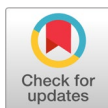
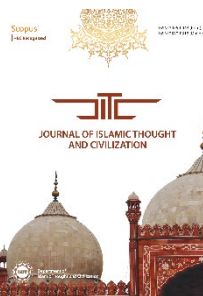


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Title: **Extent of Commitment to Religious Tolerance and Acceptance of Others in Islamic *Shariah* and Omani Law: A Comparative Study with International Charters**

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Extent of Commitment to Religious Tolerance and Acceptance of Others in Islamic *Shariah* and Omani Law: A Comparative Study with International Charters

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Abstract

Freedom of belief and the acceptance of others are issues that attract widespread attention locally and internationally, as well as from civil society. What is the position of Islam on freedom of belief and the acceptance of others? Taking Oman as a model of Islamic countries, to what extent does the Omani law align with the human right to freedom of religion? What is the stance of Islam and Omani law on apostasy and blasphemy? The evidence and texts related were clarified, analyzed, and compared with international charters. The study concluded that Omani law places a high value on freedom of belief and makes it a constitutional principle, imposing a criminal penalty for its violation. Religious tolerance reached its peak in Oman with the establishment of places of worship for all religious beliefs, including Hinduism. Additionally, Islamic law, since the time of the Prophet Muhammad (PBUH), has recognized freedom of belief and the practice of rituals to the extent that Christians were allowed to perform their rituals in a mosque. Therefore, Omani laws and Islamic laws adhere to international standards on freedom of belief and do not impose a penalty for apostasy. The study recommended amending Omani law to make the penalty for blasphemy including all religions and all places of worship, not just the Abrahamic religions and their respective places of worship.

Keywords: acceptance of the other, freedom of belief, Omani law, practicing rituals, religious pluralism

Introduction

Religious tolerance receives significant attention from both the international and local communities. The spread of violence and hatred resulting from intolerance towards others can threaten both international peace and community harmony. Therefore, Omani law places great emphasis on religious tolerance and imposes strict criminal penalties on anyone who commits acts of violence, hatred, or intolerance towards others. Given the importance of religious tolerance and freedom of religion for all individuals, these principles have become cornerstones of international standards. Although Islam has emphasized religious tolerance and acceptance of others since the establishment of the first Islamic state, some individual violations occasionally occur, reflecting personal views rather than the general stance of Islam.

The importance of the research stems from two perspectives: theoretical and practical. From a theoretical perspective, the significance of this research lies in highlighting pluralism and religious tolerance in Omani law and Islam, and in comparing them with international human rights standards to better understand their alignment with international agreements. This aims to inform researchers about the appropriate stance of Islamic and Omani law on this vital issue. In practice, the research defines the legal framework for pluralism and religious tolerance in Omani law and Islam, and presents a model of religious tolerance for both domestic and international communities.

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1.1. Research Objective

The main objective of the research was to clarify and analyze the position of Islam on religious tolerance and acceptance of others, and whether it is permissible to accuse Islam of promoting violence, hatred, and religious intolerance towards others, as well as restricting their practice of religious rituals. The human rights crisis in Islamic societies is a result of internal conditions and external factors, and it should not be interpreted within the framework of Islamic teachings. Under oppressive conditions, the political, social, and economic aspects of society lead to a strict interpretation of the Qur'ān. It is certain that the interpretation of the Qur'ān in an environment characterized by political freedom and a social safety net differs from its interpretation in an environment based on political freedom and the rule of law.¹ Since the Sultanate of Oman is an Islamic country, its stance on religious tolerance serves as a model for other Islamic nations, facilitating an evaluation of its alignment with other civilized countries on religious tolerance. Therefore, the primary objective of this research was to elucidate the position of Omani law and Islam.

1.2. Research Questions

The current research addressed the following questions:

- Is it fair to describe Islam as intolerant?
- What are the limits of religious tolerance within Islam?
- Does Omani law uphold the commitment to religious tolerance, the protection of faith, and the freedom to practice religious rituals?
- How do Islam and Omani law correspond with international standards regarding religious freedom and acceptance of others?
- What are the positions of Islam and Omani law on the contentious issues of blasphemy and apostasy?

2. Methodology

This study used descriptive and comparative analytical methods. These methods involved reviewing legal texts and citing original evidence from the Qur'ān and *Sunnah*, as well as Hadith collections and the opinions of jurists from the four schools of thought. Additionally, modern studies from books and articles on freedom of belief and the practice of religious rituals were reviewed, clarifying their stance on blasphemy and apostasy, both of which are complex matters in Islam and the law alike. These pieces of evidence were analyzed to determine their advantages, disadvantages, and shortcomings, and compared with the rules contained in international charters to assess their compatibility with international requirements. The study also aimed to provide recommendations for other jurisdictions or Omani law as a model.

3. Religious Tolerance and Acceptance of Others

3.1. Definition of Religious Tolerance and its Importance

Some define religious tolerance as a person's right to choose the religion they desire, and even

¹Nader Hashemi and Emran Qureshi, "Islam and Human Rights: A 50-Year Retrospective," *Muslim World Journal of Human Rights* 19, no. 1 (2022): 1–18, <https://doi.org/10.1515/mwjhr-2022-0007>

to accept their right not to believe in any religion at all². However, it is more appropriate to define religious tolerance as a legal duty that requires members of society to accept others who differ in religion, belief, or otherwise, and to enable them to practice their religious rituals. This ensures their right to change their beliefs whenever they wish without facing persecution or contempt. This definition aligns with the linguistic meaning, which refers to being lenient with and accepting others.³ Tolerance and freedom of belief are religious necessities because faith resides in mind, relies on others to affirm the heart, and cannot be imposed. Therefore, a person has the right not to believe in any religion⁴. It is a humanitarian principle that must be followed; it is a lifeline from the fires of fanaticism and hatred, and a means to peaceful living. This is evident from the historical origins of tolerance, which emerged in Europe due to religious conflicts between Catholics and Protestants. Eventually, Catholics and Protestants developed greater tolerance towards each other. The term was then adopted by all beliefs.⁵ The term spread among Enlightenment philosophers, including John Locke (1632-1704), Voltaire (1694-1778), and Jean-Jacques Rousseau (1712-1778), who called for an end to violence and conflict in Europe at that time. Tolerance succeeded in healing Europe's wounds caused by fanaticism and sectarian conflicts.⁶ This is because tolerance and understanding of followers of other religions contribute to the existence of an ideal society where its members work towards the progress and happiness of the community.⁷

The importance of religious tolerance lies in its status as a divine goal highlighted by the Holy Qur'an, which states: "And if your Lord had willed, He could have made mankind one nation, but they will not cease to differ except for what your Lord has willed. And thus, He created them." Ibn Kathir, in his interpretation of this verse, notes that God was capable of making all people believe or disbelieve. However, differences among people regarding their religions, beliefs, and opinions would persist. The truth is that if the followers of each religion aim to guide people and bring them closer to God, there would be no hostility or intolerance among the adherents of different beliefs, as they would fulfill their roles by teaching others. Everyone has the freedom to choose. Therefore, religious tolerance holds an important place in Islamic teachings, as it is closely associated with respecting religious freedom and accepting diverse ideas, leading to societal stability and prosperity.⁸

Religious tolerance has become more vital than ever due to advances in transportation and communication, making people feel as if they are living in a large village. Therefore, conscious societies recognize that freedom of belief cannot be compromised; it contradicts God's supreme will

²Mohamed Zuhaily, "Freedom of Belief in Sharia: Its Dimensions and Regulations," *Journal of Damascus University for Economics and Legal Studies* 27, no. 1 (2001): 369–412.

³Abdulahad Lou, "The Theory of Tolerance from the Perspective of Quranic Diplomacy," *Journal of Islamic Studies at Hamad Bin Khalifa University* 3, no. 3 (2021): 1–16, <https://www.hbku.edu.qa/sites/default/files/theoryoftolerancequran.pdf>

⁴Ayman Abdulnazir, "Guarantees of Freedom of Belief," *Journal of Law and Economy* 95, no. 1 (2022): 167–238, <https://doi.org/10.21608/mle.2022.226410>.

⁵André Laland, *Laland's Philosophical Encyclopedia* (Beirut: Oueidat Publishing and Printing, 2012), 1460.

⁶Nasira Hernoun, "Changes in the Meaning of the Concept of Tolerance of Philosophers of Light to the Charter of the United Nations," *El Mienyar Journal* (2021): 228–239, <https://asjp.cerist.dz/en/article/143793>.

⁷Yani Ainusyamsi et al., "Interreligious Engagement: Learning from the Medieval Muslim Intellectual Legacy," *Journal of Islamic Thought and Civilization* 15, no. 1 (2025): 367–384, <https://doi.org/10.32350/jitc.151.21>.

⁸Luke Bretherton, "Tolerance, Education and Hospitality: A Theological Proposal," *Studies in Christian Ethics* 17, no. 1 (2004): 80–103, <https://doi.org/10.1177/095394680401700106>; Bulan Jolaman et al., "Abu Hanifa: Architect of Islamic Moderatism in Contemporary Contexts," *Journal of Islamic Thought and Civilization* 15, no. 2 (2025): 253–268, <https://doi.org/10.32350/jitc.152.14>.

in the diversity of people.⁹ Islam is a religion that sanctifies freedom; thus, it guarantees people the freedom of belief, provided their choice is made without pressure or temptation.¹⁰

3.2. Texts of the Qur'ān and *Sunnah* Mandate Religious Tolerance and Acceptance of Others

The texts of the Holy Qur'ān and *Sunnah* consistently emphasize Islam's tolerance towards others and command complete freedom for individuals to believe as they wish. It guarantees them security and peace, allowing them to practice their religious rituals as they desire therefore, the Islamic community should accept this with an open heart.¹¹ God says in the Qur'ān: "So whoever wills, let him believe; and whoever wills, let him disbelieve."¹² He also says: "There is no compulsion in religion."¹³ This verse explicitly prohibits forcing anyone to embrace Islam. Therefore, those who enter Islam and embrace it with knowledge and insight do so voluntarily, while those who refuse to embrace it are free to choose, because Islam, like any other religion, does not benefit from those who enter it under compulsion.¹⁴ God says, "And the Messenger is only responsible for clear notification"¹⁵ and "You are not a dictator over them."¹⁶ God mentioned to the Prophet Muhammad (PBUH) that "he is neither a ruler over the people nor a tyrant who forces them to embrace Islam."¹⁷ The Prophet is merely a messenger of God; if they listen, it is for their benefit, and if they disobey, you, O Muhammad, are not responsible for them at all."

Islam not only protects a person's right to choose their religion but also strives to prevent discrimination against religious minorities by imposing certain restrictions on the practice of their rituals. This is because religious freedom should include treating religious minorities the same way as religious majorities.¹⁸ The state of Medina was an excellent example of coexistence and religious pluralism. Jews and Christians lived alongside Muslims without discrimination because religious freedom was guaranteed to them by the Charter of Medina, established by the Prophet Muhammad (PBUH) with all segments of society. Everyone lived based on the principle of equality or citizenship in the modern sense.¹⁹ No one interfered with other's religious beliefs or prevented them from

⁹Walid Kassab, *Islamic Tolerance between Theory and Practice* (Cairo: Association of Islamic Universities, 2004), 198.

¹⁰Qadoor Salat, "Protection of Religious Freedoms in Islam," *Journal of Creedal Studies and Comparative Religions* 8, no. 2 (2019): 127–153, <https://asjp.cerist.dz/en/article/107469>.

¹¹Paola Pizzi, "No Compulsion in Religion: Jawdat Sa'īd (d. 2022) and the Jihād of the Prophets," *Journal of Pacifism and Nonviolence* 2, no. 2 (2024): 186–212, <https://doi.org/10.1163/27727882-bja00023>.

¹²Al Kahf 18:29.

¹³Al Baqara 2:256.

¹⁴Mohamed Ibn Kathir, *Tafsīr al-Qur'ān al-'Azīm* (Riyadh: Dār al-Ṭaybah for Publishing and Distribution, 1999), 682.

¹⁵Al Noor 24:54.

¹⁶Al Ghashiyah 88:22.

¹⁷Mohamed Tabari, *Jāmi' al-Bayān 'an Ta'wīl Āy al-Qur'ān* (Beirut: Al-Resala Association, 2000), 391.

¹⁸Jonathan Fox, Marko Veković, and Ariel Zellman, "Government Religion Policy and Religious Freedom in Post-Communist Eastern Europe and Central Asia 1990 to 2023," *The Review of Faith & International Affairs* 24, no. 1 (2026): 1–28, <https://doi.org/10.1080/15570274.2025.2558399>.

¹⁹Khalil Ahmad, and Kuttiani Muhammad Muneer, "Revisiting Medina Charter: Towards the Realization of Maqasid al-Shariah for Contemporary Plural Societies," *International Journal of Islamic Thought* 27, no. 1 (2025): 105–116, <https://doi.org/10.24035/ijit.27.2025.321>; Haza Hanurhaza Md Jani et al. "A Review on the Medina Charter in Response to the Heterogeneous

practicing their rituals. Everyone was granted complete freedom without being subjected to disdain or ridicule for their beliefs.²⁰ History records that the Prophet Muhammad (PBUH) guaranteed non-Muslims the freedom to practice their beliefs and rituals freely. It is sufficient to mention his stance towards the Christian delegation from Najran that visited him. They entered the mosque and sat with him for a long time. When it was time for their prayer, they stood up to pray in the mosque. Some of the Prophet's companions were about to prevent them but he forbade it and ordered them to let them pray in the mosque without disturbance.²¹

The peak of religious tolerance towards others shows in allowing Christians to perform their religious rituals in the mosque, in the presence of the Prophet (PBUH) and his companions. They felt safe and secure, not fearing betrayal or contempt for their rituals, because they knew that Prophet Muhammad (PBUH) was the one who said to his companions, "Whoever kills a soul unless for a soul or corruption done in the land - it is as if he had slain mankind entirely."²² Religious tolerance reached its peak when the Prophet Muhammad (PBUH) did not marginalize non-Muslims in the state and sought to integrate them into society. Therefore, he interacted with the Jews through buying and pledging. It is narrated that Lady Aisha, the wife of Prophet Muhammad (PBUH), said he bought food from a Jew and pledged an iron armor as collateral.²³ Thus, the Prophet Muhammad (PBUH) established an important Islamic principle: the permissibility of dealing and contracting with people of different religions. Non-Muslims should not be marginalized or isolated. The roots of the problem of intolerance lie in the intellectual stagnation caused by a lack of mental exercise and critical thinking. When one thinks and exercises their mind, they are more likely to accept different opinions and tolerate diverse religions.²⁴

The caliphs followed the Prophet's path. Caliph Abu Bakr addressed his army heading to Syria, saying: "You will pass by people who have abandoned the world and devoted themselves to monasteries, so do not fight them, and leave them to what they are in."²⁵ Caliph Umar saw a Jewish temple covered in dust and removed it with the edge of his garment until it was visible enough for the Jews to practice their rituals.²⁶ When he opened Jerusalem, he agreed with its inhabitants on what is called the Pact of Umar. He granted them safety for their lives, properties, churches, and crosses.²⁷ As for Caliph Umar ibn Abdul Aziz, he applied the principle of citizenship and equality when he sent a message to his governor in Iraq, ordering him to allocate a monthly salary from the treasury for the poor Jews and Christians. Therefore, he was the first to issue a social security law for non-Muslim seniors, an idea that modern laws did not reach until after a long struggle by the people.²⁸

Society in Malaysia," *Procedia Environmental Sciences* 2, no. 1 (2015): 92–99, <https://doi.org/10.1016/j.proenv.2015.07.014>.

²⁰Ibrahim Anani, "Freedom of Belief between Islamic Sharia and International Human Rights," in *The International Conference on the Objectives of Sharia and the Contemporary World* (Cairo: Supreme Council for Islamic Affairs, 2010), 1–15, <https://iefpedia.com/arab/?p=13828>.

²¹Abdul Malik Ibn Hisham, *Al-Sirah al-Nabawiyah* (Cairo: Dār al-Ḥadīth, 2006), 574.

²²Al Mайдah 5:32.

²³Mohamed Bukhari, *Ṣaḥīḥ al-Bukhārī*, vol. 3 (Beirut: Dār Ṭawq al-Najāt, 2002), 86.

²⁴Habib Abdullah, "Tolerance and Religious Pluralism," *Masarat Journal* 9, no. 9 (2017): 22–43, <https://search.mandumah.com/Record/853584>.

²⁵Mohamed Reda, *Abu Bakr: The First Caliphate* (Beirut: Dār al-Kitāb al-‘Arabī, 2004), 38.

²⁶Anani, "Freedom of Belief between Islamic Sharia."

²⁷Jaafar Abdulsalam, *Tolerance in Islamic Thought* (Cairo: Association of Islamic Universities Publications, 2005), 234.

²⁸Mohamed Bendari, "Features of Social Justice in Islamic Jurisprudence and Omani Law," *Journal of the Faculty of Sharia and Law – Al-Azhar University* 38, no. 2 (2023): 1–53, <https://doi.org/10.21608/mksq.2023.322056>.

3.3. The Constitution and Law Interest in Religious Tolerance in Oman

Although religious tolerance is fundamentally a moral principle that reflects the nobility of its holder, the constitutional framework in Oman has rendered it a legal obligation for all individuals in society by promoting it. Consequently, while the official religion of the Sultanate of Oman is Islam,²⁹ owing to its representation of the majority population's faith, the Omani constitution acknowledges non-Islamic religions and beliefs³⁰ and ensures their freedom to practice religious rituals. To guarantee the freedom to practice religious rituals for all residents in Oman within an atmosphere of societal harmony, the constitution prohibits the spread of any material that could incite hatred or discord.³¹ In line with its commitment to the principle of tolerance, the Omani Constitution establishes equality as one of the foundations of its governance system, prohibiting discrimination against individuals based on their origin, religion, sect, or other factors. Additionally, Article 35 of the Constitution protects freedom of opinion, allowing every individual to hold any religious views and express them in any manner. To ensure that Omani society respects the principle of religious tolerance, Omani law imposes a prison sentence of three to ten years on anyone who promotes religious strife, sectarian or factional disputes, or engages in any activity that may foster hatred or division among community members. Anyone who incites any of these actions would receive the same penalty. The law stipulates a harsher penalty if the crime occurs in places of worship, in a public state facility, or is committed by individuals of religious status, or public officials while performing their duties or in connection with them.³² There is no doubt that the law justifies imposing a harsher penalty when these individuals commit the crime of religious intolerance, as they are responsible for promoting religious tolerance.

4. Two Thorny Issues: Blasphemy and Apostasy

4.1. Blasphemy

Blasphemy, as it is called in the Bible³³ and referred to as religious contempt in law, is the act of insulting the divine, messengers, prophets, religious beliefs, or symbols representing them by any means of expression.³⁴ This definition includes any insult to any religion or belief, regardless of whether it is one of the Abrahamic religions or another, such as Hinduism or Buddhism. It is also applicable whether the contempt occurs through speech, action, or gesture.

The prohibition of mocking the religions of non-Muslims is established in the Qur'ān by God's saying, "And do not insult those they invoke other than Allah, lest they insult Allah in enmity without knowledge."³⁵ The reason for the revelation of this verse is that Muslims used to insult the idols of the polytheists, and the polytheists would respond by insulting Allah. Therefore, the Qur'ān prohibited Muslims from mocking the beliefs of others among the polytheists, and this ruling remains

²⁹Sultanate of Oman, *Omani Constitution*, January 11, 2021, <https://decree.om/2021/rd20210006/>.

³⁰Salem Shukaili, *The Complete Explanation of the New Basic System* (Muscat: Arab Studies Library for Publishing and Distribution, 2021), 302.

³¹Sultanate of Oman, *Omani Constitution*.

³²Sultanate of Oman, *Omani Penal Law*, January 11, 2018, <https://decree.om/2018/rd20180007/>.

³³Leonard Levy, "Blasphemy: Christian Concept," 1987, <https://www.encyclopedia.com/environment/encyclopedias-almanacs-transcripts-and-maps/blasphemy-christian-concept>.

³⁴Ameen Dahmash, "Blasphemy between Criminalization and Protection of the Right to Express Opinion: A Comparative Study," *Security and Law Journal* 27, no. 1 (2019): 187–252, <https://search.mandumah.com/Record/1080089>.

³⁵Al Anaām 6: 108.

until the Day of Judgment.³⁶

The wisdom behind Islam's prohibition of mocking the beliefs of non-Muslims is that God granted human beings the freedom to embrace Islam or remain with the belief they choose; if mocking their beliefs was permissible, it would be a form of moral coercion to enter Islam.³⁷ Therefore, Islam imposes a discretionary punishment for the crime of blasphemy, according to the ruler's judgment or legislative authorities.³⁸ This is because insulting a non-Muslim or their belief is an infringement on the freedom of belief that Islam guarantees.

4.1.1. If Islam's Position is this Clear, What is the Position of the Law?

The Omani Penal Code, in Article 269, stipulates a prison sentence of no less than three years and no more than ten years for anyone who insults the divine, or disrespects the Qur'ān, Islam, or any of the Abrahamic religions, or insults any of the prophets in any way, or destroys or desecrates buildings designated for the practice of Islamic or other religious rituals.³⁹ It is noted that the Omani law imposes a severe penalty for the crime of blasphemy against Abrahamic religions or desecration of places of worship, which is an implementation of the constitution that guarantees freedom of belief and the practice of religious rituals, and achieves peaceful coexistence among all elements of society. This is because blasphemy against religions is a scourge that affects society, threatening its security and undermining its stability.⁴⁰

4.1.2. Analysis of the Position of Islam and Omani Law on Blasphemy

It is clear that Islam prohibits blasphemy against any belief of non-Muslims, as stated in the definitive and unequivocal verses of the Qur'ān, a ruling that remains until the Day of Judgment. Therefore, contempt for the beliefs of non-Muslims is a crime punishable by a penalty determined by the state, taking into account the circumstances of time and place. The wisdom behind Islam's concern with not disparaging the beliefs of non-Muslims is due to two reasons: Firstly, allowing the contempt of their beliefs is a form of moral coercion for them to convert to Islam and abandon their beliefs, which is forbidden because God has granted them freedom. Secondly, blasphemy can threaten security and peace within society and internationally. This may force communities into religious and sectarian conflicts as well as generate violence and terrorism for the world to suffer from its consequences.

As for the Omani law, it is subject to criticism since it confines the crime of blasphemy to the three Abrahamic religions. Other beliefs, such as Hinduism or Buddhism, for instance, are not included in the legal protection against the crime of blasphemy. Moreover, the Omani law has made the crime of blasphemy only related to the desecration of places of worship specific to the Abrahamic religions, excluding places of worship for other beliefs, despite the presence of a Hindu temple in Oman with a long history. There is no doubt that this is a significant flaw in Omani law that needs to be rectified by making the crime of blasphemy related to the contempt of any belief. This is because

³⁶Mohamed Qurtubi, *Al-Jāmi' li-Aḥkām al-Qur'ān*, vol. 8 (Cairo: Dār al-Kutub al-Miṣriyya, 1939), 61.

³⁷Layla Salem, "The Disdain of Abrahamic Religions between Islamic Law and the United Arab Emirates Law," *Journal of Sharia and Law* 32, no. 74 (2018): 295–359, https://scholarworks.uaeu.ac.ae/cgi/viewcontent.cgi?article=1101&context=sharia_and_law.

³⁸Ali Tarabulsi, *The Guide for Judges on What Is Repeatedly Heard Between the Two Opponents* (Beirut: Dār al-Fikr, n.d.).

³⁹Sultanate of Oman, *Omani Penal Law*.

⁴⁰Manal Monajjed, "Legislative Policy to Confront Crimes of Discrimination and Hatred in Federal Law—An Analytical Study," *Kuwaiti Journal of Law* 43, no. 3 (2019): 271–307, <https://doi.org/10.34120/jol.v43i3.2447>.

this specification contradicts the Omani constitution, which guarantees freedom of belief, as well as contradicts the Islamic stance that prohibits the contempt of any belief.

The stance of the European Court of Human Rights is also subject to criticism. This is because it ruled that religious freedom does not impose on states the obligation to enact legislation protecting religious individuals from insult. What is prohibited is depriving a person of practicing their religious rituals, while blasphemy is considered by the court to fall under freedom of expression.⁴¹ The direction of the European Court is misguided because the right to freedom of expression should not be transformed into a means of insulting others' beliefs and provoking their religious feelings.⁴² If democratic societies guarantee freedom of expression as a human right, they must restrict this freedom by respecting the rights of others and not infringing upon their beliefs to protect security and peace in society.⁴³ Muslims in Britain requested the protection of their religious feelings through the blasphemy law; they were surprised to find that this law is dedicated to protecting church sanctities.⁴⁴

4.2. Apostasy from Islam

Apostasy is the act of leaving Islam for another religion or for no religion at all.⁴⁵ Apostasy from Islam must be clear and cannot be based on mere suspicion. It is not permissible to judge a Muslim as an apostate for denying what is known by necessity in the religion. This is because the term is broad and undefined, and opinions about its content vary. Therefore, it should not be used as a weapon against those who disagree. The early and later Muslim jurists disagreed on the punishment for apostasy from Islam into two opinions.⁴⁶

The first opinion is the opinion of the early jurists of the four schools of thought and some contemporary scholars, who believe in sentencing the apostate to death because it is an act that involves rebellion and deviation. There is no religious freedom after converting to Islam,⁴⁷ with a difference among them on whether he should be killed immediately or given a period to repent.⁴⁸

⁴¹European Commission of Human Rights, *Dubowska and Skup, v. Poland*, April 17, 1997, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%5B%22001-3654%22%5D%7D>.

⁴²Naji Shazly, "International Responsibility for Blasphemy Against Religions and Religious Symbols," *University Journal of Legal and Economic Studies* 48, no. 48 (2023): 132–184, <https://doi.org/10.21608/mklse.2022.135691.1012>.

⁴³Ahmed Ashqar, "The Legitimacy of Restrictions on Freedom of Opinion and Expression: Between Constitutional Protection and International Standards," *UAEU Law Journal* 39, no. 100 (2025): 57–96, https://scholarworks.uaeu.ac.ae/sharia_and_law/vol2025/iss100/2/.

⁴⁴Faisal Devji, "From Blasphemy to Sacrilege: Searching for Religion in Controversies about Islam," *Temenos – Nordic Journal for the Study of Religion* 60, no. 1 (2024): 179–184, <https://doi.org/10.33356/temenos.142815>.

⁴⁵Nabil Qarkour, "Freedom of Belief and the Ruling on Apostasy in Islamic Sharia," *Journal of the Legal Forum in Algeria* 5, no. 5 (2018): 241–259; Mohamed Hussein, "Atheism between Human Freedom and the Issue of Apostasy," *Journal of the Faculty of Islamic and Arabic Studies for Girls* 36, no. 4 (2020): 401–534, <https://doi.org/10.21608/bfda.2020.223779>; Mohamed Awad, "Issues of Apostasy," *Little Muslim Association* 42, no. 164 (2020): 77–90.

⁴⁶Awad, "Issues of Apostasy," 77.

⁴⁷Jasni Bin Sulong, "The Implications of Religious Conversion towards Muslim Inheritance under Malaysian Law," *International Journal of Liberal Arts and Social Sciences* 2, no. 9 (2014): 122–135.

⁴⁸Alaa al-Din Kasani, *Badā'i' al-Ṣanā'i' fī Tarīb al-Sharā'i'*, vol. 7, 2nd ed. (Beirut: Dār al-Kutub al-Ilmiyya, 1986), 134; Mohamed Trabulsi. *Mawahib Al-Jalil fi Sharh Mukhtasar Khalil*. 3. Vol. 6. (Beirut: Dar Al-Fikr, 1992), 279; Mohammad Ramli, *Nihāyat al-Muḥāj ilā Sharh al-Minhāj*,

The evidence for this opinion is based on verses from the Qur'an that threaten the apostate with severe punishment in the hereafter and the nullification of his deeds in this world.⁴⁹ It also relies on two Hadiths of the Prophet Muhammad (PBUH). The first is about killing those who change their religion and the second is about killing those who separate from the religion and abandon the community.⁵⁰ These two hadiths are sufficient to justify killing the apostate in addition to Caliph Abu Bakr's killing of the apostates at the beginning of his caliphate.

The second opinion is of contemporary jurists. They believe that apostasy from Islam, devoid of any statement or action that harms the Islamic community and its governance, is an act that carries no punishment. This is because it falls under the freedom of belief that Islam grants to people, whether by embracing Islam or leaving it, because God said, "There is no compulsion in religion." Thus, the freedom of apostasy is guaranteed and carries no punishment in this world;⁵¹ God has promised severe punishment in the Hereafter for those who commit it.⁵² The evidence for this opinion is that killing an apostate leads to a contradiction between the Qur'an and the *Sunnah*. The Qur'an grants religious freedom to people, while the *Sunnah* commands the killing of those who apostate from Islam. Therefore, there must be a reconciliation between the texts of the Qur'an and the *Sunnah*, or the rejection of the Hadith due to its weakness, as it is a Hadith of a single narrator, and Hadiths of a single narrator are not applied in matters of belief. Religious freedom is established by the texts of the Qur'an, which are definitive in authenticity and meaning, and the verses on apostasy do not specify any worldly punishment for the apostate, relying instead on the punishment of the Hereafter. Especially, since the Qur'an mentions punishments for lesser crimes, such as cutting off the hand of the thief or flogging the adulterer,⁵³ it is possible to reconcile the texts of the Qur'an and the *Sunnah* by stating that the context of the Hadiths that command killing is specifically towards the apostate who fights against the Muslims verbally or physically. Thus, their punishment is not due to their

vol. 7 (Cairo: Al-Bābī al-Halabī Library, 1997), 419; Mohammad Ibn 'Abidīn, *Radd al-Muhtār 'alā al-Durr al-Mukhtār*, vol. 3 (Cairo: Bulaq Press, n.d.), 291; Mohammad Sarakhshi, *Al-Mabsūt*, vol. 10 (Beirut: Dār al-Ma'rifah, 1993), 98–99; Mohamed Abu Zahra, *Al-Jarimah wa-al-'Uqubah fī al-Fiqh al-Islāmī* (Cairo: Dār al-Fikr al-'Arabī, n.d.), 173; Najla Sharif, "Response to the Suspicion that the Punishment for Apostasy Is Not Mentioned in the Qur'an," *Journal of the College of Islamic and Arabic Studies for Girls in Damanhur* 5, no. 2 (2020): 421–450, <https://doi.org/10.21608/jcia.2020.110057>; Reem Juhani, "Apostasy and Its Rulings in Islamic Jurisprudence: A Comparative Study," *Journal of the College of Islamic and Arabic Studies for Women in Kafir El-Sheikh* 7, no. 1 (2023): 387–422, <https://doi.org/10.21608/fica.2023.338036>.

⁴⁹Al Baqara 2:217; Al Imran 3:106; Al Maidah 5:54.

⁵⁰Mohamed Bukhari, *Ṣaḥīḥ al-Bukhārī*, vol. 4 (Beirut: Dār Ṭawq al-Najāt, 2002), 61.

⁵¹AAbdul-Mutal Saedi, *Freedom of Thought in Islam* (Cairo: Dār al-Fikr al-'Arabī, 1965), 45; Amal Qarami, *Freedom of Belief in Islam* (Morocco: Dār al-Fank, 1997), 150; Hasan Hasan, *The History of Political, Religious, Cultural, and Social Islam* (Beirut: Dār al-Jīl for Publishing, 2001), 289; Abdulwahab Khalaf, *The Foundations of Islamic Jurisprudence* (Cairo: Dār al-Ḥadīth Library, 2003), 222; Awad, "Issues of Apostasy," 77; Hussein, "Atheism between Human Freedom," 401; Mohamed Hassan, "Apostasy in the Prophetic Era," *Journal of the Faculty of Arabic Language, Assiut* 35, no. 3 (2016): 2154–2253, <https://doi.org/10.21608/jfla.2016.10300>; Mohamed Karkour, "The Rights of Non-Muslims in Islam," *Journal of the Department of Islamic Theology* 13, no. 13 (2018): 656–739; Qarkour, "Freedom of Belief and Apostasy," 241; Mohamed Khaqani, "The Apostasy War and the Crisis of Succession—A Study on the Reasons for Withholding Zakat," *Al-Aqeedah Journal* 27, no. 27 (2023): 156–192, <https://aqeeda.icss.iq/?id=102&sid=239>

⁵²Euis Nurlaelawati, "For the Sake of Protecting Religion: Apostasy and Its Judicial Impact on Muslims' Marital Life in Indonesia," *Journal of Indonesian Islam* 10, no. 1 (2016): 89–112, <https://doi.org/10.15642/JIIS.2016.10.1.89-112>.

⁵³Awad, "Issues of Apostasy," 77.

apostasy rather for committing the crime of high treason.⁵⁴ This is supported by the fact that Abu Bakr's fight against those who withheld zakat was not due to their apostasy but because they undermined the foundations of the state and destabilized the system of governance. The war was to quell an internal revolution that some wanted to ignite after the death of the Prophet Muhammad (PBUH).⁵⁵ This is also indicated by the fact that the Prophet Muhammad (PBUH) did not order the killing of any apostates, even though the Qur'an mentioned in Al-Imran, verse 90, instances of apostasy that occurred during his time.⁵⁶

4.2.1. Analysis and Discussion of Opinions on Apostasy

It is clear from the analysis of the two previous opinions that mere apostasy falls under religious freedom and is not punishable. The opinion that calls for killing the apostate solely due to their apostasy, without any other criminal behavior, is an unsound opinion because Islam guarantees freedom of belief through the texts of the Qur'an. It is unreasonable for God to grant freedom of religion and then allow the killing of the apostate for leaving Islam. This religious freedom is granted to people from the moment they embrace Islam and continues with them throughout their lives if they wish to leave Islam. Killing the apostate leads to the existence of a group of hypocrites in society who falsely profess Islam out of fear of being killed, and in Islam, hypocrisy is a major sin.⁵⁷

In summary, the Qur'an and the Constitution remain silent about any punishment for apostasy in this world, while they specify punishments for theft and adultery, even though their penalties are less severe than death. This indicates that there is no punishment for apostasy in this world since it falls under religious freedom, and "permissibility is the fundamental principle of things". However, if apostasy is accompanied by criminal behavior against the state or its governing system, the apostate is punished for this crime, not for their apostasy. This opinion aligns with the constitutions and laws of countries that affirm religious freedom and do not punish apostasy, and is consistent with the texts of the Qur'an and the *Sunnah*. Therefore, the traditional interpretation of religious texts must be reconsidered in light of the teachings and principles of Islam. This task is not easy and should be carried out by progressive Islamic scholars who reconcile Islam with social reality.⁵⁸

It is noted that although there is no punishment for apostasy in the laws of Islamic countries, it still affects some rulings on marriage, divorce, and inheritance, in addition to the pressure and ostracism that the apostate faces from their family.⁵⁹ In reality, this suffering is not limited to those who have apostatized from Islam but also includes those who have returned to their previous religions after having embraced Islam. These returnees are viewed with suspicion and distrust, questioning whether their return is merely a deception and opportunism or a sincere belief. Therefore, the Jewish

⁵⁴Saeedi, *Freedom of Thought in Islam*, 45.

⁵⁵Hasan Hasan, *ibid*; Khaqani, "Apostasy War and the Crisis of Succession," 156.

⁵⁶Awad, "Issues of Apostasy," 77.

⁵⁷Amjad Mahmood Khan, "A Courageous Muslim Voice: How Sir Muhammad Zafrulla Khan Saved Article 18 of the UDHR," *The Review of Faith & International Affairs* 21, no. 4 (2023): 50–57, <https://doi.org/10.1080/15570274.2023.2272425>.

⁵⁸Ismail Albayrak, "Modernity, Its Impact on the Muslim World and General Characteristics of 19–20th-Century Revivalist–Reformists' Re-Reading of the Qur'an," *Religions* 13, no. 5 (2022): 1–18, <https://doi.org/10.3390/rel13050424>; Salma Al Refae, "The Emancipation of Egypt: A Quest for Modernity under Islamic and Egyptian Values," *Metacritic Journal for Comparative Studies and Theory* 9, no. 2 (2023): 234–247; Theguh Saumantri, Taufik Hidayatulloh, Sumanta, and Ahmad Asmuni, "Tolerance in the Theology of Islamic Reform: A Hermeneutic Reading of Muhammad Ali Jinnah's Thought," *International Journal of Islamic Thought* 27 (2025): 160–170, <https://doi.org/10.24035/ijit.27.2025.326>.

⁵⁹Nurlaelawati, "For the Sake of Protecting Religion," 89.

and Christian religious authorities view with great caution and deliberation the sincerity of the apostates returning to them after spending a period in Islam.⁶⁰

5. The Extent to which Omani Law and Islamic *Shariah* are in Agreement with International Treaties

After clarifying the position of Omani law and Islamic *Shari'ah* regarding the issue of religious tolerance, blasphemy, and apostasy, it is important to explain their compatibility with international human rights treaties. Freedom of belief is enshrined internationally.⁶¹ Article 18 of the Human Rights Declaration states that every person has the right to freedom of thought, conscience, and religion, including the freedom to change their religion or belief. They also have the freedom to express their beliefs by performing their rituals individually or in groups, and the right to learn about their religion in their own way. This right was first included in the Universal Declaration of Human Rights in 1948 and then reiterated in the International Covenant on Civil and Political Rights in 1966,⁶² underscoring its significance to the international community and the United Nations.

Two main principles can be deduced established under Article 18 mentioned earlier. The first principle is that a person is free to change their religion, and no one is forced to remain in a religion, sect, or belief they do not wish to adhere to. The second principle asserts a person's freedom to practice their religious rituals, whether performed in secret or publicly, and whether alone or with others. Their religious freedom allows them to do all of this.⁶³ If we examine the stance of Islamic *Shari'ah* on religious tolerance in light of the first principle mentioned in the Universal Declaration of Human Rights, which calls for complete freedom for a person to change their religion or belief, it is clear that *Shari'ah* aligns with this principle. This is because *Shariah* recognizes that a person is free to adopt any belief they choose, as long as it does not harm Muslims or offend society. It has been shown that the prevailing opinion among contemporary jurists is not to punish the apostate from Islam because he has freedom of belief, however, he is punished if apostasy is accompanied by a crime.

It was previously mentioned that the Prophet Muhammad's first achievements upon his migration and the establishment of the Islamic state included drafting the Constitution of Medina, which he concluded with non-Muslims. In it, he allowed the Jews to remain in their religion without any persecution or contempt for their faith. He even recommended them to the extent that it was forbidden for a Muslim to smell the scent of Paradise if he killed someone from a different religion. The Prophet was keen on the principle of citizenship, so he dealt with them through buying and pledging until he passed away with his armor mortgaged to a Jew in exchange for the barley, he had bought from him. Thus, he established the principle of permissible transactions with non-Muslims, including the exchange of gifts with them.⁶⁴

Additionally, examining Omani law's stance on freedom of belief reveals that it aligns with international conventions. Oman has incorporated this into its constitution in Article 34, which states "Freedom to practise religious rituals in accordance with recognised customs is protected, provided

⁶⁰Uriel Simonsohn, "Halting Between Two Opinions: Conversion and Apostasy in Early Islam," *Medieval Encounters* 19, no. 3 (2013): 342–370, <https://doi.org/10.1163/15700674-12342141>.

⁶¹United Nations, *Universal Declaration of Human Rights*, December 10, 1948, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

⁶²United Nations, *International Covenant on Civil and Political Rights*, December 16, 1966, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

⁶³Anani, "Freedom of Belief between Islamic Sharia."

⁶⁴Abdullah Turaiqi, *Dealing with Non-Muslims: Principles of Their Treatment and Use—A Jurisprudential Study* (Cairo: Al-Huda al-Nabawi Library, 2007), 352.

it does not violate public order or contradict morality”, rather than enacting it as a provision in ordinary legislation. To ensure that hatred does not arise against those who differ in religion, the Omani constitution prohibits the dissemination of anything that may lead to sedition or hatred, regardless of one's belief or ideological orientation.⁶⁵ Therefore, Omani law does not include any punishment for apostasy in respect of an individual's religious freedom.

Let us examine the position of Islamic law and its alignment with the international principle that guarantees the individual's freedom to practice their religious rituals. It has been observed that Islamic law has provided exemplary applications of this principle. For instance, when the Prophet Muhammad (PBUH) allowed the Christian delegation from Najran to perform their religious rituals in the mosque publicly. Similarly, the stance of Caliph Umar, the second caliph, who enabled the Jews to perform their rituals with complete freedom and respected their sanctities; he was the one who cleaned the Jewish temple from dust with the edge of his garment. Moreover, Islam applies the right of full citizenship to non-Muslims, guaranteeing them all the rights that Muslims enjoy, including protection from poverty, providing them with a pension in their old age, and treating them as part of the social fabric. This is what Umar ibn Abdul-Aziz implemented.

Omani law guarantees the freedom to practice religious rituals for all individuals, regardless of their beliefs, as outlined in the country's constitutional texts. It prohibits the dissemination of anything that could cause discord or hatred among people.⁶⁶ Thus, Omani law is entirely consistent with charters that guarantee the freedom to practice religious rituals and ceremonies. To provide places of worship for all religions, the Sultanate of Oman has established a specialized ministry in this matter, the Ministry of Awqāf and Religious Affairs, which ensures the provision of worship places for all people regardless of their beliefs, and guarantees their right to perform their rituals in any manner they see fit, individually or collectively.

It is important to note that the ministry responsible for ensuring the provision of places of worship in Oman is called the Ministry of Religious Affairs, not the Ministry of Islamic Affairs. This is because it is not only responsible for providing mosques for Muslims but also for offering places of worship for people of other faiths, regardless of their denominations. Therefore, in the Sultanate of Oman, there are mosques for all the various faiths residing on its land, including mosques for all Islamic sects and movements, as well as churches for Christians. Moreover, there is also a Hindu temple called the Shri Shiv Mandir Temple, which is considered as one of the oldest Hindu temples in the Middle East.⁶⁷

6. Conclusion

Religious tolerance is an unavoidable necessity imposed by human differences, and the diversity of people's beliefs is a divine purpose, for a wisdom known only to God Almighty. If your Lord had willed, all the people on earth would have believed together. Religious tolerance and acceptance of others are obligatory in Islamic law, as stipulated in the Qur'ān and *Sunnah*. Religious tolerance is showed in accepting others when the Prophet Muhammad (PBUH) allowed non-Muslims to pray in the mosque. This means, in the language of international treaties, the freedom to practice rituals publicly. The Prophet Muhammad (PBUH) also sought to integrate non-Muslims into society and not marginalize them; he dealt with them in buying and pledging. The Prophet established the principle of citizenship and equality in the Constitution of Medina, which he signed with the Jews. The caliphs followed the same approach after the death of the Prophet Muhammad (PBUH). Even Caliph Umar ibn Abdul Aziz applied the principle of citizenship and equality with non-Muslims

⁶⁵Sultanate of Oman, *Omani Constitution*.

⁶⁶ *ibid*.

⁶⁷“Shiva Temple in Muscat,” accessed January 15, 2025, <https://www.mahashivratri.org/shiva-temples/shiva-temple-in-muscat.html>.

when he issued a law requiring the state treasury to pay a monthly amount to poor elderly non-Muslims, as a form of social security that modern laws have only recently adopted under the pressure of contemporary economic and social philosophies.

Islam has also been keen on applying the principle of freedom of belief in two main issues in this subject, which are apostasy and blasphemy. The prevailing opinion in Islam does not punish apostasy because it is unreasonable for God to grant people the freedom to choose their beliefs through the texts of the Qur'ān and then punish them for this choice. Therefore, Islam does not prescribe any punishment for an apostate who does not conspire against society because punishing an apostate creates a hypocritical society that poses a danger to the community. Islam has also been keen on prohibiting blasphemy through the texts of the Qur'ān because it does not accept that God grants a person the freedom of belief, and then some people mock their beliefs. This is a form of moral coercion that encourages individuals to abandon their beliefs or practice them in secret.

In the Sultanate of Oman, religious tolerance has received state attention by being enshrined in the constitution, rather than being governed by ordinary law. Moreover, the law stipulates strict criminal penalties for non-compliance with religious tolerance. The Ministry of Religious Affairs has also ensured the provision of places of worship for all Abrahamic religions, as well as for other religions, such as Hinduism. Out of respect for Omani law, which affords people the freedom to choose their beliefs, no penalty for apostasy has been stipulated, allowing individuals to freely choose their own beliefs. Additionally, the law imposes severe criminal penalties for blasphemy against Abrahamic religions, prohibiting the contempt of any Abrahamic religion.

Punishing only the blasphemy of Abrahamic religions and not others is a deficiency in Omani law that threatens societal stability. This is because Oman is home to a large number of Hindus, Buddhists, and others, and they do not accept the blasphemy of their beliefs without punishment. Moreover, specifically criminalizing blasphemy against Abrahamic religions is contrary to Islamic *Shari'ah*, which is the primary source of law in Oman, as Islam prohibits cursing or insulting any religion.

6.1. Recommendations

It is recommended to amend Article 269 of the Omani Penal Code No. (7/2018) so that the blasphemy punishment includes contempt of any religion, not just the Abrahamic religions. This is because the text in this form violates the constitution, which mandates respect for all religions, and this text threatens societal peace since Oman is home to many followers of non-Abrahamic religions.

It is recommended that civil society institutions, media outlets, and religious scholars in Oman work to promote a culture of religious tolerance and clarify that it is an Islamic and moral obligation, rather than a legal one, because the moral and religious incentive is stronger than the legal one.

It is recommended for foreign language media to highlight religious tolerance in Islam and clarify that some individual incidents that occur here and there have no connection to true Islam and do not represent it; this is to correct the phenomenon of Islamophobia among some people.

It is recommended to facilitate an active civil society focused on religious tolerance that monitors violations, addresses them, and offers judicial assistance to those affected.

Author Contribution

Mohamed Bendari: sole author

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