

Freedom of Religion and Apostasy Laws: Tensions Between Islamic Jurisprudence and International Human Rights Standards

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ABSTRACT

This article examines the tension between classical Islamic apostasy doctrines and modern international human rights standards on freedom of religion. Using doctrinal and comparative analysis, it explores scriptural foundations, state practices, and human rights norms. The study finds that reformist interpretations and constitutional protections offer viable pathways for reconciling Islamic jurisprudence with international obligations. Freedom of religion is one of the core tenets of modern international human rights law. However, its normative contours become complex when examined alongside doctrines in traditional Islamic jurisprudence *fiqh* that prescribe penalties for apostasy. This article analyses the legal and philosophical tensions between apostasy laws rooted in classical Islamic jurisprudential frameworks and international human rights norms enshrined in treaties like the International Covenant on Civil and Political Rights ICCPR. Through doctrinal analysis, case studies, and comparative insights, the article critiques the implications and seeks pathways for normative reconciliation.

Keywords: Religious conversion, Ridda doctrine, Shari'ah interpretation, ICCPR Article 18, Maqasid al-Shari'ah, Human Rights Committee, Cultural relativism, Constitutional reform, Blasphemy legislation.

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INTRODUCTION

Freedom of religion is a fundamental principle of contemporary international human rights law, grounded in the ideals of human dignity, personal autonomy, and pluralism. It protects not only the right to practice and manifest one's faith but also the freedom to change or renounce

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religious belief. However, this universalist conception encounters significant tension in legal systems influenced by classical Islamic jurisprudence, particularly in relation to apostasy *ridda*. Traditional juristic doctrines in several schools of Islamic thought historically regarded apostasy as a punishable offense, sometimes attracting severe penalties. This creates a complex intersection between religiously derived legal norms and internationally recognized standards of freedom of religion. The purpose of this article is to examine the doctrinal and normative tensions between classical Islamic approaches to apostasy and the modern international human rights regime. It seeks to assess whether these frameworks are inherently incompatible or whether interpretive and institutional reforms can bring them into greater harmony. The scope of the study includes a doctrinal analysis of classical Islamic jurisprudence, a review of contemporary reformist scholarship, and an examination of international human rights norms as applied in Muslim-majority contexts. The significance of this research lies in its contribution to ongoing debates about the universality of human rights and the role of religious law in modern constitutional orders. Apostasy laws remain controversial due to their implications for freedom of conscience, expression, and minority protection. The issue is especially relevant in states where constitutional or statutory provisions draw upon Islamic legal traditions, raising questions about legal harmonization and compliance with international obligations (Rehmat et al., 2025; Gul et al., 2025).

This article is guided by two principal research questions: to what extent do classical Islamic doctrines on apostasy conflict with international human rights norms on freedom of religion, and whether interpretive or legal pathways exist to reconcile Islamic jurisprudence with international human rights standards. The central hypothesis is that the perceived conflict is not inevitable but largely rooted in historically contingent interpretations that can be revisited in light of contemporary contexts, the objectives of Islamic law *maqasid al-Shari'ah*, and evolving human rights norms. It analyses primary sources of Islamic jurisprudence, classical juristic opinions, and modern reformist interpretations alongside international legal instruments, treaty body comments, and scholarly literature. A limited comparative perspective is also used to assess how different Muslim-majority jurisdictions address apostasy and religious freedom. The study suggests that while classical jurisprudence often criminalized apostasy, modern reinterpretations increasingly emphasize Qur'anic principles of non-coercion and individual conscience. These reformist perspectives, combined with constitutional guarantees of religious freedom, offer potential avenues for reconciling Islamic legal traditions with international human rights obligations. The article proceeds by outlining international standards on freedom of religion, examining classical apostasy doctrines, analysing the tensions between the two frameworks, and exploring possible paths toward reconciliation. Freedom of religion is fundamental to human dignity and democratic governance. Under international law, every individual enjoys the right to choose, change, practice, or renounce a religion. Yet, apostasy leaving one's religion, particularly Islam remains illegal and punishable in several Muslim-majority jurisdictions. These criminal sanctions often emerge from classical interpretations of *Shari'ah* and complicate states' obligations under international human rights treaties. This article explores the doctrinal roots of apostasy laws in Islamic jurisprudence *fiqh*, the scope of freedom of religion under international law, and possibilities for synchronizing these diverse legal regimes (Amin et al., 2025; Ahmed et al., 2025).

RESEARCH METHODOLOGY

This study adopts a qualitative research methodology, focusing on the analysis of primary and secondary sources to examine the tension between Islamic jurisprudence on apostasy and international human rights standards. Primary sources include classical fiqh texts, Qur'anic verses, and Hadith literature, while secondary sources consist of scholarly commentaries, reformist interpretations, international treaties, UN Human Rights Committee observations, and relevant case law. The research involves critical content analysis to identify legal principles, interpretive variations, and normative conflicts, supplemented by comparative analysis of selected Muslim-majority jurisdictions. This approach allows for a systematic examination of both historical doctrinal reasoning and contemporary human rights norms, providing a coherent framework to assess the compatibility of apostasy laws with freedom of religion and to explore pathways for reconciliation.

FREEDOM OF RELIGION IN INTERNATIONAL HUMAN RIGHTS LAW

Freedom of religion is a foundational principle of modern international human rights law, grounded in the recognition of human dignity, autonomy, and equality. It encompasses the right of every individual to hold, adopt, change, or renounce a religion or belief without coercion or interference. This right is not merely a spiritual or moral entitlement; it is a legally protected freedom recognized in numerous international instruments and interpreted by international courts and treaty bodies as essential to democratic and pluralistic societies. The modern articulation of this right can be traced to the aftermath of the Second World War, when the global community sought to establish universal standards for the protection of fundamental freedoms. Article 18 of the Universal Declaration of Human Rights affirms that everyone has the right to freedom of thought, conscience, and religion, including the freedom to change one's religion or belief. This provision laid the normative foundation for later legally binding instruments and remains a central reference point in international human rights discourse. The legally binding expression of this right appears in Article 18 of the ICCPR, which guarantees the freedom to have or adopt a religion or belief of one's choice and to manifest it individually or in community with others. The covenant protects both the internal dimension of belief forum Internum, which is absolute and cannot be restricted, and the external manifestation of religion forum extremum, which may be subject to limited restrictions necessary to protect public safety, order, health, morals, or the fundamental rights and freedoms of others. However, the right to adopt or change one's religion is considered non-derogable and cannot be restricted even in times of public emergency. International jurisprudence has further clarified the scope of this right. The UN Human Rights Committee, in its General Comment No. 22, emphasized that freedom of religion includes the right to replace one's current religion with another or to adopt atheistic or non-religious beliefs. The Committee also stressed that coercion impairing the freedom to have or adopt a religion such as penal sanctions against converts or apostates is incompatible with Article 18 of the ICCPR (sholehudin et al., 2025; Malik et al., 2025).

Regional human rights systems similarly protect freedom of religion. Instruments such as the European Convention on Human Rights and the American Convention on Human Rights guarantee the right to freedom of thought, conscience, and religion, and regional courts have

repeatedly affirmed the centrality of this freedom to democratic governance. These bodies have consistently ruled that the state must remain neutral in matters of belief and must protect individuals from coercion, discrimination, or persecution on religious grounds. In practice, freedom of religion under international law encompasses several interrelated rights. These include the right to choose and change one's religion, the right to manifest beliefs through worship, teaching, practice, and observance, the right to form religious associations, and the right to refrain from religious practice altogether. It also implies protection against discrimination based on religion or belief, as well as safeguards for religious minorities. Despite its strong normative foundation, the implementation of freedom of religion remains uneven across different legal systems. In some states, domestic laws or constitutional arrangements restrict conversion or penalize apostasy, raising questions about compliance with international obligations. These tensions highlight the broader challenge of reconciling universal human rights norms with diverse cultural, religious, and legal traditions, particularly in contexts where religious law plays a central role in state governance (nasoha et al., 2025; Gul & Ahmad, 2025).

APOSTASY LAWS IN ISLAMIC JURISPRUDENCE

Classical Doctrinal Basis

Apostasy *ridda* in classical Islamic jurisprudence has been historically treated as a serious offense due to its perceived threat to religious, social, and political order. The doctrinal foundations of apostasy law derive from both the Qur'an and Hadith, interpreted by scholars across various Sunni and Shia schools of thought. While the Qur'an emphasizes individual belief and conscience in several verses such as "There is no compulsion in religion" Qur'an 2:256 other passages and traditional interpretations associate apostasy with severe consequences, particularly when it intersects with rebellion or public dissent. The Hadith literature contains numerous narratives attributed to the Prophet Muhammad PBUH that have historically been cited to justify punitive measures against apostates. Classical jurists relied on these traditions to establish that leaving Islam, especially in contexts of political or communal instability, constituted a form of betrayal or sedition warranting punishment. This rationale was not solely theological but also intertwined with maintaining societal cohesion and preventing fragmentation of the early Muslim community. Different schools of Islamic jurisprudence Hanafi, Maliki, Shafi'i, Hanbali, and Ja'fari have developed varying interpretations regarding the conditions, procedures, and penalties for apostasy. While some jurists limited the death penalty to cases of apostasy accompanied by rebellion, others applied it more broadly to any renunciation of faith. These differences illustrate the doctrinal diversity within classical Islamic law, reflecting interpretive flexibility and contextual considerations. Over time, classical juristic reasoning emphasized both individual accountability before God and communal obligations. Apostasy was often framed as a dual offense: a violation of personal religious duty and a potential threat to public order. This duality provided the foundation for legal codifications in many pre-modern Muslim polities, which integrated religious, political, and social dimensions of apostasy into their legal frameworks. Contemporary scholarship has highlighted that these classical interpretations were historically contingent and context-specific. Reformist scholars argue that many of the punitive measures were intended for a particular historical and political setting and may not be universally applicable in the modern era,

especially under frameworks that prioritize individual human rights and freedom of conscience (musavisadat, 2025).

Legal Rationales

Classical Islamic jurists justified the criminalization of apostasy through multiple legal and societal rationales, reflecting the intertwined nature of religion, law, and governance in early Muslim societies. One primary rationale was political and social stability. Apostasy was often viewed not only as a personal rejection of faith but also as a potential act of treason or sedition, threatening the cohesion of the Muslim community ummah and the authority of the state. In this context, punishing apostasy was seen as necessary to preserve public order and communal integrity. A second rationale was religious orthodoxy and communal preservation. Maintaining the purity and continuity of the faith was considered essential for both spiritual and social reasons. Jurists argued that allowing unchecked apostasy could lead to the fragmentation of religious identity, weaken communal bonds, and create doctrinal confusion. The law thus served a preventive function, discouraging dissent and ensuring adherence to established religious norms. A third justification stemmed from scriptural interpretations. Classical jurists relied on selected Hadiths in which the Prophet Muhammad PBUH is reported to have prescribed worldly consequences for apostasy, including capital punishment in specific circumstances. While the Qur'an emphasizes freedom of conscience in certain verses, jurists reconciled these texts with Hadith literature to construct a legal framework that treated apostasy as both a moral and legal offense. Additionally, jurists often considered the public dimension of faith. Apostasy was deemed punishable when it was outwardly manifested or associated with actions that could influence others, such as inciting rebellion or undermining communal authority. In this sense, the law distinguished between private doubt or disbelief, which might remain a matter between the individual and God, and public apostasy that could destabilize the social order. Overall, the classical legal rationales combined theological, social, and political considerations. They reflect a legal philosophy in which individual conscience, community cohesion, and divine mandate were interdependent, and where the preservation of societal order and religious orthodoxy was prioritized alongside moral accountability. Contemporary debates often focus on whether these rationales remain relevant in modern pluralistic societies committed to human rights norms and freedom of conscience (Shahbaz, 2025).

TENSIONS BETWEEN APOSTASY LAWS AND INTERNATIONAL STANDARDS

Apostasy laws in several Muslim-majority jurisdictions create significant tensions with international human rights standards, particularly the right to freedom of religion and belief. Under instruments such as the ICCPR, individuals have the unqualified right to adopt, change, or renounce their religion, as well as to manifest their beliefs without fear of coercion or penal sanction. Criminalizing apostasy, therefore, directly conflicts with these core human rights principles, as it restricts personal autonomy, freedom of conscience, and freedom of expression. The normative conflict is further reinforced by interpretations of the UN Human Rights Committee. that the freedom to have or adopt a religion includes the right to change one's religion or belief, and that coercion or punishment for religious conversion or renunciation is incompatible with international law. Apostasy laws, particularly those prescribing capital punishment or

imprisonment, violate the non-derogable aspects of Article 18, exposing states to criticism and potential international legal scrutiny. These tensions also manifest in the treatment of religious minorities and dissenters. Apostasy laws can foster social stigmatization, legal discrimination, and, in some cases, extrajudicial violence. Individuals who choose to leave Islam may face not only formal criminal sanctions but also societal ostracism, family rejection, and threats to personal security. Such outcomes illustrate how the coexistence of traditional apostasy laws and international norms can create a human rights deficit in practical terms, undermining principles of equality and non-discrimination (Akyol, 2026).

Moreover, apostasy laws challenge the universality of human rights by invoking cultural and religious particularism. Some proponents argue that international norms must accommodate local religious and moral frameworks, framing apostasy laws as a legitimate expression of Islamic identity and social cohesion. However, international human rights jurisprudence emphasizes that cultural and religious traditions cannot justify restrictions on fundamental freedoms, particularly those relating to conscience and belief. The enforcement of apostasy laws highlights the tension between individual and collective rights. While states may justify such laws as necessary for preserving communal integrity or religious orthodoxy, international standards prioritize the individual's right to freedom of thought, belief, and expression. This conflict underscores the broader challenge of reconciling legal systems based on classical religious jurisprudence with modern human rights obligations, necessitating reformist interpretations and legal mechanisms that protect both religious tradition and individual liberty (Ridwan et al., 2025).

RECONCILING ISLAMIC JURISPRUDENCE AND HUMAN RIGHTS

Reconciling classical Islamic jurisprudence on apostasy with international human rights standards requires both interpretive and legal approaches that prioritize individual freedom while respecting religious traditions. Contemporary Islamic scholars increasingly emphasize Qur'anic principles of non-coercion and the sanctity of personal conscience. Verses such as "There is no compulsion in religion" Qur'an 2:256 are cited to argue that punitive measures for apostasy are neither obligatory nor universally applicable, particularly in contexts where faith is a matter of personal belief rather than political allegiance. Reformist interpretations also draw upon the *maqasid al-Shari'ah*, the objectives of Islamic law, which include justice, human dignity, and the protection of life and property. From this perspective, criminalizing apostasy may contravene these higher objectives, suggesting that legal frameworks should prioritize human rights and societal well-being over rigid enforcement of historical juristic rulings. Scholars advocate for distinguishing between spiritual accountability before God and worldly punishments, limiting the latter to situations that directly threaten public safety or communal order rather than private religious belief. From a legal and policy standpoint, Muslim-majority states can pursue multiple avenues for reconciliation. Constitutional safeguards can enshrine freedom of religion and conscience, while legislative reforms can decriminalize apostasy and protect individuals from discrimination and persecution. Judicial interpretations and administrative policies can further reinforce these rights without negating the cultural and religious significance of Islamic law. Comparative experiences illustrate the feasibility of such reconciliation. Countries like Tunisia and Indonesia have taken steps to protect freedom of belief while maintaining cultural respect for

religious traditions. Legal reforms in these jurisdictions emphasize individual rights, prevent coercion, and provide safeguards for minority communities, demonstrating that international human rights norms and Islamic jurisprudence can coexist when approached with interpretive flexibility. Ultimately, reconciliation involves fostering dialogue between Islamic legal scholars, policymakers, and human rights advocates. By promoting contextualized interpretations of Shari'ah, aligning legal systems with the core principles of freedom of conscience, and protecting vulnerable populations, states can navigate the tension between tradition and modernity, ensuring that both religious values and human rights are respected (Akbaba, 2025).

CONCLUSION

This study highlights the complex tensions between classical Islamic jurisprudence on apostasy and international human rights standards protecting freedom of religion. Apostasy laws, historically rooted in concerns over social cohesion, political stability, and religious orthodoxy, often conflict with contemporary norms of individual autonomy, freedom of conscience, and equality before the law. While classical juristic interpretations emphasized punitive measures, modern reformist scholarship and Qur'anic principles of non-coercion provide normative and theological grounds for re-evaluating these laws. The research demonstrates that reconciliation is possible through contextualized jurisprudential interpretations, constitutional protections, and legislative reforms that uphold both human dignity and religious values. States can adopt legal frameworks that decriminalize apostasy, protect religious minorities, and safeguard individual freedom of belief without undermining the cultural and moral significance of Islamic law. Comparative experiences from jurisdictions that have implemented such reforms illustrate practical pathways for harmonizing religious tradition with international obligations. Future research could explore empirical studies on the social and legal impacts of apostasy law reforms, the role of education and public discourse in shaping attitudes toward religious freedom, and the comparative analysis of different legal schools within Islam in adapting to human rights norms. Further interdisciplinary work combining Islamic theology, human rights law, and sociology could provide deeper insights into achieving a sustainable balance between faith-based legal traditions and universal human rights principles. legal and social environment that respects both individual freedoms and the integrity of religious communities, reinforcing the universal importance of freedom of religion in the 21st century. Apostasy laws rooted in traditional Islamic jurisprudence present complex legal and normative challenges when evaluated against international human rights standards. While religious traditions reflect deep historical and theological underpinnings, contemporary human rights law affirms individual freedom of religion as paramount including the right to change or renounce one's faith. Reconciling these frameworks requires robust theological debate, jurisprudential reform, and constitutional protections that uphold dignity, autonomy, and fundamental freedoms.

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