenical Councils are to be followed rather than interpreted. Ecclesiastical courts in England have been royal courts since the Reformation. Henry VIII abolished the teaching of canon law. Instead, practitioners in ecclesiastical courts were educated in civil law.

In Scotland, Canon Law was repealed in 1638, following uprisings by Covenanters against the Bishops of Aberdeen following the convention at Muchalls Castle.

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<sup>5</sup> CANONLAW.INFO HOMEPAGE CANONLAW.INFO HOMEPAGE, <https://canonlaw.info/>

<sup>6</sup> MANUAL OF CANON LAW - BIDDLE LAW LIBRARY - UNIVERSITY OF PENNSYLVANIA, <http://link.law.upenn.edu/portal/Manual-of-canon-law-by-Fernando-della-Rocca/-vnQ85KbZGHk/>

## 2. HINDUISM

Hinduism includes a wide range of spiritual ideas and traditions, but there is no ecclesiastical order. Hindus can practise polytheism, pantheism, panentheism, or pandeism. Colonialism and Western notions of religion have shaped the study of India and its cultures and religions. Hinduism, as it is commonly known, is divided into several major currents. Vaishnavism (Vishnu), Shaivism (Shiva), Shaktism (Devi), and Smartism are the four major modern Hindu currents (five deities treated as equals).<sup>7</sup> According to Van Buitenen, Dharma is the pursuit and execution of one's true calling. Dharma, according to Krishna, is the upholding of both this-worldly and other-worldly affairs. Kama is a Sanskrit word that signifies "desire," "wish," "passion," "longing," "sensual pleasure," "aesthetic delight of life," "affection," or "love."<sup>8</sup>

## 3. ISLAM

Islam is the world's second most popular religion, meaning "submission to God's will". Muslims believe in a final judgement day and life after death. Muhammad preached that Allah was the only God and that Muslims should devote their lives to Him. After Muhammad's death, two major sects emerged: Sunnis and Shias. The first four caliphs were accepted by Sunni Muslims, while Ali and his descendants are considered legitimate successors by Shia Muslims.<sup>9</sup>

Sharia law is the Islamic moral code and religious law, also referred to as Islamic law, diverse nations, civilizations, and cultures have diverse interpretations of what the Sharia is. Sharia law addresses a wide range of topics that secular law does not, such as crime, politics, and the economy, as well as more private matters like eating, dressing, praying, and fasting. Islamist movements have always sought to re-establish sharia law in Muslim nations.

## 4. JUDAISM

The Mishnah, the halakhic Midrash, the Talmud, and its commentaries comprise the body of rabbinic Jewish religious regulations that derive from the Written and Oral Torah. Several legal and quasi-legal procedures, such as judicial decisions, legislative measures, and customary law, have influenced the development of halakhah. Jewish legal systems were developed in response

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<sup>7</sup> Derrett, HISTORY OF INDIAN LAW (DHARMASTRA) (1973)

<sup>8</sup> Madhuri M. Yadlapati, *Faith and transcendence in Hindu traditions*, UNIVERSITY OF ILLINOIS PRESS (2017)

<sup>9</sup> Otto, Jan Michiel (2008). p. 7. "When people refer to *the* sharia, they are in fact referring to *their* sharia, in the name of *the* eternal will of the Almighty God."

to shifting social norms based on Talmudic and Responsa literature. According to rabbinic tradition, there are 613 mitzvot in the written Torah. The precepts found in the Torah, often known as Moses' Law, apply to practically every facet of daily life.

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

### **A. Canon law**

Even though there were no established rules to rule the populace at the time, the beginnings of canon law may be found in the Christian era. All political, cultural, and social changes that have taken place since then are now codified in it.<sup>10</sup> After 1054, it developed in all western churches until the Reformation in the 16th century, when reformative churches ignored the idea of canon law as it was applied in churches in Rome, England, and other countries with some modifications and developed it in accordance with their own preferences. It mostly comprises of teaching and social activities that support the creation of institutions that offer vital services to the community's residents.

### **B. Hinduism**

Hinduism, also known as Hindu religion, is the world's oldest religion, with over 4,000 adherents and is the world's third largest religion after Islam and Christianity. It's impossible to pinpoint Hinduism's origins because no one knows who its originator is; instead, it's claimed to be a synthesis of other religions' rituals and traditions.<sup>11</sup>

### **C. Sharia law**

The Islamic tradition is where the religious code known as Sharia has its roots. It is derived from Islamic religious teachings and is based on interpretations of the Quran and Hadith. The way it is applied today has been a point of disagreement between Muslim modernists and fundamentalists. Over the years, Sunni Muslim muftis have gradually become part of governing bodies. Ruler-issued economic, criminal, and administrative regulations were

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<sup>10</sup> Canon Law Encyclopaedia Britannica, <https://www.britannica.com/topic/canon-law>

<sup>11</sup> Hinduism, <https://www.history.com/topics/religion/hinduism>

included to the fiqh. The earliest attempt to codify Sharia law was through the Ottoman civil code, which was in effect from 1869 until 1876.<sup>12</sup>

## WHAT ARE RELIGIOUS CRIMES?

Religious crimes are closely tied to religion and, regrettably, are a common occurrence that most people are ignorant of. Religious crimes are described as acts that violate religious sensibilities and elicit significant negative feelings in those who hold strong religious beliefs. Religious violence can take many forms, including wars, hate crimes, physical assault, blasphemy, persecution, and so on. As a result, religious crimes have been a global issue since the dawn of time.

### *A must-know guide to religious crime*

- i. **Religious conflicts** - This type of religious terrorism is especially horrible. War has resulted from religious conflicts that have wreaked havoc in many nations. A few instances include the Indo-Pakistan War of 1947–1948, Muslim invasions, Spanish invasions, and French Wars of Religion.
- ii. **Persecutions of Religious Minorities**- Individuals or members of a particular religious group are subjected to systematic ill-treatment as a result of their religious affiliation.
- iii. **Desecration of sacred sites** - Desecration of sacred locations, such as mosques and temples, is one of the most common types of violence. These types of efforts inspire even more violence among the weaker religious groups.
- iv. **Violence in the form of words**- Verbal aggression entails fostering hatred and defaming other religious organisations through false propaganda.
- v. **Gender violence** - Women and children are the victims of the majority of religious offences. Slavery, rape, abduction, and other forms of abuse are perpetrated against the women.
- vi. **Conversions that are forced**- People are generally coerced to convert to other religions against their choice, fearing penalties, fines, discrimination, and other consequences.

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<sup>12</sup> THE OXFORD DICTIONARY OF ISLAM GOOGLE BOOKS,  
[https://books.google.com/books/about/The\\_Oxford\\_Dictionary\\_of\\_Islam.html?id=6VeCWQfVNjkC](https://books.google.com/books/about/The_Oxford_Dictionary_of_Islam.html?id=6VeCWQfVNjkC)

## GROUNDS OF RELIGIOUS CRIMES

Religious crimes are caused by a variety of circumstances. Let's take a look at a few of them.

- i. **Conflicting ideologies** - The first and most important aspect that leads to religious crimes is ideological disagreement. Different religions have opposing viewpoints on life and are at odds with one another.
- ii. **Political organisations**– By advocating a specific religion, the government and political parties foster enmity. This instils fear in the minds of members of a minority religion in that country, leading them to commit crimes.
- iii. **Poor application of secular legislation** - Secularism is a common notion in many democratic countries around the world. Secularism is explicitly defined as one of the Preamble's goals in our Indian constitution. Religious laws predominate over secular laws as a result of governmental meddling, resulting in violence.
- iv. **Ineffective crime-solving** - This is an ancillary factor that contributes to otherworldly crimes. The majority of religious offences are undetected, and no action is done against the criminals.
- v. **Religious bigotry** - It is assumed that people of different religions are forbearing of each other in nations like India, which is famed for its diversity. In reality, tensions between them are caused by a lack of religious tolerance and differing viewpoints.
- vi. **Economic considerations** - There is a significant discrepancy in the standard of life among religious groupings. Some authorities also have a history of enacting discriminatory regulations based on religion. Civil upheaval and hostility between religious groups emerge as a result of this.

## RELIGIOUS CRIMES IN DEVELOPED COUNTRIES

It is commonly assumed that crimes involving religion are less likely to occur in industrialised countries. In actuality, they are threatened by religious crimes in the same way as developing countries are. The prevalence of Islamophobia in the United Kingdom poses a threat to minority Muslim communities. Unfounded anti-Muslim sentiment exists, and hate crimes such as



mosque invasions, threatening letters, and dumping pork-related objects into mosques are common. Muslim women are targeted and subjected to cruelty in the name of Islam. One example is a pregnant woman who was severely beaten, resulting in a miscarriage. Hate crimes have also increased in another developed country, the United States of America. According to statistics on religious hate crimes, 1 out of every 5 hate crimes was committed against someone due to their religion. Anti-Jewish offences accounted for 60.3 percent of all religious offences, while anti-Islamic offences accounted for 13.3 percent. The majority of hate crimes go undetected, and the FBI's numbers are ambiguous. The Christchurch terror assault, which took place in Australia and killed 49 people in New Zealand mosques, is another occurrence that raises concerns about Islamophobia. In the minds of minority Muslims, this has caused dread and tension. The majority of hate crimes targeted Muslims, according to a survey performed by the NSW Police Force. Verbal abuse, vandalism, assault, discrimination, and other forms of harassment were among them. Minority religions, such as Tibetan Buddhists, Uighur Muslims, and others, have been exploited and forcibly converted in China as well. Other developed countries have seen similar violence.

## **RELIGIOUS CRIMES IN DEVELOPING COUNTRIES**

The first example that comes to mind is the diversity that is celebrated in our own country, India. We read in the news on a daily basis about incidents of religious violence. The Babri Masjid incident and the Godhra Train Incident, both of which raised tensions between the two populations, are among the most notable Hindu-Muslim conflicts. Islamic terrorist organisations also committed crimes against Kashmiri Pandits, including the destruction of revered sites, mass murder, brutal torture, and other calamities. Islam is a religion that is widely practised in Saudi Arabia. Non-Muslims are exposed to limitations and face prejudice. Non-Islamic religious symbols cannot be shown in public locations, and the government has raided private residences where churches were holding services.

Mass executions, physical abuse, rape, sexual violence, and extortion against religious minorities have occurred in nations such as Syria and Iraq. Daesh, an Islamic extremist organisation, is responsible for these atrocities in order to exterminate religious minorities. Simple discrimination and denial of rights are examples of religious crimes. In Pakistan, there is prejudice against Hindus, Christians, and Sikhs, who are wrongly censured of making insulting statements. Worshippers, churches, and Ahmadi mosques have all been attacked.

Because of the rising number of hate crimes perpetrated against Christians in Israel, Christians feel the need for security. Extremist groups, whether Jews or Muslims, use education or political propaganda to promote hostility toward Christianity. Several cases of religious discrimination and hate crimes in developing nations have been heard by the UN Human Rights Commission.

## **CONCLUSION**

Religious rules are ethical and moral codes of conduct that adherents of different religions preach. Hinduism encompasses a vast range of spiritual concepts and traditions, while Islam is the world's second most popular religion. Religious crimes are defined as acts that offend religious sensibilities and arouse unpleasant emotions in people who hold strong religious convictions. Islamophobia is prevalent in the United Kingdom, posing a threat to minority Muslim communities, and hate crimes like mosque invasions are regular. In underdeveloped countries, religious discrimination and hate crimes are common. Non-Muslims are subjected to restrictions and discrimination in Saudi Arabia, Hindus, Christians, and Sikhs face discrimination in Pakistan, and Christians feel the need for security due to the rise in hate crimes against Christians in Israel.

So, the most important details are that any suspect activity should be reported to the police, that instilling healthy habits in the youngsters, not engaging in criminal activity, maintaining pleasant ties with each other, and more people should participate in initiatives and programmes that teach people to respect the beliefs of others. This can improve transparency and aid in the reconciliation process between the two groups and bring ideological conflicts to a halt.

Religious crimes affect many individuals in both rich and developing nations, and if they are not stopped, they could get worse and do more harm to humanity. Improved law enforcement organisations are required, as well as the encouragement of religious engagement and diversity. To lessen these crimes, international bodies and foreign policies should also be enhanced. Everyone born on this planet has the freedom to practise their chosen religion, and the majority of religious crimes target children, according to the Universal Declaration of Human Rights. People should be educated to respect one another's beliefs at an early age, and nations should take proper action to stop these atrocities, in order to reduce these crimes.

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