

Protecting the Religious Belief: A Study on the Blasphemy Laws Across Jurisdictions and Religions

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Abstract

The purpose of this article is to examine legal and religious dimensions of blasphemy in the provisions of Penal Code of Indonesia, Kuwaiti law correspond to the established principles of Islamic, Christianity, and Hinduism. This is through employing a critical and comparative approach, the study compares the foundational of Penal Code of Indonesia and the Kuwaiti legislation as well as Islamic *Sharia*, Christianity and Hinduism, identifying areas of overlap in criminalizing offenses against religious belief. The paper found that the Penal Code of



Indonesia criminalizes incitement or coercion aimed at making others abandon their religion or belief through violence or threats, while Kuwaiti law largely reflects the *Sharia* based prohibition of conduct deemed offensive to sacred values. The underlying philosophies behind the criminalization of blasphemy in Islamic *Sharia*, Penal Code Kuwaiti law, may differ in their foundational justifications, they join on a shared notion, to protect religious thoughts and prevent the incitement of discord and hatred under freedom of expression. From the Christianity perspective, Christians are taught not only to forgive, pray for, and bless the offender, but also, if needed, to pursue legal avenues as provided by national laws. Hinduism places greater importance on maintaining fraternal relationships among humans being than on defending the honour of the religion or its deities. If an act is deemed blasphemous according to the law of the state, the recommended course of action in Hinduism is to restore spiritual balance through a ritual of atonement known as Prayascitta.

KEYWORDS: *Blasphemy, Penal Code, Kuwaiti legal system, Islamic jurisprudence, Christianity.*

Introduction

It could be argued that blasphemy is often located at a delicate intersection between the right to freedom of expression and belief and the societal obligation to uphold respect for religious beliefs.¹ This has sparked debate in both jurisprudential and social field, due to its implications that touch upon religious values and constitutional rights alike. While freedom of expression holds a prominent place in modern legal systems,² its exercise remains subject to the condition of not infringing upon the rights of others or violating their beliefs and sacred symbols.³ In this context, the criminalization of blasphemy is not considered an illegitimate restriction of this freedom as long as it is in

¹ Prasetyani, Rurin Sisilia, and Shally Saniyya Novina. "The Interpretation of Freedom of Religion and Believe: How Do University Understand This to Society?." *The Indonesian Journal of International Clinical Legal Education* 2, no. 1 (2020): 15-28.

² Chhachhar, Varun, and Wol Deng Akech. "Freedom of Expression in South Sudanese Judicial Struggle: Bought or Fought For? With Special Reference to India." *Journal of Law and Legal Reform* 5, no. 4 (2024): 1575-1608.

³ Petersen, Marie Juul. "Freedom of religion or belief and freedom of expression." *The Review of Faith & International Affairs* 20, no.2 (2022): 40-48.

accordance with the principle proportionality by not targeting activities and expression that should be protected,⁴ but rather a regulatory measure aimed at preserving peaceful coexistence and ensuring respect for religious diversity.

Based on this, this paper seeks to provide a comparative analysis of the concept of blasphemy within Islamic *Sharia*, Christianity, as well as Hinduism and its position in the jurisprudence, alongside the Penal Code of Indonesia and the Kuwaiti law on this theme. The objective is to analyze points of convergence and to explore the foundational principles underpinning Islamic *Sharia*, Christianity as well as Hinduism and Penal Code of Indonesia and Kuwaiti law in regulating the relationship between freedom of expression and the protection of religious beliefs.

This paper focuses on the legal and religious jurisprudence dimensions of blasphemy, examining the extent to which the provisions of Penal Code of Indonesia and Kuwaiti law correspond with established principles of Islamic, Christianity and Hinduism jurisprudence, in criminalizing offenses against religious sanctities. It further seeks to explain the balance between protecting religious beliefs and the constitutional guarantee of freedom of expression. The central assumption of the study is that both Penal Code of Indonesia and Kuwaiti legal provisions concerning blasphemy largely reflect the jurisprudence foundations of Islamic *Sharia*, Christianity, and Hinduism in prohibiting actions deemed offensive to sacred values. Nonetheless, the paper acknowledges certain differences in the underlying legal and normative foundations between the various frameworks. The study also contends that a principled reconciliation between the protection of religious sanctities and the preservation of expressive freedoms is achievable through the adoption of a clear legal framework that distinguishes between permissible critique and punishable blasphemy.

This study employs an analytical approach to examine the relevant *Sharia*, Christianity as well as Hinduism based and legal texts, a comparative methodology to identify points of convergence and divergence between Islamic *Sharia*, Christianity, as well as Hinduism and the Penal Code of Indonesia and Kuwaiti law, and a critical lens to explore the underlying legal and doctrinal challenges. Considering the

⁴ Indrayanti, Kadek Wiwik, and Anak Agung Ayu Nanda Saraswati. "Criminalizing and penalizing blasphemy: the need to adopt a human rights approach in the reform of Indonesia's blasphemy law." *Cogent Social Sciences* 8, no. 1 (2022): 2104704.

limited scope of this paper, the legal provisions related to categories of punishment will be presented without in-depth analysis, as prior studies have already offered comprehensive interpretations of these texts. This brief treatment is intended to avoid excessive elaboration and to ensure that the paper remains focused on its primary objectives. Additionally, despite presenting a foundational understanding of blasphemy, the paper recognises that the notion itself remains conceptually contested.

Foundational Concept of Blasphemy

To begin with, it is important to acknowledge that the concept of blasphemy requires deeper exploration. Nevertheless, for the purposes of this paper, it may be described as a form of hate speech directed toward religion, particularly when considering religion is examined from a broader conceptual or societal perspective.⁵ Blasphemy is an act committed by a person with the aim of degrading God or religion in evil ways. According to Black's Law Dictionary, blasphemy is defined as any verbal or written reproach that is maliciously hurled at God, His name, nature, or religion. This includes the idea of reduction when used against the most-high, as slander usually carries the same idea when applied to an individual.⁶

Blasphemy also refers to actions or expressions that convey contempt, ridicule, or insult toward religious beliefs or sacred symbols associated with a particular faith. This concept is inherently arguable and is found at a sensitive intersection between freedom of expression and obligation to respect religious convictions. Blasphemy is characterized by deliberate acts or statements - whether verbal, symbolic, or through media - that are perceived as offensive to religious values, rituals, symbols, or scriptures. Legal jurisprudence often emphasizes the importance of distinguishing between legitimate critique of religion, which falls within the domain of protected expression and intellectual reflections, and blasphemy, which assumes a provocative tone directed at adherents of a specific religion.⁷

⁵ Sherwood, Yvonne. *Blasphemy: a very short introduction*. Vol. 681. (Oxford: Oxford University Press, 2021).

⁶ Perret, Roy W. "Blasphemy." *Sophia* 26, no. 2 (1987): 4-14.

⁷ Umm Kulthum Hakoum Dawood Ben Yahya and Sakinah Mohamed Mohamed Abdelhalim, Freedom of Expression and Blasphemy: A *Maqasid*-Based Study in Light of the Prophetic Biography, *Journal of Arts* 11, no. 1 (2023): 324-376.

Blasphemy can also be understood as an act intended to damage, destroy, or undermine respect for and belief in God. It can be committed verbally, through words, or in written form containing statements insulting or demeaning God or religion.⁸ It occurs when an individual deliberately insults Almighty God or a religion with the intent of degrading the divine or the faith in the eyes of others.⁹ Examples of blasphemous acts are insulting God or His messengers, mocking holy scriptures, denying God's existence or providence, and making vulgar remarks about Christ.¹⁰ Other concept of blasphemy refers to an act where someone expresses something evil about God with the intention of undermining His existence and alienating human minds from the love and reverence of the Creator. This aligns with Blackstone's explanation that blasphemy against Almighty God denies His existence or providence.¹¹

Due to the reprehensible nature of blasphemy, many countries have criminalized such acts. The United States of America classified blasphemy as a criminal offence, including cursing God with malicious words or mocking Christ provocatively.¹² Similarly, the United Kingdom has also categorized blasphemy as a prohibited act.¹³ Countries banning blasphemy through legislation generally do so out of a desire to curb cases of religious hatred and to protect religious beliefs. These laws also are aimed at maintaining public morality and preserving sacred values in social life.¹⁴ In Pennsylvania, the criminalization of blasphemy even extends to corporations.¹⁵ The Blasphemy Law regulates that legal entity names must not contain blasphemous, profane, or obscene

⁸ Cliteur, Paul, and Tom Herrenberg. *The Fall and Rise of Blasphemy Law*. (Leiden: Leiden University Press, 2016).

⁹ de la Fuente, Oscar Pérez. "Blasphemy as a thick concept." *The Age of Human Rights Journal* 14 (2020): 37-62.

¹⁰ Cliteur, Paul, and Tom Herrenberg. *The Fall and Rise of Blasphemy Law*. (Leiden: Leiden University Press, 2016).

¹¹ Jones, Peter. "Blasphemy, offensiveness and law." *British Journal of Political Science* 10, no. 2 (1980): 129-148.

¹² Strang, Lee J. "The Meaning of" Religion" in the First Amendment." *Duquesne Law Review* 40, no. 2 (2002): 181.

¹³ Post, Robert C. "Cultural Heterogeneity and Law: Pornography, Blasphemy, and the First Amendment." *California Law Review* (1988): 297-335.

¹⁴ Patrick, Jeremy. "The curious persistence of blasphemy." *Florida Journal of International Law* 23, no. 2 (2011): 187-220.

¹⁵ Stone, Geoffrey R. "The Second Great Awakening: A Christian Nation?." *Georgia State University Law Review* 26, no. 4 (2012): 10.

language, nor anything that defames God.¹⁶ This is an explicit prohibition against insulting God, Jesus Christ, and the Holy Scriptures.¹⁷

Blasphemy is deemed as a criminal act in many countries because it is often carried out deliberately, with the intent to revile, insult, and mock God using inappropriate language. Blasphemy laws may impose criminal sanctions on individuals who offend, insult, or degrade a particular religion. However, from a human rights perspective—especially concerning freedom of religion and belief—blasphemy laws are often perceived as inconsistent with international standards. They are viewed as failing to uphold human rights and are criticized for infringing on the right to freedom of expression and belief. These laws also give states the authority to determine what constitutes an offense against religious sanctity, placing it in the role of the ultimate arbiter of religious truth. Nevertheless, some United Nations member states openly support blasphemy laws, arguing that such laws can reduce the number of blasphemy-related incidents within their states borders.¹⁸

When differentiating between blasphemy and incitement to hatred, it is observed that the former targets religious beliefs, whereas the latter involves promoting hostility or violence against individuals or groups based on their religious identity. With in international level, the compatibility of blasphemy laws with constitutionally protected freedoms - particularly freedom of opinion and expression - remains a subject of ongoing debate. Certain international human rights organizations, argue that legal sanctions should be narrowly confined to cases involving genuine incitement to hatred or violence, alerting against excessive expansion of blasphemy laws in ways that may infringe upon essential liberties.¹⁹

¹⁶ Jones, Peter. "Blasphemy, offensiveness and law." *British Journal of Political Science* 10, no. 2 (1980): 129-148; Temperman, Jeroen. "Blasphemy, defamation of religions and human rights law." *Netherlands Quarterly of Human Rights* 26, no. 4 (2008): 517-545.

¹⁷ Karlberg, Carly. "Freedom of Expression in the Modern Age: An Obscure Blasphemy Statute and Its Effect on Business Naming", *Rutgers Journal of Law & Religion* 11 (2009): 269.

¹⁸ Fiss, Joelle, and Jocelyn Getgen Kestenbaum. *Respecting Rights?: Measuring the World's Blasphemy Laws*. (United States Commission on International Religious Freedom, 2017).

¹⁹ Barafi, Dr Jamal, and Dr Alia Zakaria. "The Crime of Contempt of Religions in International and National Laws." *UAEU Law Journal* 2018, no. 76 (2018): 5.

The Regulatory Framework of Blasphemy in Indonesia and Kuwait Legal System

A. Blasphemy under Penal Code of Indonesia

In the original version of the Old Penal Code, there was no specific article addressing religious offenses, although Article 156 could be categorized as such, as it concerns expressions that may affect religious communities. The concept of religious offense formally emerged following the enactment of Law No. 1/PNPS/1965 on the Prevention of Religious Abuse and/or Defamation, particularly through Article 4 of that law, which was later incorporated into Article 156a of the Penal Code. Article 156a was placed under Chapter V dealing with crimes against public order. This article criminalizes acts of expressing hostility, hatred, or contempt towards individuals or groups, especially on the basis of ethnicity, religion, or descent.²⁰

The background to the enactment of Article 156a of the Old Penal Code can be found in the general explanation of Presidential Decree No. 1 of 1965, arguing that in recent times, numerous mystical or spiritual organizations have emerged across Indonesia, whose teachings and practices conflict with the teachings and laws of recognized religions. Many of the actions or teachings of followers of these sects have been infringing the law, undermining national unity, and defaming religion. These spiritual organizations, which misuse or exploit religion as their basis, have grown in number and developed in ways that pose serious threats to existing religions. The Article specifically serves to emphasize criminal offenses related to religion. It is mentioned that:

Any person who deliberately, in public area, expresses feelings or commits acts: a) that are essentially hostile, abusive, or defamatory toward a religion adhered to in Indonesia; or b) with the intent of preventing others from adhering to any religion based on the belief in the One Supreme God shall be punished with a maximum imprisonment of five years.

²⁰ Subki, Tajus, Multazaam Muntahaa, and Ainul Azizah. "Analisis Yuridis Tindak Pidana Penodaan Agama (Putusan Pengadilan Negeri Sampang Nomor: 69/Pid. B/2012/Pn. Spg)." *Lentera Hukum* 1, no. 2 (2014): 54-65.

The explanatory notes of Article 4 of Law No. 1/PNPS/1965 state that the intention of this provision is sufficiently clarified in the general explanation above. The expression of such feelings or the commission of such acts may occur through speech or writing. In this context, there are two conduct that has been criminalized. The former refers to offenses that are fundamentally intended to hostile or contemptuous intentions. Thus, written or oral statements made in an objective, factual, and scholarly manner about a religion, while avoiding hostile or insulting language, do not constitute a criminal offense under this article. While the letter addresses individuals who, by committing such acts, not only disturb the peace of religious adherents but also fundamentally betray the first principle of the state (belief in the One Supreme God). Hence, it is appropriate that such actions be subject to criminal sanction. In addition, it is clear that blasphemy laws represent a complex intersection between religious doctrine and legal governance, embodying the delicate balance between freedom of expression and the protection of religious mockeries. Rooted in historical and cultural contexts, these laws often reflect societal attitudes toward blasphemy, shaping legal frameworks and judicial interpretations.²¹

The enforcement of Article 156a of the Old Penal Code has raised several issues, primarily because the concept of blasphemy is open to complex and diverse interpretations. It is also often sparking debates during judicial proceedings. There are two dominant views in judicial interpretation; 1) blasphemy is perceived as deviation from established religious doctrines. In this sense, the judges merely rely on the opinions of religious experts; and 2) blasphemy is defined as acts or expressions that are insulting, where judges tend to depend on linguistic experts.

The vagueness in the wording of Article 156a poses serious consequences. First, it can hinder freedom of opinion and expression, particularly in the context of religious discourse. Second, creating the legal uncertainty can lead to various interpretations among law enforcement officials that potentially result in injustice. Third, the article is often misused for political purposes or by specific interest groups. Article 4 of the Blasphemy Law tends to fail to provide clear guidance to law enforcement officials in identifying actions that constitute blasphemy. The lack of precise definitions for terms such as

²¹ Puspaningrum, Febrianti Dwi, Christoper Theovino Adhi, and Adrianus Sandy Darmawan Satrio. "A Comparative Study of Blasphemy Law in Indonesia and America: Religious and Legal Aspects." *Contemporary Issues on Interfaith Law and Society* 2, no. 1 (2023): 1-30.

“hostility,” “abuse,” and “defamation” renders the enforcement of this article highly subjective and legally uncertain.²² This leads to the significant challenges due to the subjective nature of what constitutes hostility or contempt toward religion.

Over the years, both of the constitutionality and validity of this article have been challenged many times before the Constitutional Court, including: 1) Decision No. 140/PUU-VII/2009 (April 19, 2010) — petition denied in full; 2) Decision No. 84/PUU-X/2012 (September 19, 2013) — petition denied in full; 3) Decision No. 76/PUU-XVI/2018 (October 8, 2018) — petition denied in full; and 4) Decision No. 79/PUU-XXI/2023 (September 6, 2023) — petition declared inadmissible. In the legal considerations of Decision No. 140/PUU-VII/2009, the judges stated that the Blasphemy Law does not limit religious freedom per se, but instead restricts expressions or actions that are hostile, abusive, or defamatory toward a religion, as well as activities or interpretations that deviate from the core doctrines of recognized religions in Indonesia. It is also important to argue that in the interest of public protection and the prevention of societal conflict—both horizontal and vertical—the Blasphemy Law remains essential. This legal reasoning confirms the necessity of maintaining legal provisions criminalizing blasphemy.

In Law No. 1 of 2023 on the revised Old Penal Code, the regulation of blasphemy is addressed in greater detail under Chapter VII, titled “Criminal Acts Against Religion, Belief, and Religious or Belief-Based Life.” Article 300 of the new Penal Code stipulates that “Any person who, in public: a) Commits acts of hostility; b) Expresses hatred or hostility; or c) Incites hostility, violence, or discrimination against the religion or belief of another person, group, or community based on religion or belief in Indonesia, shall be punished with imprisonment of up to three (3) years or a fine of up to category IV.” This article serves to reinforce the intent of Article 156a of the old Penal Code as a form of state protection for religious adherents in Indonesia from acts that insult, demean, or vilify religious beliefs. The distinctive features between the old and new Penal Codes lies not only in the formulation of elements of an offence but also in the interpretation of what constitutes blasphemy. In the old Penal Code, any public act or expression that is essentially hostile, abusive, or defamatory toward a religion could be considered

²² Faradilla Mursalim, Ainda. *Penafsiran Hukum Terhadap Pasal 156 a Kitab Undang-Undang Hukum Pidana Tentang Tindak Pidana Penodaan Agama (Tinjauan Terhadap Perkara Putusan Nomor 1612/Pid. B/2018/Pn. Mdn)*. Diss. Universitas Andalas, 2024.

blasphemy. In contrast, the new Penal Code stipulates that an act or expression cannot be categorized as blasphemy if it is made objectively, is limited to a private audience, or is presented in a scholarly context, while consciously avoiding hostile language, incitement, or defamatory expressions. Therefore, the new Penal Code provides a clearer and less ambiguous legal formulation for the regulation of blasphemy.²³ In conclusion, the regulation of the offense of blasphemy in the new Penal Code is more advanced compared to the old Penal Code, as the provisions in the new Penal Code provide greater legal certainty.

The new Penal Code also criminalizes the act of “publicly inciting others to abandon religion or belief recognized in Indonesia” or “coercing others, through violence or threats of violence, to abandon or change their religion or belief” (Article 302 of the KUHP). However, it does not prohibit individuals from converting to another religion or belief, as that is considered part of religious freedom. What is criminalized is incitement or coercion intended to make others abandon their religion or belief through violence or threats. As long as the converting to other religion or belief is based on the awareness of such person, without coercion, intimidation, or threats, it is purely a part of freedom of religion or belief.

An example of the application of the blasphemy offense is the case of Ahok's statement in the Thousand Islands regarding Surah Al-Maidah, verse 51, which was expressed in a manner that was considered an insult to Islam and should be held criminally accountable. To determine this accountability, the panel of judges in Decision No. 1537/Pid.B/2016/PN. Jkt Utr was correct in seeking the opinion of the Indonesian Ulema Council (MUI). Ahok lacked the competence and it was inappropriate for him to comment on the Quranic verse Surah Al-Maidah, verse 51, during an event in the Thousand Islands. Ahok acknowledged that his words would offend Muslims and, in particular, the scholars who teach the Quran. Such a statement tarnishes Islam and the consequences and circumstances surrounding it. With Ahok's acknowledgment of his responsibility, the elements of fault and unlawfulness were deemed to be present. A comparison between Ahok's blasphemy case and other blasphemy cases shows similar expressions of intent. To prove the presence of harmful actions and malicious intent,

²³ Azhari, Muhammad Iqbal, and Wendra Yunaldi. "Perbandingan Pengaturan Penistaan Agama berdasarkan Pasal 156a Undang-Undang No. 1 Tahun 1946 (KUHP Lama) dengan Pasal 300 Undang-undang No. 1 Tahun 2023 (KUHP Baru)." *INNOVATIVE: Journal of Social Science Research* 4, no. 5 (2024): 8029-8041.

which determine criminal liability in blasphemy offenses, reference is made to Constitutional Court Decision No. 140/PUU-VII/2009.²⁴

B. Blasphemy Laws in the Kuwaiti Legal System

The philosophy underlying the Kuwaiti legislator's approach to criminalizing blasphemy is grounded in a fusion of constitutional, religious, and societal reflections. This approach operates within a legal framework that mirrors the cultural and religious particularities of Kuwaiti society, seeking to achieve a careful balance between the protection of religious sanctities and the preservation of freedom of opinion and expression.²⁵ Central to this philosophy is Article 2 of the Kuwaiti Constitution, which affirms that Islamic *Sharia* is a primary source of legislation, from this constitutional anchor, it is inferred that the respect for religion - particularly Islam - constitutes a fundamental principle of the Kuwaiti legal directives. Accordingly, penal legislation is designed to protect religious values from public insult, particularly when such acts are likely to threaten national unity.²⁶

Simultaneously, Article 36 of Kuwaiti constitution guarantees freedom of opinion and scientific research, stating that it's guaranteed for every person, provided that, it does not exceed the bounds set by law. Yet, this constitutional guarantee is not absolute, rather, it is subject to legal limitations that reflect broader societal interests. In this context, the legislature does not consider acts of blasphemy or religious insult as protected expressions of opinion. Instead, legal restrictions are imposed to ensure that freedom of expression is not misused as grounds for offending religious beliefs or inciting social discord.²⁷

It could be argued that every individual has the right to adopt and hold the religious beliefs of their choice, so long as such belief does not

²⁴ Ramdan, Ajie. "Aspek-Aspek Konstitusional Penodaan Agama Serta Pertanggungjawaban Pidananya di Indonesia." *Jurnal Konstitusi* 15, no. 3 (2018): 616-641.

²⁵ The Constitution of the State of Kuwait, 1962, and its Explanatory Memorandum, Official Gazette; Law No. 19 of 2012 on the Protection of National Unity, State of Kuwait, and its Explanatory Memorandum.

²⁶ See The Constitution of the State of Kuwait, 1962.

²⁷ Kamal Mohamed El-Saeed Abdel-Kawy Oun, "Civil Liability for the Crime of Contempt of Religion: A Comparative Study", *Journal of the Faculty of Islamic and Arabic Studies for Girls in Damanhour Egypt*, 8, no. 1(2023).

result in a violation of public order or public morality.²⁸ However, it is important to distinguish between freedom of belief, which is absolute and internal, and the freedom to publicly manifest religious practices, which is subject to legal and societal limitations. In this regard, it is generally not deemed acceptable for adherents of non-divine religions to demand the unrestricted right to publicly perform their rituals in contexts where such practices may provoke tension or disrupt public order - particularly in societies where divine religions are deeply rooted in the cultural and legal fabric. This distinction reflects a broader effort to preserve social harmony while respecting the individual's internal right to belief.²⁹

Islamic *Sharia* guarantees freedom of belief through explicit Quranic texts. *Allah*, the Praised, says, 'There shall be no compulsion in acceptance of religion. The right path has become clear from the wrong. So, whoever disbelieves in false gods and believes in *Allah* has certainly grasped the firmest handhold with no break in it. And *Allah* is Hearing and Knowing'. And *Allah*, the Glorious, says, 'And had your Lord willed, those on earth would have believed - all of them entirely. Then, O Muhammad, would you compel the people in order that they become believers'.³⁰

{ لَا إِكْرَاهَ فِي الدِّينِ ۚ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ ۚ فَمَنْ يَكْفُرْ بِالطَّاغُوتِ وَيُؤْمِن بِاللَّهِ فَقَدِ
 { اسْتَمْسَكَ بِالْعُرْوَةِ الْوُثْقَىٰ لَا انْفِصَامَ لَهَا ۗ وَاللَّهُ سَمِيعٌ عَلِيمٌ
 { وَلَوْ شَاءَ رَبُّكَ لَآمَنَ مَن فِي الْأَرْضِ كُلُّهُم جَمِيعًا ۗ أَفَأَنْتَ تُكْرِهُ النَّاسَ حَتَّىٰ يَكُونُوا مُؤْمِنِينَ }

Therefore, it becomes evident that the philosophy of the Kuwaiti legislature in criminalising blasphemy is primarily rooted in the protection of religious sanctities from insult and in the preservation of social unity. Accordingly, freedom of expression is not absolute but is

²⁸ U.S. Department of State, Kuwait 2023 International Religious Freedom Report (Washington, D.C.: Office of International Religious Freedom, 2023), Available online at <https://www.state.gov/reports/2023-report-on-international-religious-freedom/kuwait/>.

²⁹ Al-Shadhili, Nagi Muhammad Usamah, International Responsibility for Blasphemy against Religions and Religious Symbols, *Journal of Legal and Economic Studies*, no. 48 (2023): 132-184.

³⁰ Holy Quran, *Albaqara*, verse 256; *Youness*, Verse 99.

subject to limitations when it collides with public order, morality, or values of Islamic *Sharia* and constitutional principles.³¹

To this end, the Kuwaiti legislature has enacted penal provisions aimed at kerbing offensive speech that may incite religious discord, or hatred among society.³² This legislative philosophy is further reflected in the expansion of criminal liability to encompass digital and electronic platforms, as seen in laws such as the cybercrime law and the national unity law. These enactments exemplify a preventative legal approach that acknowledges the changing technological and social dynamics of current society.³³

Notably, this contemporary legislative route has been marked by stricter penalties. Whereas earlier penal provisions categorised blasphemy acts as misdemeanours, punishable by less than two years of imprisonment, more recent legislation reflects a shift toward a crime control model - emphasising deterrence and the protection of public values.³⁴ Moreover, the constitutional context seeks to maintain a balance, ensuring that efforts to protect religious sanctities and, to not infringe upon essential right to freedom of expression. Article 36 of the Kuwaiti constitution guarantees freedom of opinion and scientific research, albeit within the limits prescribed by law. This demonstrates a deliberate attempt to reconcile individual liberties.³⁵ Further in reinforcing this balance, article 112 which provides that, no offense shall be deemed to have occurred, if a lecture, article, or scholarly publication addresses a religion or religious sect, in a calm and objective manner, free from inflammatory or provocative language, and if it is established

³¹ See Eid Ahmad Al-Hasban, "The Reality of Freedom of Opinion and Expression in Light of Contemporary Technological Developments", *Journal of Law Kuwait University* 33, no. 1, (March 2011); Tarek Ahmed Fathi Sorour, *Publication and Media Crimes*, vol. 1 (Cairo: Dar Al-Nahda Al-Arabia, 2004); Law No. 63 of 2015 on Combating Information Technology Crimes, Official Gazette, 2015; Law No. 19 of 2012 on the Protection of National Unity, Official Gazette, 2012.

³² Al-Hasban, "The Reality of Freedom of Opinion and Expression in Light of Contemporary Technological Developments",

³³ See Sherif Kamel, *Crimes in Egyptian Law* (Cairo: Dar Al-Nahda Al-Arabia, 2016); Khaled Mostafa Fahmy, *Freedom of Opinion and Expression* (Alexandria: Dar Al-Fikr Al-Jami'i, 2009); Hamad bin Hamdan Al-Rubaie, *Criminal Restrictions on Freedom of Expression through Media* (Cairo: Dar Al-Nahda Al-Arabia, 2010).

³⁴ Law No 16 of 1960, Promulgating the Penal Code.

³⁵ The Constitution of the State of Kuwait, 1962, and its Explanatory Memorandum, Official Gazette.

that the author acted in good faith with the intention of contributing to sincere academic discourse.³⁶

An examination of the criminal provisions in the Kuwaiti Penal Code demonstrates that the legislature, from its earliest legislative efforts, incorporated penalties for blasphemy related offenses under Law No. 16 of 1960. These provisions have since been amended to reflect evolving concerns regarding the protection of freedom of belief and the promotion of national unity.³⁷ Article 109 prescribes punishment for any individual who destroys, damages, or desecrates a place designated for the performance of religious rites, or who commits within such a place any act that violates the respect due to the associated religion.³⁸ In addition, article 111 criminalises those who publicly disseminate opinions that include ridicule, contempt, or defamation of a religion or religious sect, particularly when such expressions target its beliefs, rituals, rites, or teachings. As well, Article 113 imposes penalties on any person who publishes a sacred text from a recognised religion after deliberately altering its content in a manner that changes its meaning with the intent to insult that religion.³⁹

In terms of sanctions, these provisions provide for imprisonment not exceeding one year and/or a fine not exceeding one thousand Kuwaiti Dinars, reflecting the legislature's aim to deter religious offenses while maintaining a degree of proportionality in punishment.⁴⁰ The Kuwaiti legislature has not confined the criminalization of blasphemy to the provisions of the Penal Code alone. The publications and publishing law explicitly prohibits any offense against the divine being, the Holy Quran, the Prophets, the rightly guided Khalifahs, the wives of the Prophet ﷺ, or members of his household, peace be upon them. This includes acts of insult, defamation, ridicule, or any form of criticism, irrespective of the form in which it is expressed.⁴¹

In addition, the national unity law expands the scope of criminalization to include any act—whether committed inside or outside Kuwait—that incites hatred, discrimination, or provocation against society. The law prescribes severe penalties, including imprisonment for a term not exceeding seven years and/or a fine of up

³⁶ Law No 16/1960, Promulgating the Penal Code, art 109-113.

³⁷ Law No 16/1960

³⁸ Law No 16/1960

³⁹ Law No 16/1960

⁴⁰ Law No 16/1960

⁴¹ Publications and Publishing Law No. 3 of 2006, art. 19.

to ten thousand Kuwaiti Dinars. This marks a significant shift in the Kuwaiti criminal justice policy, elevating certain blasphemy acts from misdemeanors to felonies with substantially harsher penalties. This development reflects a broader understanding that such acts not only offend religious beliefs but also pose a serious threat to national unity and social stability.⁴²

A related perception is found in the Kuwaiti cybercrime law, which criminalizes any offense against religion or religious symbols committed through digital platforms. This provision also extends to expressions that criticize the *Amir*, defame the judiciary, or disclose confidential information without authorization.⁴³ An example of the application of this principle can be seen in a case that was reported to the Public Prosecution in Kuwait. However, the Public Prosecutor decided to dismiss the complaint, providing justification that emphasized the need to distinguish between scholarly discussion conducted in good faith and discourse that involves insult, defamation, or contempt. The explanation noted that even heated debate over established principles of a recognized religion or sect does not constitute an insult to that religion or sect. Every individual has the right to freely express their opinions, so long as their statements - both in wording and intent - are free from offensive language, insults, or defamatory content.⁴⁴

According to the Constitution, freedom of opinion and scientific research is guaranteed, every individual in society has the right to express and publish their opinion - whether through speech, writing, or other means - without the need to define the subject matter or limit it to specific topics. Opinion, thought, and creativity are attributes of an enlightened mind that lead its possessor toward truth and correctness. The protection of religions and sects must not be transformed into a means of repression, censorship, or suppression that ultimately

⁴² Law No. 19 of 2012 on the Protection of National Unity.

⁴³ Law No. 63 of 2015 on Combating Information Technology Crimes, art 6.

⁴⁴ See Dahmash, Amin Abdah Muhammad, "Blasphemy between Criminalisation and the Protection of the Right to Freedom of Expression: A Comparative Study", *Journal of Security and Law*, 27 no. 1 (2019): 187-252; See Dahmash, Amin Abdah Muhammad, "Blasphemy between Criminalisation and the Protection of the Right to Freedom of Expression: A Comparative Study", *Journal of Security and Law*, 27 no. 1 (2019): 187-252; Hadi, M Yahya Hussein Abdel. "Contempt of religions in Kuwait", *Al-Ahram*, Issue 47311 (2016), online at <https://gate.ahram.org.eg/daily/News/191935/4/529037/>-قضايا-الكويت و آراء/ازدراء-الأديان--فى-الكويت.aspx

becomes a coercive tool leading to backwardness, regression, and authoritarianism.⁴⁵

The Public Prosecution affirmed that a researcher's ideas, methods, or approaches do not need to receive universal praise or even acceptance to be exempt from criminal liability. It further clarified that calls by some specialists in political science to apply the principle of the separation of religion and state—as a political concept rather than a religious one—may be subject to disagreement, with some rejecting and others supporting the notion, without it amounting to an infringement upon the core tenets of religion.⁴⁶ The Public Prosecution emphasised that it is impermissible to assume that every description, word, or phrase is intended to show contempt for the noble Islamic religion or to offend the Holy *Quran*. It is inappropriate to isolate and assess each expression outside the context of the overall discourse using rigid and overly strict standards.⁴⁷

It is noteworthy that the perspective of the Kuwaiti Public Prosecution appears to align, in principle, with the jurisprudence of the European Court of Human Rights (ECHR) concerning blasphemy and freedom of expression. An analysis of the Court's rulings reveals a consistent effort to reconcile the right to freedom of expression - as protected under Article 10 of the European Convention on Human Rights - with the obligation to respect the religious beliefs of others, as preserved in Article 9 of the same Convention.⁴⁸ Through a series of landmark decisions, the ECHR has affirmed that while freedom of expression constitutes a cornerstone of democratic society, it is not an absolute right. Instead, it may be subject to lawful and proportionate restrictions when such limitations serve legitimate aims, including the preservation of public order, the prevention of disorder or crime, and the protection of the rights and reputations of others. In particular, the Court has upheld that expressions which incite religious hatred may justify state intervention, especially where such phrases threaten social harmony or provoke intolerance.⁴⁹

One of the most prominent cases that shaped this judicial approach of the ECHR, was the 2018 case involving an Austrian activist.

⁴⁵ Dahmash, "Blasphemy between Criminalisation and the Protection of the Right to Freedom of Expression: A Comparative Study".

⁴⁶ Dahmash

⁴⁷ Dahmash

⁴⁸ Dahmash.

⁴⁹ Dahmash.

The Court upheld the conviction for blasphemy following statements deemed offensive to the Prophet Muhammad ﷺ.

The Court found in particular that the domestic courts comprehensively assessed the wider context of the applicant's statements and carefully balanced her right to freedom of expression with the right of others to have their religious feelings protected and served the legitimate aim of preserving religious peace in Austria. It held that by considering the impugned statements as going beyond the permissible limits of an objective debate, and by classifying them as an abusive attack on the Prophet of Islam which could stir up prejudice and threaten religious peace, the domestic courts put forward relevant and sufficient reasons.⁵⁰

In doing so, the ECHR affirmed that freedom of expression does not extend to speech that involves intentional contempt for religious beliefs—particularly when such speech goes beyond the bounds of legitimate criticism and becomes an act of provocation that incites hatred or undermines public order.⁵¹ However, it could be argued that a clear divergence emerges in the scope of punishment. Islamic *Sharia* treats blasphemy as a capital offense, *hudud* punishments. In contrast, the Kuwaiti legislature, while drawing on Islamic legal principles as a source of legitimacy, has refrained from adopting such penalties. Instead, Kuwaiti law applies *tazir* punishments, most commonly in the form of imprisonment.

Furthermore, in criminalizing blasphemy, the Kuwaiti legal context remains broadly consistent with the standards recognized by the ECHR. Notably, Kuwaiti law affords the judiciary considerable discretion to distinguish between malicious offense and legitimate expression. The Kuwaiti judiciary are encouraged to consider whether individual acted in good faith, employed balanced and respectful language, and intended to engage in scholarly or critical discourse. This evaluative approach reinforces the distinction between blasphemy as a punishable offense and freedom of expression as a protected right,

⁵⁰ European Court of Human Rights. (2018). *E.S. v. Austria*, Application no. 38450/12, Judgment of 25 October 2018. Retrieved from <http://hudoc.echr.coe.int/eng?i=001-187188>.

⁵¹ European Court of Human Rights. (2018). *E.S. v. Austria*, Application no. 38450/12, Judgment of 25 October 2018

particularly when exercised within the bounds of constructive academic or intellectual critique.⁵²

C. Blasphemy Laws in Islam, Christianity and Hinduism

1. Islamic Jurisprudence Perspective

Linguistically, the term blasphemy *izdira* is derived from the root verb *zara*, which means to reproach or to find fault. The verb *izdara* means to scorn or hate, and the noun *izdira* refers to the act of showing contempt. It is said, *zara alayhi falah*, he reproached him for his action, *yazri* means to blame or criticize. A person described as *zari* is one who regards others as insignificant or disapproves of their actions, the noun *izri* implies to underestimation. Thus, *azra bihi* means to diminish his worth or belittle him, and *izdarahu* means to hold him in contempt or to humiliate him,⁵³ he who *azra bi-akhihi* - has cast blame upon his brother or attributed to him a fault or matter with the intention of causing confusion or discredit. *Azra bil-amr* - to treat the matter with disregard, a *mizra'* man refers to one who constantly finds fault with others. The term *muzdari* denotes someone who holds others in contempt, synonymous with *mustazri* - one who shows disdain or hate.⁵⁴ It is thus evident that, linguistically, blasphemy *izdira* revolves around meanings of contempt, defamation, reproach, and the failure to accord something its due respect or value. Terminologically, blasphemy can be defined as any expression - verbal or physical - that conveys contempt,

⁵² Dahmash, "Blasphemy between Criminalisation and the Protection of the Right to Freedom of Expression: A Comparative Study".

⁵³ Mukhtar al-Şaḥaḥ, Zayn al-Din Abu Abd Allah Muḥammad ibn Abi Bakr al-Razi (d. 666 AH). Edited by Yusuf al-Shaykh Muḥammad. Al-Maktaba al-Asriyah - al-Dar al-Namudhajiyyah. Beirut-saydah: volume 5, 1420 AH-1999 AD, article "R Z Y," p. 136; Lisan al-Arab. By Muḥammad ibn Makram ibn Ali, Abu al-Fadl, Jamal al-Din ibn Manzur (d. 711 AH). Beirut: Dar Sadir, volume 3, 1414 AH. (Letter "Waw and Ya," Chapter Zay, Article "Zri": 14/356.).

⁵⁴ Al-Qamus al-Muhit, Majd al-Din Abu Tahir Muḥammad ibn Yaqub al-Fayruzbadi (d. 817 AH), ed. by the Heritage Verification Office at Muassasat al-Risalah under the supervision of Muhammad Naim al-Arqasusi, Muassasat al-Risalah li-l-Ṭibaah wa-l-Nashr wa-l-Tawz', Beirut - Lebanon, 8th ed., 1426 AH - 2005 AD, Bab al-Waw wa-l-Ya, Faṣl al-Zay, entry "Zara": p. 1292.

disparagement, belittlement, or disrespect toward something, or that seeks to diminish its status or degrade its value.⁵⁵

The term religion *din*, when pronounced with a *kasrah*, carries several meanings, including custom and condition. It is said, *danahu yadinuhu dinan* - meaning he restrained or enslaved him, hence *fadan* (he submitted). *Din* also refers to recompense or reward, for example, *danahu yadinuhu dinan*, meaning he repaid or requited him. One of the names of *Allah* is *al-Dayyan* (the judge), and *al-madin* refers to a servant or one who is subject to authority. The phrase *danahu* also conveys the meaning of ownership or dominion. It is said that the term *madinah* (city) is derived from this root. Moreover, *din* signifies obedience, as in *dāna lahu yadin dinan* - he obeyed him. From this comes the term religion *din*, and its plural *adyan*. It is also said, *dana bikada diyana*, meaning he adhered to it as a religion, and *tadayyana bihi*, meaning he became religious or observant of it.⁵⁶

When used without qualification, the term religion *din* generally refers to the comprehensive system ordained by *Allah* for His servants, encompassing matters of creed, ethics, and practical obligations. Al-Razi defined *din* as a divine system established to guide rational beings toward virtuous actions through their praiseworthy exercise of free will.⁵⁷ Muḥammad Rashid Riḍa defined religion *din* as a divine system that guides individuals of sound intellect - through the exercise of their free will - toward that which ensures moral integrity in this life and ultimate success in the hereafter.⁵⁸ With regard to the meaning of blasphemy *izdira al-adyan*, scholars have offered various definitions that converge on the notion of deliberate offense toward religious sanctities. One definition characterizes it as any act that constitutes an affront to religion or an offense against its symbols, sacred elements, or rituals - whether through mockery, belittlement, or insult - in a manner

⁵⁵ Al-Nihayah fi Gharib al-Hadith wa al-Athar, Majd al-Din Abu al-Saadat al-iMubarak ibn Muhammad ibn al-Athir (d. 606 AH), ed. by Tahir Aḥmad al-Zawi and Maḥmud Muḥammad al-Tanahi, al-Maktabah al-Ilmiyyah, Beirut, 1399 AH - 1979 AD, entry "Zara": 2/302.

⁵⁶ Mukhtar al-Sihah, by al-Razi, entry "D Y N": p. 110.

⁵⁷ Mafatih al-Ghayb (al-Tafiir al-Kabir), Muḥammad ibn Umar ibn al-Hasan ibn al-Husayn al-Taymi Fakhr al-Din al-Razi (d. 606 AH), Dar Ihya al-Turath al-Arabi, Beirut, 3rd ed., 1420 AH, vol. 29, p. 529.

⁵⁸ Tafsir al-Quran al-Hakim, Muhammad Rashid ibn Ali Rida (d. 1354 AH), al-Hayah al-Misriyyah al-Ammah lil-Kitab, 1990 AD, vol. 8, p. 350.

that warrants legal or disciplinary punishment.⁵⁹ Another perspective defines blasphemy as the expression of contempt toward religion, the offense of its adherents, or the denigration of that which individuals revere and hold sacred.⁶⁰

There is a significant distinction between legitimate criticism, which employs scholarly methods and aims to uncover objective truths, focusing on the opinion or idea under discussion with precision and objectivity - separating it from individuals or unrelated viewpoints - and which adheres to standards of respectful discourse, and between prohibited blasphemy, which disregards such principles. The latter is characterized by insults, defamation, and offensive attacks directed at individuals or sacred entities, including offenses against *Allah*, Prophets, the Prophet's family, the Holy *Quran*, and the *Sunnah*.⁶¹

Islamic Sharia upholds the individual's right to express thoughts and opinions and recognizes the legitimacy of constructive criticism, particularly in matters that concern public morality, collective interests, and social order. In fact, such expression is not merely permitted but regarded as a religious duty when it involves addressing what is considered *munkar* (reprehensible) under *Sharia*. This principle is grounded in the *Quranic* verse 'those who, if We establish them in the land, establish prayer, give *zakat*, enjoin what is right, and forbid what is wrong'.⁶²

{الَّذِينَ إِن مَّكَّنَّاهُمْ فِي الْأَرْضِ أَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ وَأَمَرُوا بِالْمَعْرُوفِ وَنَهَوْا عَنِ الْمُنْكَرِ}

While every individual possesses the right to express what they believe to be truth, to offer sincere advice, to engage in written or verbal defense, and to critique falsehood and injustice, this right is not absolute. It is subject to essential restrictions that safeguard public morality, uphold virtuous moral standards, and ensure compliance with the principles of Islamic *Sharia*. Moreover, such expression must not entail insult, ridicule, or contempt directed toward religious beliefs or sacred

⁵⁹ Al-Mazrui, Khalid Suhayl, *The Crime of Blasphemy: An Analytical Study between Sharia and Law*, Master's Thesis, Faculty of Law, Al Ain University of Science and Technology, Abu Dhabi, p. 25.

⁶⁰ Dahmash, "Blasphemy between Criminalisation and the Protection of the Right to Freedom of Expression: A Comparative Study".

⁶¹ Dahmash.

⁶² Holy *Quran*, *Surat al-Hajj*, verse 41.

values.⁶³ These restrictions, which aim to prevent transgression and misuse, are binding upon all individuals without exception - even the Prophet himself. Despite the noble character with which *Allah* described him, as in the verse 'And indeed, you are of a great moral character'.⁶⁴

{وَأَنَّكَ لَعَلَىٰ خُلُقٍ عَظِيمٍ}

The Prophet was divinely commanded to convey the message of *Allah* to all people, to call humanity to faith in the oneness of *Allah* and the truth of his revelation, and to engage with disbelievers and deniers through reasoned discourse and sincere appeal. However, his mission was also bound by clear ethical guidelines, he was instructed to preach with wisdom and gentle admonition, to argue in the most respectful and gracious manner, to turn away from the ignorant, to refrain from speaking evil publicly, and to avoid insulting the deities or objects of worship revered by others.⁶⁵ *Allah* the Almighty says 'And do not insult those they invoke besides Allah, lest they insult Allah in enmity without knowledge.'⁶⁶

{وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ فَيَسُبُّوا اللَّهَ عَدْوًا بِغَيْرِ عِلْمٍ}

Blasphemy in contemporary context manifests in various forms. These include acts of transgression against the Divine being through speech, writing, visual representation, gestures, or other means, offenses directed at any of the prophets and insults aimed at Islam or its religious rites, such as the desecration, distortion, or deliberate dishonoring of the Holy *Quran*. Additional manifestations include

⁶³ Gamal Abdu Abdelaziz Sayed, "The Rules of International Criminal Responsibility for the Crime of Contempt of Religions," *Journal of Jil for Human Rights*, no. 10 (2016): 123-150, <http://search.mandumah.com/Record/759024>.

⁶⁴ Holy *Quran*, *Alqalam*, verse 4.

⁶⁵ Awdah, Abd al-Qadir, *Islamic Criminal Legislation Compared to Positive Law*, 8th ed., Muassasat al-Risalah, Beirut, 1406 AH - 1986 AD, vol. 1, pp. 33-34.

⁶⁶ Holy *Quran*, *Alanam*, verse 108.

attacks on places of worship, particularly through acts of vandalism, defilement, or destruction.⁶⁷

One of the most prominent modern forms of blasphemy has been experienced by Muslim minorities in Western societies, especially in the wake of the September 11, 2001, attacks in the United States. In the aftermath of these events, a marked increase in hostility toward Islam and Muslims was observed, often expressed through rhetoric that associated the religion with terrorism, violence, and extremism. This climate of contempt extended beyond religious critique to encompass broader attacks on Islamic and Arab civilizations, including discrimination against American citizens of Arab or Muslim descent, despite their full legal status and citizenship rights.⁶⁸ Among the most severe forms of blasphemy and offense against religious symbols are those that have occurred in recent years through certain writings and offensive caricatures targeting religion and the Prophet Muhammad ﷺ. Notably, in 2005, a Danish newspaper published a series of such caricatures, which were later republished by newspapers in Norway, Germany, France, and other outlets across Europe.⁶⁹ Given the abundance and diversity of examples, it is beyond the scope of this paper to examine them in detail. Nevertheless, this limitation underscores the need for future research specifically aimed at analyzing the scope, forms, and patterns of blasphemy. Such studies should emphasize the importance of incorporating empirical data and statistics that reflect incidents involving all religious traditions, rather than focusing exclusively on those related to Islamic *Sharia*.

Islam is a faith that calls individuals to embrace it through conviction rather than compulsion, as coerced outward compliance holds no value when the heart remains unconvinced. This principle is further reinforced by the clarity and strength of Islam's evidentiary foundations, which render coercion both unnecessary and contrary to its core teachings. Faith in Islam is grounded in free will, with accountability following as a consequence of conscious choice. Once a person voluntarily accepts Islam, adherence to its obligations becomes

⁶⁷ Ibrahim, Muhammad Yusri, *Contemporary Jurisprudence for Muslim Minorities: Theoretical Foundations and Practical Applications*, 1st ed., (Dar al-Yusr, Cairo - Arab Republic of Egypt, 2013), p. 110.

⁶⁸ Ibrahim

⁶⁹ Al-Shadhili, Nagi Muhammad Usamah, "International Responsibility for Blasphemy against Religions and Religious Symbols", *Journal of Legal and Economic Studies*, no. 48, (2023): 149.

binding. At the same time, Islam recognizes the right of other divine religions to maintain their faith, provided they show respect toward Islam and abstain from intentional offense against its rites and symbols. In this context, Islamic *Sharia* has addressed the issue of blasphemy, prescribing specific rulings to regulate such conduct in a manner consistent with its broader legal and ethical framework.⁷⁰

The Holy *Quran* contains numerous verses from which the prohibition of blasphemy can be derived. *Allah* Almighty has forbidden the insulting of the deities of the polytheists - even though such deities are inherently false - expressed here figuratively, as a means of blocking the path to a greater harm. The rationale lies in preventing a more serious consequence namely, that the polytheists might respond by insulting *Allah*, there is no deity but Him. This prohibition is thus rooted in the principle of avoiding greater harm and preserving the sanctity of faith.⁷¹ In this regard, Imam Ibn Kathir explained that *Allah*, noble is He, prohibited His Messenger ﷺ and the believers from insulting the idols of the polytheists - even if such insult may seem to serve a perceived benefit - because it ultimately leads to a greater harm, namely, that the polytheists would retaliate by insulting *Allah* - there is no deity but Him. This interpretation is supported by the narration of Ali ibn Abi Ṭalḥah from Ibn Abbas, who stated in relation to the verse they said, O Muhammad, either you refrain from insulting our gods or we shall revile your Lord. Thus, *Allah* prohibited the believers from insulting the idols of the disbelievers, lest they respond by insulting *Allah* in hostility and ignorance.⁷²

Al-Sadi explained that *Allah* forbade the believers from engaging in an act that, while originally permissible - and even commendable in certain contexts - namely, insulting the idols of the polytheists, was prohibited due to its harmful consequences. These idols and false deities, worshipped alongside *Allah*, are inherently unworthy of reverence, and denigrating them may, in principle, constitute an act of devotion and a means of drawing nearer to *Allah*. However, the

⁷⁰ Mohd O. M. Hamdan and Faisal Bin Ahmad Shah, "Da'wah-Related Issues on the Phenomenon of Cursing God and Religion in Arabian Countries," *Al-Zahra: Journal for Islamic and Arabic Studies* 21, no. 1 (2024): 147-163.

⁷¹ Ibn Kathir, Abu al-Fida Ismail ibn Umar, *Tafsir al-Quran al-Azim*, ed. by Sami ibn Muhammad al-Salamah, 2nd ed., (Dar Tayyibah li-l-Nashr wa al-Tawzi, 1999), vol. 3, p. 413.

⁷² Bin Yahya, Umm Kulthum Hakum Dawud, and Abd al-Halim, Sukaynah Muḥammad Muḥammad, "Freedom of Expression and Blasphemy: A Maqāṣid-Based Study in Light of the Prophetic Biography", *Journal of Arts*, 11, no. 1 (2004); 324-376.

prohibition was instituted because such insults could provoke the polytheists to retaliate by insulting *Allah*.⁷³

Al-Sadi further elaborated that the prohibition is rooted in the psychological and social dynamics of religious attachment. The polytheists, out of loyalty to their beliefs and practices - however misguided - are inclined to defend them vehemently. As is the case with every nation, people tend to regard their customs and religious traditions as noble and worthy of protection. Consequently, when Muslims insult the idols of others, it may trigger an emotional and retaliatory response, leading them to blaspheme against *Allah*, whose greatness is acknowledged, albeit to varying degrees, in the hearts of both the devout and the irreverent.⁷⁴

Allah, says 'And if you ask them, they will surely say, we were only talking idly and joking say, was it *Allah*, his verses, and his messenger that you were mocking, make no excuse - you have disbelieved after your belief'.⁷⁵

{وَلَئِن سَأَلْتَهُمْ لَيَقُولُنَّ إِنَّمَا كُنَّا نَخُوضُ وَنَلْعَبُ قُلْ أَبِاللَّهِ وَآيَاتِهِ وَرَسُولِهِ كُنْتُمْ تَسْتَهْزِؤُونَ لَا تَعْتَدُوا قَدْ كَفَرْتُمْ بَعْدَ إِيمَانِكُمْ}

Here, the indication lies in the fact that these verses explicitly prohibit mocking the *Quran* and the Messenger ﷺ. Shaykh al-Islam stated This is a clear text affirming that mockery of *Allah*, His verses, or His Messenger constitutes disbelief, therefore, deliberate insult is even more so. This verse thus establishes that anyone who demeans the Messenger of Allah ﷺ - whether seriously or in jest - has committed an act of disbelief.⁷⁶

Likewise, the saying of Allah the Almighty, 'O you who have believed, do not raise your voices above the voice of the Prophet, nor speak loudly to him as you do to one another', is followed by the reason for this command, 'lest your deeds become worthless.'⁷⁷ This verse

⁷³ *Ibid.*

⁷⁴ *Ibid.*

⁷⁵ Holy *Quran*, *Altawba*, verse 65-66.

⁷⁶ Ibn Taymiyyah, Taqi al-Din Abu al-Abbas Ahmad ibn Abd al-Halim (d. 728 AH). al-Sarim al-Maslul ala Shatim al-Rasul, edited by Muhammad Muhyi al-Din Abd al-Hamid, Saudi National Guard, Kingdom of Saudi Arabia, p. 31.

⁷⁷ Holy *Quran*, *Alhojrat*, verse 2.

reflects that merely raising one's voice above that of the Prophet ﷺ is sufficient to nullify one's deeds - so what then of insulting or attacking him in any form. Al-Shinqīṭi stated 'Know that any act indicating disrespect toward the Prophet ﷺ - such as expressing displeasure with him, criticising him, showing contempt, or mocking him - constitutes apostasy from Islam and disbelief in *Allah*.'⁷⁸

In the *Sunnah* as well, there are numerous *hadiths* indicating that whoever shows contempt toward the Messenger of *Allah* ﷺ or harms him by diminishing his status or rank commits an act of disbelief. Among the evidence is the Prophet's ﷺ position regarding the Jewish figure Kab ibn al-Ashraf, where he had offended *Allah* and His Messenger ﷺ, and the Prophet ﷺ permitted his killing. *Al-Ṣanani* stated 'The *hadith* is evidence that whoever insults the Prophet ﷺ is to be executed and that his blood is not protected. If the offender is a Muslim, then his insult constitutes apostasy, and he is to be executed. Ibn Battal held that this is done without offering repentance, while Ibn al-Mundhir reported from al-Awzai and al-Layth that he should be given the chance to repent. As for those under a covenant (*ahl al-ahd*), they are also subject to execution for such an act - unless they embrace Islam.'⁷⁹

In addition, the four *Sunni* schools of jurisprudence unanimously agree on the prohibition of blasphemy against religion, including insulting *Allah* or any of His Messenger's peace be upon them.⁸⁰ Numerous scholars have transmitted a consensus (*ijma*) on this matter. Ibn Abd al-Barr reported from Ishaq ibn Rahawayh, who said 'The Muslims have unanimously agreed that whoever insults *Allah*, or any of His Messengers, or rejects anything *Allah* the Almighty has revealed, or kills one of *Allah's* prophets - such a person is deemed a disbeliever by

⁷⁸ Al-Shanqīṭi, Muḥammad al-Amin ibn Muḥammad al-Mukhtar (d. 1393 AH). *Adwa al-Bayan fi Idah al-Quran bi-l-Quran*, (Dar al-Fikr for Printing Publishing and Distribution, Beirut, Lebanon, 1995), vol. 7, p. 403.

⁷⁹ Subl al-Salam, vol. 3, p. 266.

⁸⁰ Ibn Abidin, Muḥammad Amin, *Hashiyat Ibn Abidin ala al-Durr al-Mukhtar*, vol. 4, p. 238; Ibn Farhun, Muḥammad ibn Aḥmad. *Tabsirat al-Hukkam fi Usul al-Aqdiyah wa Manahij al-Ahkam*, vol. 2, pp. 284-286, Beirut ed; al-Bajuri and Commentators. *al-Tuhfah maa Hashiyat al-Sharwani wa Hashiyat Ibn Qasim al-Abbadi*, vol. 9, p. 69; al-Mardawi, Ali ibn Sulayman. *al-Insaf fi Marifat al-Rajih min al-Khilaf*, vol. 10, pp. 326, 332, 356. Dar Ihya al-Turath al-Islami.

virtue of that act, even if they profess belief in all that *Allah* has revealed'.⁸¹

Ibn Qudamah stated 'Whoever insults *Allah*, commits disbelief - whether in jest or in seriousness. The same ruling applies to one who mocks *Allah*, His verses, His messengers, or His books. It is not sufficient for one who engages in such mockery to merely profess Islam, rather, he must be disciplined in a manner that deters him from repeating the offense. For if repentance is not deemed sufficient for someone who insults the Messenger of *Allah* ﷺ, then it is even more so for one who insults *Allah*.'⁸² Ibn Taymiyyah stated 'We affirm that whoever insults *Allah* or His Messenger willingly and without coercion - or even utters words of disbelief voluntarily and not under duress - or mocks *Allah*, His verses, or His Messenger, is a disbeliever both inwardly and outwardly. Whoever claims that such a person might still be a believer inwardly and only outwardly a disbeliever has stated something that is, by necessity, known to be false in the religion.'⁸³ He also stated 'Whoever insults *Allah* or His Messenger is a disbeliever both outwardly and inwardly - whether the person believes such an act to be prohibited, regards it as permissible, or is heedless of his belief at the time. This is the position of the jurists and all scholars of Ahl *al-Sunnah* who maintain that faith (*iman*) consists of both words and actions.'⁸⁴

In addition, he stated 'He is to be executed and is not granted the opportunity to repent, whether he is a Muslim or a non-Muslim'. And Ibn Aqil said 'Our scholars have stated that the one who insults the Prophet ﷺ is not to have his repentance accepted, due to the grave offense such an insult brings upon the Prophet ﷺ. This is considered a personal right of a human being, and there is no known waiver of that right. Likewise, many other scholars from our school have affirmed that the insulter of the Prophet ﷺ is to be executed and that his repentance is not accepted - whether he is a Muslim or a non-Muslim. What they mean by this

⁸¹ Ibn Abd al-Barr, Abu Umar Yusuf ibn Abd Allah ibn Muḥammad (d. 463 AH). *al-Istidhkar*, edited by Salim Muḥammad Ata and Muhammad Ali Muawwad, 1st ed., (Dar al-Kutub al-Ilmiyyah, Beirut, 2000), vol. 2, p. 150.

⁸² Ibn Qudamah, Muwaffaq al-Din Abd Allah ibn Ahmad (d. 620 AH). *al-Mughni*, edited by Abd Allah al-Turki and Abd al-Fattah al-Hilw, 3rd ed., (Alam al-Kutub, Riyadh - Saudi Arabia, 1997), vol. 12, p. 299.

⁸³ Ibn Taymiyyah, Taqi al-Din Abu al-Abbas Ahmad ibn Abd al-Halim (d. 728 AH). *Majmu al-Fatawa*, edited by Abd al-Rahman ibn Qasim, (King Fahd Complex for the Printing of the Holy Quran, Madinah - Saudi Arabia, 1995), vol. 7, p. 757.

⁸⁴ Al-Sarim al-Maslul ala Shatim al-Rasul, pp. 512.

repentance is not accepted, is that repentance does not lift the prescribed punishment of execution'.⁸⁵

Ibn Taymiyyah further stated 'It is thus concluded that our scholars have reported three opinions regarding the ruling on one who insults the Prophet ﷺ and then repents. The first is that he is to be executed in all cases - this is the opinion all of them supported, and it is indicated by the statements of Imam Aḥmad on this specific issue. Most of the authoritative scholars among them mentioned no other view. The second opinion is that his repentance is accepted unconditionally. The third is that the repentance of a non-Muslim is accepted, while that of a Muslim is not.' The well-known position of Malik and Aḥmad is that the insulter is not granted repentance, and that the death penalty is not lifted by repentance. Al-Qaḍi Iyaḍ stated that this is the widely accepted view among the early generations and the majority of scholars. It is also one of the two opinions reported from the scholars of al-Shafii. It is also reported from Malik and Aḥmad that repentance is accepted, and this is the view of Abu Ḥanifah and his companions, and the well-known opinion in the Shafii school'.⁸⁶ He added, 'Moreover, there is no doubt that the repentance of the hypocrites who insulted the Messenger of *Allah* ﷺ - if it is sincere - is accepted by *Allah* in what lies between them and Him. Within such repentance is forgiveness for what they committed against the honour of the Prophet ﷺ, by replacing their disbelief with faith, and all that faith entails of love, reverence, support for him, as well as belief in his innocence from all the accusations they directed at him'.⁸⁷

2. *Blasphemy from a Christian Perspective*

Blasphemy, from the perspective of Christianity, is not specifically and explicitly outlined in the Bible. However, there are several notes worth considering when discussing blasphemy from a Christian view. First, Christianity is closely tied to forgiveness. Matthew 18:21-22 records:

"Then Peter came to Jesus and asked, 'Lord, how many times shall I forgive my brother or sister who sins against me? Up to seven

⁸⁵ Al-Sarim al-Maslul ala Shatim al-Rasul, pp. 301.

⁸⁶ Al-Sarim al-Maslul ala Shatim al-Rasul, pp. 206.

⁸⁷ Al-Sarim al-Maslul ala Shatim al-Rasul, pp. 206.

times?' Jesus answered, 'I tell you, not seven times, but seventy times seven.'"

This passage affirms that forgiveness should be limitless. Blasphemy in the Old and New Testaments have a distinction in nature. In the Old Testament, blasphemy refers to cursing or desecration meaning to curse, slander, disregard, insult, or belittle those who represent God. Meanwhile, in the New Testament, blasphemy relates to three meanings. The first is slander, which refers to damaging someone's reputation. The second is the usurpation of divine prerogatives. The last is persecution. Thus, from a biblical perspective, blasphemy encompasses all these aspects, including hostile actions directed at believers and/or at God Himself. Blasphemy is often expressed in words, but it can also be manifested in actions. By committing blasphemy, a person aligns themselves with evil in the context of cosmic conflict. This is clearly illustrated in the books of Daniel and Revelation.

The teachings of Christianity, as recorded in the Bible, are not only expressed through the words of Jesus and the apostles, but also through Jesus' actions and behaviour. Jesus demonstrated forgiveness even toward those who mocked, ridiculed, and crucified Him. Luke 23:34 states:⁸⁸ *"Jesus said, 'Father, forgive them, for they do not know what they are doing.' And they divided up his clothes by casting lots."* This affirms that, within Christianity, questioning someone for committing blasphemy is not typically pursued to the extent of bringing the matter to court.

Second, love is the core teaching of Christianity. The central message of Christianity is love. 1 Corinthians 13:13 says: *"And now these three remain: faith, hope, and love. But the greatest of these is love."* Luke 6:27 affirms: *"But to you who are listening I say: Love your enemies, do good to those who hate you."* Similarly, Matthew 5:44 says: *"But I tell you, love your enemies and pray for those who persecute you."* It is evident from these verses that when faced with blasphemy, Christians are taught to respond with forgiveness and love. Love is the greatest and most fundamental law in Christianity. James 2:8 reads: *"If you really keep the royal law found in Scripture, 'Love your neighbour as yourself,' you are doing right."* This is God's most basic commandment. God delights in

⁸⁸ Susanto, Dwi, Fachri Fachrudin, and Romly Romly. "Penista Agama dalam Perspektif Al-Quran dan Injil (Studi Komparasi)." *Prosa AS: Prosiding Al Hidayah Ahwal Asy-Syakhshiyah* 1, no. 1 (2019): 34-48.

seeing His creation living in harmony. As the foundational principle in Christianity, the command to love holds profound significance. Hence, Christians are still called to respond with love toward the offender of blasphemy.

Third, Christians respond to the offender of blasphemy with prayer. When confronted with blasphemy, Christians are typically encouraged to pray for those who are hostile, hateful, or abusive toward them. This aligns with Jesus' teachings, as seen in Luke 6:28: *"Bless those who curse you, pray for those who mistreat you."* Therefore, when facing blasphemy, Christians are taught to pray for the offender of blasphemy as stipulated in the Bible. They are not teachings to repay evil with evil.⁸⁹ The absence of retaliation—repaying evil with evil—as understood in Christian teaching means that, in cases of blasphemy, Christianity does not teach that prosecution must be taken against the offender. This principle is founded in Jesus' guidance in Matthew 5:39: *"But I tell you, do not resist an evil person. If anyone slaps you on the right cheek, turn to them the other cheek also."* Romans 12:17 reinforces this by stating: *"Do not repay anyone evil for evil. Be careful to do what is right in the eyes of everyone."*¹ Thessalonians 5:15 says: *"Make sure that nobody pays back wrong for wrong, but always strive to do what is good for each other and for everyone else."*¹ Peter 3:9 adds: *"Do not repay evil with evil or insult with insult. On the contrary, repay evil with blessing, because to this you were called so that you may inherit a blessing."* These Bible guidance argued that Christians are not justified in retaliating with evil. Instead, they are called to bless the perpetrator when facing wrongdoing including blasphemy.

Fourth, Christians are encouraged to be wise believers. While Christians are taught not to repay evil with evil, this does not mean they should be passive or naive when confronted with blasphemy. They are encouraged to respond appropriately and, if necessary, take legal action in accordance with the laws of their country. Matthew 10:16 says: *"I am sending you out like sheep among wolves. Therefore, be as shrewd as snakes and as innocent as doves."* This verse leads to a very deep meaning. When Christians are becoming the victim of crime, they are permitted to seek legal remedy through the appropriate channels in accordance with the law. In cases of blasphemy, therefore, Christians are taught not only to forgive, pray for, and bless the offender, but also, if

⁸⁹ Warren, Rick. *Daily Hope Devotional Harapan Untuk Setiap Hari Renungan Harian* (Jakarta: Light Publishing, 2024), p. 335.

needed, to pursue legal avenues as provided by national laws. This does not mean that Christians remain silent. However, Christians are not allowed to respond with violence or anarchic behaviour, as such actions are sinful and contradict the Christian teachings of love. They can report the case of blasphemy to the law enforcement officials.

In Indonesia, a case involving the Christian community was the alleged blasphemy committed by Ustaz Abdul Somad in 2023. The report was filed by the Indonesian Christian Student Movement (GMKI), which accused the well-known preacher of violating religious boundaries. Several Christian-affiliated organizations, such as GMKI and Brigade Meo in East Nusa Tenggara, were actively involved in reporting the case. The controversy raised from a private Islamic sermon held in a mosque, during which he was accused of belittling Christianity and harming and infringing interfaith relations. Although some of the claims may be inaccurate and the actions not necessarily illegal, the incident quickly attracted public attention and sparked debate among religious groups regarding its implications. Another notable blasphemy case involved Jakarta's then-Governor, Basuki Tjahaja Purnama (commonly known as Ahok), which stirred public outrage across Indonesia. The case arose during an official visit while Ahok was serving as the Governor of Jakarta and also running for re-election for the 2018–2024 term. During a speech, Ahok referenced a verse from the Qur'an—Surah Al-Maidah 51—which was perceived by some as religious blasphemy. The court's ruling at the time ignited tensions between Christian and Muslim communities in Indonesia, further intensifying the national discourse on religious sensitivity.

Based on the explanation above, it is beneficial to note that from a Christian perspective, blasphemy can be viewed through biblical, historical, and societal lenses—including experiences within Indonesia. From the Old Testament to the New Testament, the concept of blasphemy has been evolved. Blasphemy is understood as any spoken or physical act of cursing, slandering, or belittling God, His representatives, His laws, or His temple. Likewise, from the perspective of church history, the understanding of blasphemy has developed. It begins with direct attacks against the divine in a particular religion and ends with the acts of incitement that disrupt public order. From the view of Christian teaching, committing blasphemy against other religions is prohibited. Teachings on forgiveness, love, and discipline through law encourage Christians to act justly and to respect those of other faiths.

3. *Blasphemy from the Perspective of Hinduism*

One issue frequently encountered within Indonesia's religiously and culturally diverse society is the crime against religion, belief, and religious life—commonly referred to as blasphemy. It is insightful to examine how blasphemy and disrespect towards religious beliefs are viewed through the lens of various religions in Indonesia, including Hinduism. In several Hindu scriptures, there is no explicit prohibition against blasphemy or desecration of other religions and beliefs. Instead, the focus leans more toward the teaching of *Dharma* (truth/righteousness), and upholding moral and ethical values. Hindu scriptures promote a harmonious life, fraternal relationships, and peaceful coexistence among all human beings, while also advocating for non-interference in the religious beliefs and practices of others. Hindu scriptures contain teachings that emphasize harmonious living, mutual respect, brotherhood, and the importance of preserving peace among fellow human beings. These teachings also encourage respect for *Dharma*, morality, and ethics as divine creations. One of the central concepts is *Vasudhaiva Kutumbakam*, which means "the whole world is one family." This principle is found in *Maha Upanishad* VI.72: Sloka:

Ayam nijah paro veti gananaa laghuchetasaam Udaarcharitaam tu Vasudhaiva Kutumbakam (Narrow-minded people think: "This one is mine, that one is not." But for those with noble hearts, the whole world is one family).

This scripture reminds us that all humans are part of one global family. It is our obligation to protect one another, to show mutual respect, and to act in righteousness (*Dharma*). Compared with the Islamic concept of universal brotherhood (*Ukhuwah Insaniyyah*), both traditions emphasize unity and tolerance. While *Vasudhaiva Kutumbakam* focuses on the equality and interconnectedness, *Ukhuwah Insaniyyah* highlights diversity as a tool for mutual understanding.⁹⁰ *Vasudhaiva Kutumbakam* serves as a powerful principle to promote

⁹⁰ Suryosumunar, John Abraham Ziswan. "Komparasi Terhadap Konsep Vasudhaiva Kutumbakam Dan Ukhuwah Insaniyyah: Implementasinya Dalam Menjaga Kerukunan Pasca Konflik Antar Umat Beragama Di Kota Mataram." *Jurnal Penelitian Agama Hindu* 5, no. 3 (2021): 158-173.

unity and tolerance in multicultural societies, fostering a sense of shared humanity and harmony among diverse religious and cultural communities.⁹¹ The concept of *Vasudhaiva Kutumbakam* relates closely with the Hindu philosophy of *Tat Twam Asi*, a Sanskrit phrase meaning “*You are that*” or “*I am you, and you are me.*” This phrase underlines the equality and dignity of all human beings and encourages character development, social harmony, and personal growth.⁹² In the context of interreligious life, *Tat Twam Asi* fosters tolerance and helps prevent religious conflict in Indonesia's pluralistic society.⁹³ Both *Vasudhaiva Kutumbakam* and *Tat Twam Asi* emphasize that all humans are brothers and sisters, regardless of ethnicity, religion, race, or customs, and thus deserve mutual respect and peaceful coexistence—particularly by avoiding actions that may be considered religious blasphemy.

In addition, Hindu teachings include the concept of *Tri Hita Karana*, a Balinese philosophical framework meaning “three causes of well-being”: 1) *Sukerta Tata Parahyangan* (maintaining a harmonious relationship with God); 2) *Sukerta Tata Pawongan* (maintaining harmonious relations with fellow humans); and 3) *Sukerta Tata Palemahan* (maintaining harmony with the natural environment). These three elements are interconnected and inseparable. Human happiness, therefore, depends on a balanced relationship with the Divine, with others, and with the environment. Humans, as key actors in life, must simultaneously look for a peaceful and prosperous existence.⁹⁴ This model reinforces positive social values and improves community well-being.⁹⁵ In this context, when it comes to blasphemy and religious life, the universal values embedded in *Sukerta Tata Pawongan* argues that humans should not see religious differences as grounds for division,

⁹¹ Das, Ishita. “One World, One Family: The Power of Youth in Deepening Cultural Ties.” *SSRN Online* (December 2013). <https://ssrn.com/abstract=2369691>

⁹² Diah, Ni Kadek Berliana. “Konsep Moral Ajaran *Tat Twam Asi* Dan Implementasinya Dalam Pendidikan Karakter Anak.” *Metta: Jurnal Ilmu Multidisiplin* 2, no. 4 (2022): 341-354.

⁹³ Agustina, Dena. “Tiga Ajaran Hindu dalam Menumbuhkan Sikap Toleransi Antar Umat Beragama.” *Jurnal Penelitian Ilmu Ushuluddin* 3, no. 2 (2023): 185-197.

⁹⁴ Suminto, Suminto, and Dyah Kustiyanti. “The Concept of *Tri Hita Karana* in *Kakawin Siwaratrikalpa* as a Means to Interpret Life.” *Lekesan: Interdisciplinary Journal of Asia Pacific Arts* 6, no. 1 (2023): 62-71.

⁹⁵ Rahmi, Wifqi, Hendra Sidratul Azis, Ismail Nasar, and Made Sutajaya. “Synergy of *Tri Hita Karana* with Islamic Principles Oriented Towards the Socio-Cultural Life of the Jembrana Community.” *International Journal of Sustainable Social Science (IJSSS)* 2, no. 5 (2024): 285-98.

nor should they demean or insult other religions. Brotherhood and harmony are essential principles within *Tri Hita Karana*.

Another key concept is the Hindu understanding of divinity or *Brahman*, which is divided into two forms: 1) *Nirguna Brahman* which means the formless, impersonal God who is beyond attributes and cannot be imagined or described. This concept implies that such a God cannot be defiled or blasphemed; 2) *Saguna Brahman* which defined as the personal aspect of God manifested through various forms and symbols. These manifestations carry sacred meaning and are accompanied by rituals meant to sanctify them. This dual theology is elaborated by Donder, who explains that *Nirguna Brahman* is perceived only by spiritually advanced individuals such as rishis, yogis, or mystics. On the other hand, *Saguna Brahman* is more relatable for ordinary people, providing symbolic representations of the divine to help spiritual focus and devotion.⁹⁶

Furthermore, *Manusmriti* 8.15 provides a powerful reflection on the value of Dharma: Sloka:

dharmā eva hato hanti dharmo rakṣati rakṣitaḥ tasmād dharmo na hantavyo mā no dharmo hato'vadhīti (Those who destroy Dharma will be destroyed by it; those who uphold Dharma will be protected by it. Therefore, never destroy Dharma, lest it vanish from within you).

This verse suggests that the destruction of truth or righteousness (Dharma) leads to one's downfall, whereas upholding Dharma brings protection. It emphasizes non-violence, not just in physical actions but also in speech—condemning hate speech or verbal abuse as forms of violence like blasphemy.⁹⁷ Hence, Hindu teachings prioritize values such as brotherhood and maintaining harmony among human beings rather than imposing prohibitions or criminal sanctions on those who may violate religious blasphemy. Hinduism responds distinctively to blasphemy than some other religions. Instead of strict prohibitions, it

⁹⁶ Donder, I. Ketut. "Keesaan Tuhan dan Peta Wilayah Kognitif Teologi Hindu: Kajian Pustaka tentang Pluralitas Konsep Teologi dalam Hindu." *Harmoni* 14, no. 2 (2015): 22-35.

⁹⁷ Vanita, Ruth. "The Dharma of Justice in the Sanskrit Epics: Debates on Gender, Varṇa, and Species—A Reply to Simon Brodbeck." *Sophia* 62, no. 4 (2023): 759-760.

focuses on preventing *Adharma* (unrighteousness), preserving social cohesion, and cultivating mutual respect and understanding.⁹⁸

The line between acceptable criticism, humour, and religious blasphemy in Hinduism is often more flexible than in other faiths and belief. Hinduism places a greater value on tolerance and dialogue than rigid definitions and interpretations.⁹⁹ For example, in modern India, blasphemy laws exist to preserve religious harmony, including protections for Hinduism. However, these laws are not derived from Hindu scriptures but from state mechanisms and procedures designed to prevent social unrest and protect religious sentiment. In cases of alleged Hindu blasphemy, the response is formally handled within a legal framework, focusing on whether the speech or actions incite hostility or hatred, rather than through religious commands.¹⁰⁰ Hindu texts guide followers and believers to uphold *Dharma*, including respect for others and peaceful coexistence. The central focus remains on positive moral values—tolerance, acceptance, and ethical behaviour—rather than on criminalizing criticism of other religions.¹⁰¹

Conclusion

In conclusion, the new Indonesian Penal Code reflects a nuanced approach to the protection of freedom of expression while also acknowledging the potential harm caused by incitement to religious intolerance. By criminalizing actions aimed at coercing individuals to abandon their faith through violence or threats, the law ensures greater legal certainty without infringing on personal religious freedoms, including the right to convert. This approach balances the exercise of individual freedoms with the need to protect societal harmony and religious tolerance. The clear delineation between religious freedom and unlawful conduct provides a safeguard against the misuse of

⁹⁸ Sherwood, Yvonne. *Blasphemy: a very short introduction*. Vol. 681. (Oxford: Oxford University Press, 2021).

⁹⁹ Sharma, Mridu Madhuvita. "Can Hinduism Take a Joke? Humour, Blasphemy, and the Future of Artistic Expression in Modern India." *Electronic Journal of Social and Strategic Studies* 5, no. Special Issue IV (2024): 107-129.

¹⁰⁰ Akastangga, Muhammad Dedad Bisaraguna, I Wayan Pastika, Ida Ayu Made Puspani, and I Nengah Sudiapa. "Blasfemi's Speech in Speech Made Darmawati's Religious Lecture on Youtube Media: Forensic Linguistic Study". *International Journal of Social Science and Human Research* 7, no. 2 (2024): 913-920.

¹⁰¹ Sherwood, *Blasphemy: a very short introduction*. Vol. 681.

freedom of expression to undermine religious sanctity, offering both legal clarity and societal protection.

Similarly, the Kuwaiti legal framework and Islamic Sharia demonstrate a firm commitment to safeguarding religious values while respecting the principle of public order. By criminalizing acts of blasphemy, including offenses against divine beings, Prophets, and religious symbols, these legal systems aim to uphold societal unity and prevent the disruption of public peace. The response to blasphemy within both Christianity and Hinduism emphasizes reconciliation and respect for legal processes, underscoring that personal offense should not justify violence or chaos. Both religious perspectives advocate for non-violent avenues for redress, promoting the preservation of social order while respecting the dignity of all faiths. In this context, the balance between legal protections and individual freedoms remains a crucial element in maintaining both social cohesion and respect for diverse religious beliefs.

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