

Insulting Religions Between International Law and Islamic Sharia

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Abstract

The protection of public rights and freedoms, in particular the right to freedom of opinion and expression, enjoys superior international auspices, especially since this right began to impose itself since the end of the eighteenth century in all international and regional conventions and agreements, and became unique to it special clauses for its approval and urging states to emphasize it in internal legislation, However, this right is not absolute, but rather stands at the limits of respect for the rights of others, and non-discrimination between persons on any basis. These principles have become well-established in international law and constitute a major source of its sources, given their approval through international covenants, and Insulting Religions is considered an infringement on the limits that International law put it in the exercise of the right to freedom of opinion and expression and in violation of the principle of the rights and duties of states, which entails responsibility on the state that violates this principle, and Islamic Sharia has dealt with the issue of Insulting Religions and established provisions governing them.

Keywords

Freedom of opinion and expression, Insulting Religions, International law, Islamic Sharia.

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Introduction

As a result of the repeated insult to Islam and religious symbols that have become apparent in recent years, and were repeated many times in the Western media, on the pretext that these actions involve freedom of opinion and expression, and given the seriousness of these acts, it was necessary to set the boundaries between freedom of opinion and expression and the actions that come out on the other hand, it constitutes an act contrary to the law that requires punishment. International law had its role in setting these limits through international conventions and covenants that clarify that freedom of opinion and expression is not absolute, but rather has limits represented in not violating the freedom and rights of others. In this research, we wanted to refer to the most important texts contained in international charters that set these limits and international responsibility in case of violating these limits. At the same time, religious values constitute an essential part in the life of the Muslim individual, and other issues of life revolve around him, and that violating these values is a violation of his most important sanctities, as well as the case for Arab and Islamic countries, for which Islam is the main source of the constitution and legislation in most of them. Perhaps the reasons for insulting the Islamic religion are mainly due to the misunderstanding of the truth and nature of the concepts and tolerance of Islam. Hence, we have decided to clarify in this research the provisions of Insulting Religions and the Islamic religion in particular from the point of view of international law, and the provisions of this abuse and its treatment in Islamic Sharia, through two sections as follows:

Provisions of Insulting Religions in international law

In this section, we will clarify the issue of Insulting Religions from the point of view of international law and what are the provisions that address this issue, through three sections. In the second section, we explain the limits of freedom of opinion and expression in international law, and we clarify in the third section the international responsibility for Insulting Religions.

The Prohibition of Insulting Religions in International Conventions and Covenants:

In view of the continuous development witnessed by the principles of international law, which entails the development and consolidation of the rules of this law, including the rule prohibiting insulting religions, which can be deduced from what is included in the texts of international agreements (1). It is possible to refer to the most important international conventions and charters, especially collective ones, which constitute a nucleus for consolidating the rules of international law, including the rule prohibiting insulting religions. International agreements occupy the first place among the sources of international law as a means of formulating the rules regulating international relations within their legal framework (2), regardless of the topics covered by those agreements. Or for the various expressions used to call them, they are equal in their international legal value and in their obligatory force (3).

The Covenants of the United Nations (4):

The Covenant of the United Nations came to recognize all human rights and fundamental freedoms without discrimination based on language or religion. The Covenant is keen to guarantee and protect these rights, and considers them an international obligation to be respected and applied in accordance with what was stated in the preamble to the Covenant. This was confirmed in the texts of the Covenant that were keen to promote respect for the basic human rights of all people without discrimination based on religion (5). The Covenant also entrusted the General Assembly with the task of helping to achieve the protection of human rights and fundamental freedoms without discrimination (6) and the need to spread respect for these rights and freedoms in the world (7). Accordingly, violating the religious rights of persons is a violation of the most basic rights of those who embrace this religion, and constitutes discrimination and a violation of the principles contained in the texts of the Covenant of the United Nations, and it is confirmed through the texts of the Covenant that the rule prohibiting Insulting Religions is enshrined as a rule of international law (8).

The Universal Declaration of Human Rights (9):

The Universal Declaration of Human Rights is one of the most important international documents that enshrined human rights and fundamental freedoms without discrimination, and the prohibition against Insulting Religions under the Universal Declaration of Human Rights has become a stable rule (10), according to the second article of the Declaration, which states "Everyone has the right to enjoy all rights and freedoms without discrimination of any kind, in particular racial discrimination based on color, sex, language, religion, political or nonpolitical opinion, or birth."

The International Convention on the Elimination of All Forms of Racial Discrimination (11):

This Convention imposes a duty on the States parties to it, and a commitment to the necessity of harmonizing their policies and legislation to reject and criminalize racial discrimination, and this comes through the provision in Article 2 of the Convention that "States parties condemn racial discrimination and undertake to pursue, by all appropriate means and without any delay, a policy to eliminate racial discrimination in all its forms and to promote understanding between races." In order to have this "Each State Party undertakes not to engage in any act or practice of racial discrimination against persons, groups of persons or institutions, and to ensure that all public authorities and institutions, national and local, act in accordance with this obligation."

The Convention affirms the states parties the necessity of condemning any form of racial hatred and racial discrimination, and the necessity of observing the principles contained in the Universal Declaration of Human Rights. The Convention criminalizes all dissemination of ideas based on racial superiority or racial hatred. Any incitement to racial discrimination as well as any assistance to racist activities against any race, group or other ethnic origin, and the Convention criminalizes any propaganda activities that promote and incite racial discrimination (12). The Convention also affirmed the right to freedom of thought, belief and religion (13), and all of these texts affirm beyond any doubt that infringement on freedom of thought, belief and religion is a form of racial discrimination, which is considered a crime punishable by law according to the provisions of this Convention.

The International Covenant on Civil and Political Rights (14):

To complement the aforementioned conventions, the International Covenant on Civil and Political Rights prohibits any discrimination related to origin, color, sex, language or religion, and requires states to take the necessary legislative and other measures to protect these rights (15). The International Covenant enshrined the freedom to profess religion and prohibited any act that would prejudice this freedom, and prohibited the subjection of this freedom to any restrictions other than those necessary to protect public safety, public order, public health or morals, or the fundamental rights and freedoms of others (16). By extrapolating the texts contained in the aforementioned international conventions, the stability of the rule prohibiting Insulting Religions, as a rule that arose from a major source of international law, is evident.

Limitations of freedom of opinion and expression in international law:

In the context of researching the limits of freedom of opinion and expression in international law, it must be noted that the general rule is freedom of opinion and expression, but to what extent is this freedom exercised, is it absolute or are there controls and restrictions for the exercise of this freedom, this is what we will try to clarify in this section.

The General Rule Is Freedom of Opinion and Expression:

Various constitutions and internal laws provide for freedom of opinion and expression, as is the case in most international conventions and covenants, especially the Universal Declaration of Human Rights, which stipulates in Article No. (19) that "Everyone has the right to enjoy freedom of opinion and expression, this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers" (17).

The text of this right is confirmed in Article 19 of the International Covenant on Civil and Political

Rights, which states that "every person has the right to hold opinions without harassment, and every person has the right to freedom of expression, this right includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either in writing or in print, in the form of art, or through any other media of his choice."(18).

And if the general rule is freedom of opinion and expression, and this is enshrined in constitutions and internal laws, in addition to the entrenchment of this rule in international covenants, its use must be within the limits of not offending others, otherwise this freedom must be restricted.

Restriction Of the Right to Freedom of Opinion and Expression:

With freedom comes responsibility. If the general rule emphasizes freedom of opinion and expression, however, this freedom is not absolute. Rather, there must be controls and restrictions for it, and this is in line with the spirit of international conventions. Therefore, the international legislator has been keen in many international documents to warn of the danger of misuse of this freedom, which may lead to international clashes and wars or disturb the peace of international relations (19).

It is worth noting that human rights in general can be divided into absolute rights that may not be suspended in emergency situations or restricted in times of peace, and relative rights that may be suspended in emergency situations under certain conditions, It may also be restricted in normal circumstances according to specific controls such as its conflict with the rights of others or if it affects the public order of the state (20). It appears by extrapolating the texts of international and regional agreements that there is a consensus to consider the right to freedom of opinion and expression among the relative rights that may be restricted, and this is evident through the following:

1. Article 19, paragraph (3) of the International Covenant on Civil and Political Rights stipulates that "the exercise of the rights stipulated in paragraph (2) of this Article shall entail special duties and responsibilities, accordingly, it may be subject to certain restrictions, but provided that they are specified by law and are necessary: a. to respect the rights of others, b. to protect national security, public order, public health, or morals.
2. Article (29), paragraph (2) of the Universal Declaration of Human Rights stipulates that "No individual shall be subject to the exercise of his rights and freedoms, except for such restrictions as may be determined by law, with the sole aim of ensuring due recognition and respect for the rights and freedoms of others, and the fulfillment of the just requirements of virtue, public order and the welfare of all in a democratic society."
3. Article 32, paragraph (2) of the Arab Charter on Human Rights states that "these rights and freedoms are exercised within the framework of the basic components of society and are only subject to restrictions imposed by respect for the rights or reputations of others or the protection of national security, public order or public health, or public morals."
4. Article (10) paragraph (2) of the European Convention on Human Rights stipulates that "these freedoms include duties and responsibilities, so they may be subject to procedural formalities, conditions, and restrictions, and penalties specified by law as may be necessary in a democratic society in the interests of national security, territorial integrity, the security of the public, the maintenance of order and the prevention of crime, the protection of health and morals, the respect of the rights of others and the prevention of disclosure of secrets, or the consolidation of authority and impartiality of the judiciary."

Referring to the texts contained in the aforementioned international and regional charters, it is clear that the exercise of the right to freedom of opinion and expression is not absolute, but is subject to restrictions, which can be summarized by providing for the restriction by law, and that these restrictions are a legitimate aim, and that these restrictions are necessary in a democratic society.

Consequently, restricting the right to freedom of opinion and expression on the issue of insulting religion has become an urgent necessity, as long as the use of this right and this freedom undermines the rights of others and affects the most important values firmly established in them, in addition to the seriousness of the repercussions of these abuse cases, which may result in disturbances in the international community and negative effects that harm the national security and public order of the countries concerned, which justifies the imposition of restrictions on the right to freedom of opinion and expression.

International Responsibility for Insulting Religions:

The legal situation arising from international responsibility:

The issue of international responsibility is considered one of the most important topics that occupied international jurisprudence, in which there are many jurisprudential opinions and branched out in the research on the basis of international responsibility. Despite this, international jurisprudence does not depart from three theories in this matter, the theory of error, and the theory of the internationally wrongful incident, and the theory of responsibility on the basis of risk (22).

At a time when international treaties are the main source of public international law, and since international treaties entail obligations on their parties, any breach of these obligations entails international responsibility for them, and a breach of any obligation arising from any source of international law entails the same responsibility.

The positive or negative activity of the state in contravention of any of the rules of international law entails international responsibility, meaning that the state conducts an act contrary to the rules of international law that it does by itself or through one of its organs, or that it refrains from doing an act that is considered among its obligations under the rules of international law or through the texts of international conventions (23).

The obligation that the legal system imposes on its persons is an obligation that must be implemented. If the legal person fails to implement the obligation, he bears the consequences of this failure. The international legal system, like the internal law, imposes obligations on its persons, and these obligations are enforceable regardless of their source, whether through an agreement or custom or a judgment established by legal principles (24).

With regard to Insulting Religions, banning and condemning it is an international obligation that falls on the shoulders of states through international conventions, and therefore the state's violation of this obligation, whether by deed or refusal, and whether the breach of commitment is issued directly or through individuals or institutions whose actions can be attributed to it, the international responsibility is based towards this country (25).

Actions Requiring International Responsibility:

It is known that the state's activities and actions are carried out through the actions of the individuals who make up its people. However, the rules of international law deal with these behaviors and assign them to the state if certain conditions and situations are met, so that it becomes attributed to the state directly and not to the individuals from whom these actions were issued (26).

In the absence of these conditions, these behaviors remain attributable to the individuals from whom they were issued, and they are treated within the framework of internal law without going beyond them to the circle of international law. In general, the behaviors are divided into two main parts, the first of which is the behaviors issued by a member of the state or its public authorities, while the second is the behavior of ordinary individuals:

Actions Of a Member of The State or Its Public Authorities:

Act of a representative member of the state:

Undoubtedly, the actions of a member representing the state by virtue of performing his job are attributed to the state itself, whether or not the state representative has adhered to the limits set for his competence by the rules of internal law. It has been the international custom that the behavior of a member of the state is directly attributed to the state in both cases (27), and in the context of insulting religions, which we have previously explained that banning them has become a well-established legal rule within the framework of international law, Therefore, any act of a state representative that leads to Insulting Religions constitutes an internationally illegal act and entails international responsibility on the state to which that member belongs.

Legislature:

The issuance of internal laws falls within the jurisdiction of the legislative authority. From the point of view of international law, this behavior is considered an expression of the will of the state and a

manifestation of its activity. If that law entails what necessitates the responsibility of the state, the state bears the burden of legal responsibility. For example, if the legislative authority in the state issues a law depriving foreigners residing in the state from enjoying one of the rights that it is committed to at the international level, or it issues a law that grants its citizens rights and freedoms whose use under that law involves Insulting Religions or permitting the abuse of religions under the pretext of protecting the right of freedom of expression, Such laws are considered an illegal act in the international circuit that requires international responsibility and thus compensation (28). The matter does not stop at the issuance of laws by the legislative authority in violation of the rules of international law. Rather, the responsibility of the state extends to the provisions of its constitution that are in violation of the rules of international law. The state may not invoke the provisions of its constitution to get rid of the obligations imposed on it by international law or the international agreements to which it is a party. This is confirmed by the rulings of the international judiciary (29). In addition to the above, the state's responsibility may extend to the state's refusal to issue laws, if the state's respect for its international commitments requires the issuance of certain internal legislative provisions (30).

Judiciary:

The state is also asked about the judicial rulings issued by its judicial authority when the judiciary erred in interpreting or applying an internal legal rule that by its nature is consistent with the rules of international law or the international obligations that the state has taken upon itself. It is also considered if it is a correct interpretation or correct application of an internal legal rule that is by nature in conflict with the rules of international law or with the international obligations that the state had previously undertaken, and the same applies if the judgment issued by the judicial authority applied an international legal rule but misinterpreted or misapplied it (31).

The state may not invoke the independence of the judiciary and the authority of the *res judicata* in order to escape the international obligations entrusted to it.

The state is also asked about the actions of the judicial authority affiliated to it when these actions involve what has been termed the denial of justice, which is represented either by preventing the foreigner from resorting to the judiciary, or by his apparent injustice after resorting to the judiciary. In this context, a distinction should be made between the denial of justice and the judicial ruling that involves an error in facts, or in estimation, where international responsibility arises in the first case without the second (32).

It seems that the actions of the judicial authority that bears the responsibility of the state to which this authority belongs, when its behavior is flawed by one of the aforementioned defects, can be applied to the case related to the Danish Public Prosecution's decision to stop the procedures and preserve the papers in the case of the offensive cartoons despite the clear violation of international rules by the Danish newspaper *Jyllands Boston* which prohibits insulting religions (33).

Executive Authority:

The state is asked about the actions taken or refrained from taking by the executive authority when this act or omission is considered a violation of an international obligation previously undertaken by the state, especially with regard to the treatment of foreigners and the preservation of their lives and property(34), and it also applies to the actions that the executive authority takes in The state or refrains from it and is related to violating the international norm of prohibiting insults to religion.

Acts of ordinary individuals:

The state is not asked - as a general principle - about the acts and behaviors that violate the rules of international law that are committed by ordinary individuals affiliated with the state or residing on its territory, which is what was stipulated in the first paragraph of Article 11 of the draft of the International Law Commission which states: "It is not considered an act of a state under international law to be the conduct of a person or group of persons who do not act on their behalf for the benefit of this state." An exception to this general principle was mentioned in the aforementioned article, represented in the cases in which it is proven that the behavior of ordinary individuals may have been done for the account of the state, or under direct guidance from it, so that these actions and their consequences are attributed to the responsibility of the state, and

there is another exception that leads to the state's responsibility for Acts of private individuals when the state has failed and has not exercised due diligence to prevent acts of ordinary individuals that would result in harm to another international person (35).

In the light of the foregoing and in accordance with the established rules of international law, if the responsibility of the state for the illegal act is proven in the aforementioned manner, it is obliged to stop and prevent that action, or make reparation for the damage resulting from the breach of its international obligations such as restoring the situation to what it was, compensation or provide consolation (36).

Provisions of Insulting Religions in Islamic Sharia:

In this Section, we will clarify the issue of Insulting Religions from the point of view of Islamic Sharia and what are the rulings that address this issue, in two subsections: We dedicate the first to defining abuse linguistically and idiomatically and defining words related to the meaning of abuse such as ridicule and mockery, and we dedicate the second subsection to clarify the status of the heavenly religions and prophets in Islamic Sharia and the ruling on attacking and degrading them.

Definition Of Abuse Linguistically and Idiomatically and Related Terms:

Abuse is a reprehensible matter that is not sanctioned by heavenly laws or international laws, nor is the human soul and normal character accepted. An abuse may be committed by a person to another, intentionally or unintentionally. Abuse takes many forms and varies in its time and place. The most heinous and dangerous of them is to offend the heavenly religions, prophets and messengers, peace and blessings be upon them in general, and the Prophet Muhammad, may God bless him and grant him peace in particular.

The fierce campaign and the systematic media war against our Prophet Muhammad, may God's prayers and peace be upon him, constitute an attack on the feelings of Muslims, and an insult to Muslims and their beliefs. Therefore, it was necessary for Muslims to respond in a civilized manner that represents the ancient civilizational history of the nation of Islam, by clarifying the Sharia and legal aspects of the criminalization of insulting religions and messengers, peace and blessings be upon them.

Abuse linguistically (37) and idiomatically:

Abuse is the source of a man's wrongdoing: unlike the best thing, and the thing wrong: he spoils it, and he does not do it well. Abuse is: doing an ugly matter that continues the course of evil, which results in distress for a person in his religious and worldly matters, whether it is in his body or his soul or what surrounds him of money, children or possessions (38). And in granting greatness: the judge is assigned to discipline those who offend him - that is, he has transgressed - by his ruling council. . . As for the one who offends him in other than his assembly, he should not discipline him himself, but he should raise him to another judge (39) Ibn Rushd said: The virtuous and just judge has the right to rule for himself, and the punishment is for the one who spoke and hurt him while he was absent.

The Meaning of Ridicule, Linguistically (40) And Idiomatically (41):

Linguistically, it is to belittle.

Idiomatically, irony does not depart from the linguistic meaning and comes in the sense of belittling and belittling.

The Meaning of Mockery, Linguistically (42) And Idiomatically (43):

Mockery, technically, is the will to mock. Ibn Taymiyyah said: "Mockery is: sarcasm, which is to carry words and actions to humor and play, not to seriousness and truth. The one who mocks people is the one who slanders their characteristics and actions by slandering them out of the degree of consideration, as they mocked the faithful believers in charity." (44)

Everything that a person says or does is a form of ridicule, mockery and abuse.

The Status of The Heavenly Religions and Prophets and The Ruling on Attacking and Degrading Them:

The Status of The Heavenly Religions and The Prophets:

The heavenly religions and the divine laws that were revealed by the inspiration of God Almighty to the prophets and messengers, peace be upon them, to call humanity to the oneness of God and to worship Him alone, and to comply with His commands, and to avoid His prohibitions, in order to achieve the good and happiness of mankind. All religions have one source and that is God Almighty, He is the one who legislated them, and commissioned His Messengers to communicate it to people in a way that achieves happiness for all people.

The heavenly religions have one source and origin, as well as their aim and goal, which is faith and devotion to God alone, who has no partner. The Almighty said: (And I did not create the jinn and mankind except to worship me) Ad-Dhariyat: 56, And the Almighty said: (And they were not commanded except to worship God, devoting the religion to Him as the Hanafis, and to establish prayer and pay the zakat, and that is the religion of value) al-Bainah: 5.

Islam looks at the previous heavenly religions as having been revealed to the previous prophets by inspiration from God Almighty, and with rulings and legislation that are consistent with what came in Islam, and thus it is imposed on all Muslims to believe in the messengers who delivered them. The Almighty said: (The Messenger believed in what was revealed to him from his Lord, and the believers each believed in God, His angels, His books, and His messengers. We do not differentiate between any of His messengers, and they said, "We hear and obey." Your forgiveness our Lord, and to you is the destination" (Al-Baqarah: 285)

The true religions believe each other, and Islam is the finale of the heavenly religions. The Almighty said: (We have sent down to you the Book with the truth, confirming what was before it of the Book and dominating it (Al-Ma'idah 48). The message of Islam is the conclusion of the heavenly messages, and to it the completeness in legislation and rulings ended, and it guided them to all the doors of goodness and guidance; So you perfected noble morals, perfected shortcomings, fixed corruption, and God, Glory be to Him, is the One Who perfected, and accepted Islam for us as a religion, a law, and a method: (Today I have perfected your religion for you, completed My blessing upon you, and approved Islam for you as your religion) (Al-Ma'idah 3)

The Prophet (peace and blessings of Allah be upon him) described them as the sons of highness (45), as the Prophet (peace and blessings of Allah be upon him) said: "Prophets are brothers from lowness, their mothers are diverse, and their religion is one." (46), they are paternal brothers - their origin is the same - even if their mothers differ, and this proves their compatibility, love and lack of difference, or separation between them and belief in their prophethood.

It has been proven for the Muslims that the previous prophets, peace be upon them, supported our Prophet Muhammad (PBUH), as it is God Almighty's response to the supplication of our master Abraham, peace be upon him, when he (PBUH) said: (I am the supplication of my father Abraham and the good news of Jesus) (47), and the Torah and the Injil also announced to him as the seal of the prophets (PBUH). The Almighty said: (And when Jesus, son of Mary, said, "O Children of Israel, I am the Messenger of God to you, confirming what came before me of the Torah, and bringing good tidings of a messenger to come after me, whose name is Ahmad." (Al-Saaf 6). The Almighty said: (who follow the Prophet illiterate Prophet whom they found mentioned in the Torah and the Bible instruct them good and forbid evil, and replace them with good things and prohibits them as evil and puts them Azarethm shackles that were on them. Those who believe in him and Ezroh and Nasroh and follow the light which was revealed with those who will prosper) Al-aaraf 157 The Imamate of the Prophet (peace be upon him) was confirmed by the prophets on the journey of the Isra and Mi'raj, and their reception of him in the highest heavens.

As for the love of our Prophet Muhammad for the prophets, peace and blessings be upon them, it is in this world and the hereafter. He is the master of mankind, the Messenger of Allah peace be upon him said: (I will be the master of the children of Adam on the Day of Resurrection, and the first for whom the grave will be opened, and the first intercessor) (48), And he is the one who described the previous prophets as his brothers, and that he is the complementary building block for building the prophets, he said: (Like me and like the prophets, like a man who built a house and completed it, except for the place of a brick, so he made the people to enter it, and they say: Were it not for the placement of bricks, the Messenger of God, may the peace and blessings of God be upon him, said: I am the place of the bricks, I came and sealed the prophets) (49).

And God Almighty has taken the covenant from His prophets, and the believers among their

followers to believe in the final Prophet Muhammad, may God's prayers and peace be upon him, if his message reached them, and they reached his prophethood, and they knew his religion and his book, the Almighty said: (And when God took the covenant of the Prophets, concerning what I had given you of Book and wisdom, then there came to you a Messenger confirming their faith in them. He said: "Have you decided, and you took my covenant on that?" They said: "We have established." He said: "Then bear witness while I am with you.") Al-omran (81).

The Ruling on Attacking or Degrading the Prophets:

The prophets and messengers are the best of God's creation, the Mighty and Sublime, whom He chose to carry His messages and convey them to people, and people are used to the fact that insulting leaders, dignitaries and presidents is not the same as insulting the common people. The Prophet said to the Ansar: (Get up for your master) (50) and also preserved Abu Sufyan's position with his people on the day of the conquest of Makkah, despite his long history of blocking the paths of God and fighting the Muslims. He said: (Whoever enters Abu Sufyan's house is safe). (51) The Islamic religion preserves the status of the leaders, and refuses to offend them, and harshens the punishment for those who did that, so how if the abuse was to the master of the prophets, our master Muhammad, and God has threatened in his book everyone who harms His Messenger, the Almighty said: (Verily, those who annoy God and His Messenger, God has cursed them in this world and the hereafter, and He has prepared for them a punishment) Al-Ahzab (57), It came in the interpretation: "This includes all harm, verbal or physical, from insulting, cursing, detracting from him, or his religion, or what harms him" (52), And in the interpretation of Adwaa al-Bayan (53): "Know that disrespect for the Prophet, may God bless him and grant him peace, is a sign of contempt or belittling him, may God bless him and grant him peace, and belittling or mocking him is apostasy from Islam and disbelief in God. Peace be upon him - and they mocked him in the Battle of Tabuk when his camel went astray: (While I asked them? They are fighting but we were playing, and say on God and His signs and His Messenger, you are mocking. Do not apologize as you disbelieved after your faith ...) Al-taubah (65: 66.)

And if we study history since the time of the Prophet, may God bless him and grant him peace, to our days, we will find many stories and events that confirm that God Almighty did not abandon his Prophet, may God bless him and grant him peace, but rather guaranteed revenge for him from those who detracted his right, insulted or ridiculed him. In which God, the Mighty and Sublime, punished those who harmed him, diminished his right, insulted or mocked him.

On the authority of Anas, may God be pleased with him, he said: "A man was a Christian, and he embraced Islam, and he recited Al-Baqarah and the Al Imran. He used to write to the Prophet, may God's prayers and peace be upon him, and he came back to being a Christian, and he said: Muhammad only knows what I wrote to him, so God killed him, so they buried him. The earth, they said: This is what Muhammad and his companions did when he fled from them. They searched for our friend and threw him, so they dug for him, so they went deep, and it was morning, and the earth threw him out. They said: This is what Muhammad and his companions did. They searched for our friend when he fled from them, so they threw him and dug for him, and they dived for him in the ground as much as they could. The earth had thrown him away, so they knew that he was not one of the people, so they threw him away. (55)

Commenting on this incident, Ibn Taymiyyah said: "This accursed one who slandered the Prophet, may God bless him and grant him peace, that he did not know anything except what was written for him, God broke him and shamed him by taking him out of the grave after he was buried several times. For what he said and that he was a liar, as the common dead do not befall them like this, and that this crime is greater than mere apostasy, as the common apostates die and do not suffer like this." (56)

And the message of the Prophet, may God's prayers and peace be upon him, to Khosrau and Caesar is worthy of contemplation. The Prophet, may God's prayers and peace be upon him, wrote to them, both of whom did not embrace Islam, but Caesar dealt with the message of the Prophet, may God bless him and grant him peace, with honor and the generosity of his Messenger, so God established his kingship. God killed him, and tore his property.

The abuses against the Prophet, may God's prayers and peace be upon him, will continue and will not end as long as there are those who hate this religion and hate the Noble Messenger, may God bless him and grant him peace. He avenges him and suffices him, Ibn Taymiyyah says: "God is taking revenge on His Messenger - may God's prayers and peace be upon him - who insults, mocks him and manifests his religion and the liar of the liar if people are not able to carry out the

punishment on him.

Similar to this is what we were told by a number of Muslims who are just, people of jurisprudence and experience from what they have tried many times in the enumeration of forts and cities in the Levantine coasts when the Muslims confined Bani al-Asfar in our time, they said: We used to confine the fortress or the city to a month or more than a month, and it was forbidden to us, until we almost despaired of it, until when its people insulted the Messenger of God, may God bless him and grant him peace, and slandered his honor, so we hastened an opening and eased it, and it was hardly delayed except for a day or two or so, then the place opened. By force and there will be a great epic among them, they said: Even if we were to proceed with hastening the conquest if we heard them fall into it with hearts filled with anger at them for what they said.

This is how some of our trusted companions told me that Muslims from the people of Morocco are in their condition with the Christians as well, and it is from God's Sunnah that he tortures his enemies sometimes with punishment from Him and sometimes at the hands of His faithful servants. Likewise, when the Prophet, may God's prayers and peace be upon him, gained control of Ibn Abi Sarh, his blood was wasted when he attacked the prophecy and slandered him even though he believed all the people of Mecca who fought him and fought him fiercely and even though the Sunnah is in the apostate that he does not kill until he repents, whether it is obligatory or desirable. And we will mention, God willing, that a group of people apostatized at the time of the Prophet, may God's prayers and peace be upon him, then called for repentance and it was offered to them until they repented and their repentance was accepted.

In this there is evidence that the offense of reviling the Messenger, may God's prayers and peace be upon him, who insults him is greater than the offense of the apostate." (57). And in the historical events since the Prophet, may God's prayers and peace be upon him, was sent, there are many situations and lessons that confirm that God Almighty defends His Prophet, may God's prayers and peace be upon him, and the evil of those who harm him will suffice him, and this is a Sunnah that will pass until the day of Judgement. Confirmation of the Almighty's saying: (Indeed, we are sufficient for you against the mockers) Al-Hijr: 95. The jurists spoke in their many fiqh books about the ruling on assaulting the Prophet - may God's prayers and peace be upon him - with insults. Scholars have several sayings regarding the ruling on insulting the Prophet, whether he was a Muslim or a non-Muslim, as follows:

The ruling on the insult to the Prophet, may God bless him and grant him peace, if the insult was a Muslim:

The Hanafi, Maliki, Shafi'i and Hanbali jurists (58) agreed that a Muslim's insult to the Prophet, may God's prayers and peace be upon him, is Insulting Religions, and the punishment for it is death. But some jurists mentioned that it is necessary to differentiate between the intent that is permissible to insult and the one who insulted without intentionally or as permissible for that, and if he is permissible for that, then he has disbelieved, and if he is not permissible then he is considered a sinner. And the penalty is death.

The jurists (95) differed regarding the penalty for murder, whether it is considered a hadd punishment or apostasy. Those who say that it is a hadd punishment; Because it is related to a human right and it does not fall by repentance when it reaches the judiciary, and this is the doctrine of Imam Malik, Imam Ahmed bin Hanbal and Imam Al-Shafi'i, but the followers of Al-Shafi'i differed on this issue. As for those who say that it is apostasy and that the penalty is waived by repentance, this is the doctrine of Abu Hanifa, and is well-known among some Shafi'is, al-Awza'i, and Sufyan al-Thawri.

The ruling on the non-Muslim insulting the Prophet, May God bless him and grant him peace:

According to the Hanafis (60) his trust is invalidated if he is trusted and it is said that he will be killed, and according to the Malikis (61) he must be killed if he does not convert to Islam, and if he embraces Islam he is not killed, God Almighty says: "Say to those who have disbelieved [that] if they cease, what has previously occurred will be forgiven for them. But if they return [to hostility] - then the precedent of the former [rebellious] peoples has already taken place." (Al-Anfal: 38).

According to the Shafi'is (62): It invalidates the covenant of the offender if it is stipulated that he breaks the covenant in the same way, and the imam is given the choice between killing, manna and redemption.

According to the Hanbalis (63), he is killed, and in another narration, unless he repents in Islam, then he is not killed, and there is no difference between the Prophet, may God bless him and grant him peace, and other prophets and messengers.

As for the evidence of Insulting Religions and the punishment of the one who insults the Messenger - may God's prayers and peace be upon him - or insults him, mocks him or belittles him, there are many verses, clear hadiths, situations and events from the fragrant Prophetic biography, and I did not mention them in detail in this research for the sake of brevity and refer to them in their brilliance, and it is considered as We mentioned earlier this is a matter on which there is consensus, and the consensus has been transmitted by many scholars of the nation throughout history.

The prophets are the elite of God's creation, Glory be to Him, He chose them to carry His message and convey it to His creation, and they are the best of humanity. Whoever attacks them has special rulings in the laws of Insulting Religions, apostasy and killing, and it must be criminalized in all international laws and customs, as well as insulting them while they are dead from insult or insulting, mocking, or hurting by words, writing, photography, or using any means, and the ruling of a Muslim is the same as anyone else, and perhaps even more severe because there is more than one reason for each of them that necessitates his punishment.

After discussing the jurisprudential ruling regarding those who insult or blaspheme the Prophet - may God's prayers and peace be upon him - and mention the jurisprudential opinions in the different schools of thought, it is necessary to rely on the jurisprudential inheritance in emerging issues, especially if they are old and new at the same time, taking into account the development of inference, regulations and laws and the openness of the world to each other until it became a small village, as some said, and contemporary ijtihad. The main issue is that contemporary jurisprudential and legal opinion and international covenants that must guide the judge in issuing his ruling.

Conclusion:

Through this research, we tried to refer to the phenomenon of insulting religions, especially the Islamic religion, and to clarify the rules of international law that apply to this phenomenon through international conventions and charters and the recognized principles of international law. We also touched upon the Islamic Sharia's view of insulting the Islamic religion and religious symbols. We have reached a number of results and recommendations:

Results:

1. Discrimination between persons on the basis of religion or belief constitutes a violation of the Charter of the United Nations, the Universal Declaration of Human Rights, the principles of international law and international conventions, especially the International Convention on the Elimination of All Forms of Racial Discrimination.
2. The abuse of the Islamic religion and religious symbols by the Western media constitutes a violation of the purposes of the United Nations, which call for tolerance between peoples and states and the development of friendly relations between states.
3. Freedom of opinion and expression is not absolute, but rather restricted by respect for the rights and freedoms of others and their beliefs, and that insulting religions and religious symbols is not considered in any way as freedom of opinion and expression, but rather constitutes a violation of the rules of international law.
4. Insulting religions entails international responsibility on the shoulders of the offending state, and this responsibility can arise as a result of violating actions issued by state governmental and non-governmental institutions, including the media.
5. The heavenly religions have one source and origin, as well as their goal and aim, which is faith and devotion to God alone who has no partner.
6. Islam looks at the previous heavenly religions as having been revealed to the previous prophets by inspiration from God Almighty, and with rulings and legislation consistent with what was stated in Islam, and thus it is imposed on all Muslims to believe in the messengers who delivered them.
7. The Islamic religion preserves the status of the people of the bodies, and rejects abuse of them, and harshens the punishment for those who did that, so what if the abuse of the master of the prophets, our master Muhammad.

Recommendations:

1. The study recommends that Arab and Islamic countries follow a unified policy and strategy based on legal foundations to confront the abuse of the Islamic religion and its symbols, using the legal means available through the Charter of the United Nations and international conventions on human rights and other methods of international accountability for the offending country or countries.
2. The necessity for Arab and Islamic countries to unite to activate international resolutions and charters that prohibit insulting religions and to put pressure on curbing this phenomenon by available legal means.
3. Exerting efforts to clarify and disseminate the principles of the tolerant Islamic religion at the international level and to show it in its true form that calls for peace and tolerance and rejects hatred and racial discrimination.

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Footnotes:

Adel Majid: "States' Responsibility for Offending Religions and Religious Symbols", Emirates Center for Strategic Studies and Research, No. 125, 2007, p. 14.

Dr. Salah El-Din Amer: "An Introduction to the Study of Public International Law", Dar Al-Nahda Al-Arabiya - Cairo, 2003, p. 154.

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The Charter of the United Nations was signed on June 26, 1945 in San Francisco at the conclusion of the United Nations Conference on the International Organization, and became effective on October 24, 1945.

Article 1 of the Charter of the United Nations, in its third paragraph, stipulates "to achieve international cooperation in solving international problems of an economic, social, cultural and humanitarian character, and to promote and encourage respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion and no discrimination between men and women."

Article 13 of the charter stipulates in paragraph 1/b of it that "the General Assembly shall establish studies and make recommendations with the aim of: B- To develop international cooperation in the economic, social, cultural, educational and health fields, and to assist in the realization of human rights and fundamental freedoms for all people without discrimination among them in terms of gender or language or religion, and there is no distinction between men and women."

Article 55 of the Charter stipulates in Paragraph (C) that "the universal respect for human rights and fundamental freedoms for all without distinction as to sex, language or religion, and no distinction between men and women, and with effective observance of those rights and freedoms."

Adel Majed, previous reference, p. 15.

The Universal Declaration of Human Rights was adopted on December 10, 1948 by the United Nations General Assembly.

Adel Majed, previous reference, p. 16.

The Convention was adopted by United Nations General Assembly Resolution 2106 at its twentieth session on December 21, 1965, and entered into force on January 4, 1969.

Article 4 of the agreement.

Article 5 of the agreement.

The International Covenant on Civil and Political Rights was adopted by United Nations General Assembly Resolution 2200 at its twenty-first session, on December 16, 1966, and entered into force on March 23, 1976.

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Article 19 of the Universal Declaration of Human Rights, adopted by the United Nations General Assembly on 10/12/1948 in Paris, United Nations website www.un.org/ar/ visit on 7/1/2021.

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Dr. Salah al-Din Amer, previous reference, p. 781.

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