



Journal Homepage: [-www.journalijar.com](http://www.journalijar.com)

INTERNATIONAL JOURNAL OF ADVANCED RESEARCH (IJAR)

Article DOI:10.21474/IJAR01/11997
DOI URL: <http://dx.doi.org/10.21474/IJAR01/11997>



RESEARCH ARTICLE

APOSTASY: IS IT HUMAN RIGHTS OR/AND FREEDOM OF RELIGION?

Adibah Sulaiman^{1,2}, Md Yazid Ahmad³, Mohd Azmir Mohd Nizah^{1,4} and Ezad Azraai Jamsari⁵

1. Centre for Core Studies, Universiti Sains Islam Malaysia, 71800 Bandar Baru Nilai, Negeri Sembilan, Malaysia.
2. Faculty of Major Languages, Universiti Sains Islam Malaysia, 71800 Bandar Baru Nilai, Negeri Sembilan, Malaysia.
3. Research Centre for Sharia, Faculty of Islamic Studies, Universiti Kebangsaan Malaysia, 43600 UKM Bangi, Selangor, Malaysia.
4. Faculty of Leadership and Management, Universiti Sains Islam Malaysia, 71800 Bandar Baru Nilai, Negeri Sembilan, Malaysia.
5. Research Centre for Arabic Language and Islamic Civilization, Faculty of Islamic Studies, Universiti Kebangsaan Malaysia, 43600 UKM Bangi, Selangor, Malaysia.

Manuscript Info

Manuscript History

Received: 01 September 2020
Final Accepted: 05 October 2020
Published: November 2020

Key words:-

Riddah, Apostasy, Human Rights, Islam, Belief, Muslims, The West, Islamic Civilization

Abstract

This study investigates the issue of apostasy or *riddah* as a human right to freedom of religion or belief, especially among the Muslims. The purpose is to examine the question of whether apostasy should be recognized by modern Muslim states and societies as a human right that must be guaranteed for their citizens. Or, should it strictly be denied, thus freedom of religion or belief should not be extended to apostasy for Muslims and Muslim converts? The method used to complete the study is historical research and content analysis. This study showed that the call for recognition of apostasy as a human right is indeed influenced by the West which extremely enjoys freedom of belief or religion. As for Islam, apostasy is indeed contradictory with its teachings. This article is meaningful as it highlights the Universal Islamic Declaration of Human Rights (UIDHR) which speaks on religious freedom with limitations. UIDHR invariably attempts to match the Universal Declaration of Human Rights (UDHR) that recognizes the right to believe in whatever men want or to change their religion as they wish, at any time.

Copy Right, IJAR, 2020,. All rights reserved.

Introduction:-

Human rights are an issue in this modern age as every man, whether he is a Muslim or a non-Muslim, seems to be in quest for his or her rights. In non-Muslim countries, the people used to live a 'traumatic' life as law and order relied much on the status of a person in the community. The society recognized individual rights based on his strength, wealth, reputation and the likes. Should the rich and the poor be punished under the law, the rich would suffer a less painful penalty than the poor who would be sent to undergo severe punishment. The strong became the leader of a society whilst the weak became the slave of the former. This scenario lasted for a period of time albeit protest rallies opposing it.

Corresponding Author:- Adibah Sulaiman

Address:- Centre for Core Studies, Universiti Sains Islam Malaysia, 71800 Bandar Baru Nilai, Negeri Sembilan, Malaysia.

In contrast with non-Muslim society, rights in Islam have been bestowed on Muslims since its first day. These include rights to freedom of expression of one's belief, faith and religion. The provision of freedom of religion for Muslim believers is subject to the condition that it does not override the Qur'an and the Sunnah. The right to religious freedom however is interpreted as whether Muslims have the freedom of conversion from Islam to other religions or not. Hence, apostasy which is the conversion of a Muslim to other religions or his renunciation of Islam has been debated by Muslim scholars as to whether the practice is permissible and constitutes a right or not.

The Concept of Human Rights in Islam:

Islam perceives man as an honourable being which differentiates him from all other creatures of Allah. For this significant position of man, Islam has prescribed him excellent social and political systems which are different from what used to be implemented in any ancient system which conceived men as having different classes, castes, and so on. With the advent of Islam, everyone deserves human rights. It was documented that the Islamic concept of human rights, which is coherent with Islamic law, was first instituted in the 7th century whereas a similar concept under the western secular law was established only in the 20th century (Islam, 2002).

It is apparent that classical Muslim scholars hold a different understanding of the term 'rights' as each of them may have their own interpretation of its use in the Qur'an and Sunnah (Islam, 2002). The word *haqq* is an Arabic word and it is synonymous to rights. Apart from that, the terminology also bears the meaning of "established fact, power, authority, capability, to be true, to be entitled, to have the right to, and claim". In the Qur'an and Sunnah, the word *haqq* refers to a few other meanings such as "truth, reality, certainty, proof of values, rewards, promises, punishment and legality, rights and moral rights" (Islam, 2002; al Hageel, 1999). The Qur'an has clearly spelt out the fundamental aspects of human rights and these are coupled with Prophet Muhammad's (PBUH) sayings on human rights and his introduction of a charter of rights into the society (Mahmood, 1993). As such, Islam provides full-fledged rights that are guaranteed for both Muslims and non-Muslims (Patwari, 1993). Those rights can be classified as follows (Husain, 1993):

1. The basic rights which Islam lays down for all human beings comprising rights to life, property, protection of honour, privacy, personal freedom, protest against tyranny, freedom of expression, freedom of religion, freedom of association, freedom of movement, equality before law, basic necessities of life, health and education.
2. The special rights which Islam gives to different classes of people in accordance with their particular situations, status, position, etc. It includes special rights of non-Muslims, women, labourers, children, the poor, orphans, converts, parents, relatives, neighbours, heirs, etc.

As far as this paper is concerned, it deals with only the first category and the right to freedom of religion or belief in particular. Since these human rights have been established by Islam in the past 1,400 years, the rights are regarded as inalienable and immutable. They are not subjected to amendment, alteration, adjustment, abrogation or suspension as they are granted by God. They are permanent, perpetual and eternal, which need to be benefitted by every human being. The rights should not be recessed by the free will of either individual or community through their legislative bodies. The recognition of human rights in Islam which consist of equality, freedom, justice, dignity and security aims at establishing a righteous community who would enjoy all these qualities (Maududi, 1993; al Hageel, 1999). Al Hageel (1999) maintained that human rights in Islam contain several characteristics and qualities as below:

1. Islamic faith is the common basis of human rights in Islam.
2. Human rights in Islam are the Divine prerogative of Allah.
3. Human rights in Islam are all-comprehensive and common in nature.
4. Human rights in Islam are inalienable and immutable.
5. Human rights in Islam are not absolute; they require certain restrictions and protection.

The above characteristics suggest that human rights in Islam and in this respect religious freedom are restricted to the Islamic legal restraints or *Shari'ah*. Mayer (1995), however, asserted that the limitations for these rights are unspecified and vague. Hence, Muslim and non-Muslim countries are to make discretionary judgement which would establish the scope of rights with restrictions.

Furthermore, he maintained that the use of terms like '*shari'ah*', 'Islamic precepts' or 'the limits of Islam' to determine the limitations of human rights in Islam should not refer to only the works of the pre-modern jurists. This is because the pre-modern legislation contained no proper and specific guidelines on human rights and as such, the jurists' opinions regarding the subject matter would create different interpretations, which could be controversial.

Mayer is probably right when he mentioned that the *shari'ah* criteria which were used to restrict rights are quite general and unspecific as it called upon the government and the society to respect individual rights. Individual rights to religious freedom are undoubtedly guaranteed by Islam, but it is with restrictions.

Islam and Freedom of Religion:

There is no difference between a Muslim and a non-Muslim in the context that one's existence is grounded in freedom (Akhtar, 1989). If freedom is associated with religion or belief, a man would have the right either to have or not to have a religion, to practise or not to practise, to propagate or not to propagate, to embrace or not to embrace and to change or not to change his religion (Islam, 2002). If freedom of religion denotes a choice for man to change or abandon his religion or belief or not to do so, does it guarantee the right for Muslims to disbelieve after accepting Islam?

It is indicated that freedom of religion or belief means that the followers of a religion have the right to perform religious obligations in its holistic meaning (Islam, 2002). According to history, freedom of religion was established before the arrival of Islam through two prominent religions namely Christianity and Judaism. Based on the fact that Islam and the earlier Christianity and Judaism came from the same source, i.e. Allah, their principles of religious freedom are almost similar. Their concepts of religious freedom are regarded as the elements of human rights. With the death of their Prophets, the Jews and Christians gradually showed an attitude of anti-religious freedom (Islam, 2002; Saeed & Saeed, 2004). Although religious freedom protects them from persecution and discriminatory treatment, Western people do not show their keen inclination to freedom to change religion. Such an act is evident especially when their government imposed constraints on religious conversion (Mayer, 1995).

From the Islamic perspective, religious belief should be founded on conviction and needs to be considered as a choice. It should not be based on imitation or conformity to the views and beliefs of others. Thus, Islam forbids compulsion in religion. In this respect, the Muslim rulers and governors in the Islamic history were inclined to tolerate the beliefs and practices of their non-Muslim subjects. However, several historical events showed that a few Muslim rulers, affected by political reasons, were intolerant towards apostates. Kamali (1997) maintained that their acts were incompatible with the Qur'anic teachings.

Although it is mentioned in the Qur'an that every individual enjoys religious freedom, pre-modern Muslim scholars believed that it is limited. Freedom of religion is confined to non-Muslims alone whilst a Muslim is prohibited to leave his religion (Saeed & Saeed, 2004). The pre-modern Muslim scholars concluded that the Qur'anic passages on religious freedom were abrogated by verses that validate *jihad* against non-believers. Furthermore, the Sunnah also provides authority to impose death penalty for apostasy and to curb it. This idea, however, is rejected by many Muslim scholars like Abu Zahrah, Rashid Rida and Ibn Kathir (Kamali, 1997). According to Saeed and Saeed (2004), the religio-political environment of the early period caused the existence of apostates and apostasy-related issues. When religio-political aspects were not regarded as an intertwined identity, an individual can become a citizen of any political unit regardless of his religious affiliation. In addition, modern constitution of Muslim majority states promises religious freedom and equality before the law for all. The global networking and the spread of pluralism spurred the Muslim scholars to decide whether or not they need to propose new ideas about religious freedom to deal with the complex modern world.

Freedom of Religion in Universal Declaration of Human Rights (UDHR) and Universal Islamic Declaration of Human Rights (UIDHR):

In the Universal Declaration of Human Rights (UDHR) 1948, religious freedom is mentioned in Article 18 which declares that "everyone shall have the right to freedom of thought, conscience and religion. This right should include freedom to have or to adopt a religion or belief of his choice and freedom either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching in accordance with his religious beliefs. In general, it raises the issue of the universality and indivisibility of rights, of the primacy of international law over national law and religious codes, of individual, minority and collective rights, and of the relationship between rights, duties and community" (Boyle & Sheen, 1997).

Article 18 of the UDHR implies that the international human rights law allows no restrictions on a person's religious belief. Freedom of religion is an unlimited one. Since Article 18 of the UDHR does not place any restrictions of religious freedom, man has the right to change his religion or belief and to manifest his religion or belief in any possible means. Some Muslim countries, Saudi Arabia being the most vocal, condemn the provisions of the right to

abandon or change religion due to the reason that Islam does not allow Muslims to do so (Mayer, 1995). Consequently, the Muslim jurists held the International Islamic Conference in Paris on 15 September 1981 which created the Universal Islamic Declaration of Human Rights (UIDHR). It draws the Right to Freedom in Article 2. In a Muslim country, religious minorities are declared by Article 10 to have the choice to be governed in respect of their civil and personal matters by their own laws, and the Qur'anic principle that is "there is no compulsion in religion" (al-Baqarah 2:256) governs the rights of non-Muslim minorities (Weeramantry, 1993; UDHR, 1993).

In Article 12, Right to Freedom of Belief, Thought and Speech is guaranteed as it draws, "every person has the right to freedom of conscience and worship in accordance with his religious beliefs" (UDHR, 1993). Such right to freedom has now become a feature of the constitutions of many Muslim countries such as Malaysia, Pakistan and Bangladesh. Unlike the English translation, the Arabic version of Article 12 in the UIDHR states, "Everyone may think, believe and express his ideas and beliefs without interference or opposition from anyone as long as he obeys the limits set by the *Shari'ah*". According to Mayer (1995), the statement illustrates that *Shari'ah* sets limits on the freedom of belief, thought and religion. This limitation implies its incompatibility with the international human rights that guarantee religious freedom with no restriction. Right to Freedom of Religion in Article 13 of the UIDHR declares the right to freedom of conscience and worship for everyone in accordance with his religious beliefs but it is also not in line with the international human rights.

Articles 12 and 13 of the UIDHR illustrates that although Muslims believe there is no truth greater than Islam, yet if somebody does not accept Islam, Muslims have to recognize and respect his decision and allow him the freedom of religion (Khan, 1993). If non-Muslims enter into the fold of Islam, they should be welcome. No force, coercion, influence or compulsion is allowed to win over others to Islam. Within the fabric of Islam, there is full freedom of adherence to different variants of the faith (Mahmmod, 1993). The idea of religious freedom and tolerance is compatible with the Qur'an that maintained there is no compulsion in the matter of belief or religion and the individual is free to choose what religion he should follow. The Qur'an does not allow the use of power and strength to compel the non-Muslims to convert to Islam and to become Muslims as such a misleading act of religious preaching is not consistent with the Islamic teaching (Saeed & Saeed, 2004).

The UDHR principles state that there is no coercion in matters of religion, which is also the precept of Islam. Boyle and Sheen maintained that several interpretations of Islam do not accept the right of a person to abandon religion or to convert to another one (apostasy). The international human rights use of an unclear term 'have or adopt a religion' is interpreted as an individual having the right to 'replace one's current religion or belief with another, adopt atheistic views or retain one's religion or belief'. In this respect, Boyle and Sheen (1997) maintained that no Islamic state will accept such an interpretation. Currently, in the constitutional law of many countries which includes Muslim countries, freedom of religion refers to freedom to profess, to practise and to propagate conscience and religion (Islam, 2002).

The freedom of an individual to profess the religion of his choice is manifested as his personal right. Freedom of religion in the Islamic context implies that the non-Muslims are neither compelled to convert to Islam nor prohibited from performing their religious practice. Both Muslims and non-Muslims could propagate their respective religion. A non-Muslim is free to follow any religion and change it as he wishes (Kamali, 1997; Islam, 2002).

In Islam, religious freedom for Muslims does not mean a right to change religion because the term "profession" does not refer to a right to change one's religion in any classical lexicons. Similar to other revealed religions, Islam has made the profession of a believer's religion as an obligation (Islam, 2002). This is the case with the Malaysian Constitution. The Constitution does not impose any restriction on a person's right or capacity to accept or reject any religion including Islam. However, in the Article (11) of the Constitution, Muslims have no right to leave or renounce their religion of Islam in favour of other religions (Saeed & Saeed, 2004). Nevertheless, neither the federal law nor the state law of Malaysia provides any provision to bar or deter Muslims from changing their religion. Hence, several attempts of the Malaysian Court have failed to curtail Muslims in the country from becoming Christians (Islam, 2002).

Besides Malaysia, freedom of religion in Bangladesh that is spelt out in its constitution is subject to law, public order, public health and morality (Anon, 2017). The restriction shows that the freedom is conditional (Islam, 2002). In the opinion of Saeed and Saeed, the Constitution of Malaysia highlights restrictions more than the rights. The limitations, therefore, do not allow the non-Muslims from propagating their religions among Muslims by persuasion,

influence or incitement. A similar restriction is also binding on the Muslims (Saeed & Saeed, 2004). They enjoy religious freedom with certain restrictions. The limitation includes the notion that a Muslim is not allowed to change or revert from being a believer whether he is born Muslim or converted from another religion while a non-Muslim can exercise no authority and control over a Muslim (al Hageel, 1999; Islam, 2002). In other words, Islam provides religious freedom for all human beings but for Muslims, the freedom is confined to a degree of limitations.

Apostasy: Is it a Human Right to Freedom of Religion?:

Apostasy means “leaving or giving up of one’s religious faith, belief, political party or principles, etc”. The Arabic term used for apostasy is *riddah* or *irtidad*. The term *radda* literally means “to return from something and come back” or “to revert or turn away”. It applies to a Muslim who reverts to polytheism or adopts any other religion or atheism (Islam, 2002). In the Islamic law, *riddah* bears the meaning of “a return of a person from the religion of Islam to kufr whether by intention, action, or statement in the form of mockery, jokes, stubbornness, free will or conviction”. The person who commits apostasy is called an apostate (*murtad*) (Islam, 2002; Saeed & Saeed, 2004).

A Muslim who is accused of apostasy is also referred to as a blasphemer, heretic, hypocrite, or unbeliever. According to classical Muslim jurists, apostasy may occur in many ways such as the denial of the existence of Allah or His attributes, the denial of a particular Messenger, the denial of one or more of the fundamentals of religion, worshipping an idol, etc. In general, apostasy might have been committed whether in faith, in actions, in abandoning of an obligation and in statement (Saeed & Saeed, 2004; Islam, 2002). Saeed and Saeed (2004) asserted the view that in the era of globalization, interaction and multiculturalism, many pre-modern ideas are regarded by modern people as irrelevant with the modern world. This scenario creates a controversy especially when modern Muslims attempt to reconcile Western ideas of religious freedom with that of the pre-modern Muslim jurists’ interpretation.

It is significant to mention that all the four great Muslim jurists of the major schools of Islamic jurisprudence agree upon the application of death penalty for apostasy. Those jurists held different opinion on whether apostates should be asked to repent or not before he is put to death. The majority of them maintained that an apostate should, at first, be offered the chance to repent and rethink his ‘new faith or disbelief’. Otherwise he is to be killed. A period of time should be allowed for the apostate to reconsider and revert to Islam. The chance for repentance is to give the apostate the right to regain freedom and to live. Although apostate could repent, there are certain categories of apostasy in which repentance cannot be accepted (Kharofa, 1994).

In the modern time, the right to change religion, to convert from one religion to another or to reject any religion is an important aspect of religious freedom under the secular constitutional and international law. *Shari’ah* regulations of conversion, however, have a different concept as classical Muslim scholars do not agree with the idea that Muslims may convert to other religions or beliefs. Some Muslims nevertheless tend to disagree with the existing law and opinion regarding religious freedom. They bring Qur’anic texts to prove that Islam supports the cause of religious freedom, to abolish death punishment of apostasy for Muslims and to call for an amendment of the pre-modern Islamic law of apostasy (Islam, 2002; Kamali, 1997). In the modern era, according to Saeed and Saeed (2004), Muslims hold three different positions regarding apostasy and it is as follows:

1. The pre-modern opinion should remain and hence, apostasy is prohibited and it is mandatorily punishable by death. There is no obligation to recognize freedom of religion stated in Article 18 (UDHR) and Article 12 (UIDHR).
2. The pre-modern opinion should remain but it is with restrictions. In other words, apostate should be sent to death punishment and its enforcement can be done only by the state. The punishment is discretionary.
3. A total freedom either to move to or from Islam should be provided and death penalty should be re-examined as time and circumstances change in the modern days. For its advocates, the Qur’an contains no earthly punishment for apostasy, and apostate should be left alone as long as he does not threaten or belittle Islam. Thus, Muslims should be given the freedom of belief and religion.

The incompatibility issue of the two sets of human rights could be associated with individual’s understanding and interpretation of religious freedom. Muslims’ perspective on the freedom to change religion is different from that of the non-Muslims, especially those who are in the West. Non-Muslim Westerners are more inclined to fight for the right to religious freedom than freedom to change religion. However, the Muslims whether they are in the East or the West are divided into a few groups to answer the question of whether there should be a freedom to convert or not (Mayer, 1995). This is because Muslim jurists have identified several aspects that could be affected by one’s

conversion from Islam to other religions and these include marriage, inheritance, moveable and immoveable properties, position of children and so on (Islam, 2002).

According to Mayer, the freedom to change or abandon religion in the Middle East constitutes a more significant dimension of religious freedom than it does in the West. This is demonstrated in the westernization of the Middle Eastern legal systems which further eliminate the elements of *Shari'ah* concept. Under the secularization of the system in the nineteenth and twentieth century, the execution of death penalty according to *Shari'ah* became very rare. The *Shari'ah* law, however, is seen to break the international human rights to religious freedom (Mayer, 1995). In fact, there are many Islamic countries that stand outside the international consensus on the question of use of death penalty for apostasy. To Boyle and Sheen (1997), the enforcement of *Shari'ah* law generally violates other rights. Their points of view need further research.

In Malaysia, there is socio-political polemic pertaining to the issue of apostasy and the law of its enforcement. The federal opposition party i.e. Parti Islam Se-Malaysia (PAS) that rules the state of Kelantan has made attempts to introduce law to punish apostasy by death in order to deter Muslims and converts from renouncing Islam. The law, however, has yet to be implemented due to a few obstacles and shortcomings of the *Shari'ah* Criminal Code (II) Kelantan Enactment 1993. This happens especially when the country's dominant party, the United Malay National Organization (UMNO), suggests rehabilitation and short-term detention for those who renounce Islam without compulsion. The consequences of apostasy in Malaysia affect material benefits, social relationship, personal identity, marital status and post-death implications. Nevertheless the law is applicable to Muslims only as the *Shari'ah* courts have jurisdiction over Muslims only. Moreover, the formation of multi-racial and multi-religious society today could mean a failure of implementing apostasy laws in the country (Saeed & Saeed, 2004).

The consequences of apostasy are explicitly explained in the Qur'an and the Sunnah. According to the Qur'an, apostasy nullifies the good deeds of an apostate and he deserves severe punishment in the hereafter. The Sunnah demonstrates the worldly punishment of apostasy. Contemporary Muslim scholars believe that the Qur'an condemns apostasy with punishment in the hereafter and it is silent on its earthly penalty (Islam, 2002). It is noted that the death penalty for apostates used to be applied in other Semitic religions. Through the contacts of Islam with Judaism and Christianity, the former adherents adopted the concept of apostasy and believed that its punishment must be executed by death. A similar practice is consequently implemented by the later generation of Muslims and this is coupled with their interpretation and understanding of the Qur'anic passages and Hadith regarding punishment of apostates (Saeed & Saeed, 2004).

In their discussion concerning the punishment for apostates, pre-modern Muslim jurists laid down certain conditions that must be fulfilled to determine whether a Muslim has committed apostasy or not and whether a Muslim has become apostate or not (Islam, 2002; Saeed & Saeed, 2004). It is, as maintained by Saeed and Saeed (2004), a means to protect a Muslim against any injustice and wrongful accusations of apostasy and the potential misuse of apostasy law. He further argued against the classical Sunni scholars' conditions regarding apostasy as these would not be regarded as so by their opponents. Those conditions do not make any difference between major and minor sins or difference between idolatry and disbelief. Muslim scholars of the modern period also draw the characteristics of an apostate from their perspective, which are almost different from those by classical jurists. Saeed and Saeed maintained that the conditions regarding apostasy that the classical and modern scholars establish are in fact each based on their own training and interest.

Mayer (1995) asserted that the ban on apostasy may curb religious freedom among the Muslims who hold to a different understanding and notion of Islam. The implication does not only touch upon their freedom to convert from Islam, but it may also affect their freedom to follow their conscience in selecting which Islamic teachings to follow. This could be seen from the case of the Ahmadi minority in Pakistan and the Sudanese Nimeiri. Even if such minorities in these countries are not punished for their beliefs which are officially deemed as heretical, they would undergo discrimination and jailing. Besides, Saeed and Saeed asserted that apostasy laws today are vulnerable to misuse because of the diversity of creeds among Muslims. In addition, governments in many Muslim countries have the authority, be it through persuasion or force, to control the civil, political and religious rights of their citizens (Saeed & Saeed, 2002).

The death sentence on apostates, as mentioned by Saeed and Saeed (2004), goes against the freedom of belief and religion. With the death penalty for apostasy, it breaches the fundamental principle of Islam i.e. freedom of religion.

To him, such a penalty is a contemporary misunderstanding about Islam because there is no explicit mentioning of the sentence in either the Qur'an or the Sunnah. The penalty is contradictory with the Qur'an, the Sunnah and the needs of the modern period regarding human rights. Moreover, the punishment is not in line with the opinion of several prominent Muslim scholars such as Sufyan al-Thawri, Ibrahim al-Nakha'i, Ibn Taymiyyah, Shams al-Din al-Sarakhsi and Shaykh Mahmud Shaltut. Mohammad Hashim, who specialized in Islamic law in Malaysia, maintained that the mentioning of apostasy in different contexts of the Qur'an shows that although apostasy is a sin, it has no temporal punishment. In addition, the evidence of the Sunnah regarding apostasy is still open for interpretation (Kamali, 1997).

The development of the law of apostasy and its punishment is closely associated with the socio-political environment of the early Muslim community. Upon the demise of the Prophet, the early Muslims feared their fellows' act of renouncing Islam. Having identified that there is no clear mentioning of death penalty for apostate in the Qur'an, the Muslims relied on the Hadith and Sunnah to verify the punishment. Unlike the classical medieval Muslim jurists, the modern Muslim scholars who adhere to the view that apostates should be punished brought several Qur'anic texts that are deemed as relevant to the subject matter. For political or religious reasons, several forms of punishment were practiced in the early Islam and this includes the capital punishment. Jurists from the 7th to 9th century executed punishments and death for apostasy as it, according to Saeed and Saeed, was regarded as relevant and suitable for that time in order to secure and sustain the Muslim community (Saeed & Saeed, 2004).

Contemporary Muslims who reject the idea of death penalty assert that classical and medieval juristic interpretations of apostasy law are not in line with the Qur'anic principle that says, "There is "no compulsion in religion". It can be deciphered from the Qur'anic verse that one's religious adherence should be left as a matter of conscience (Mayer, 1995). In countries where Islamic law is regarded as a major one, the people urge their government to adopt a formal legislative rule whereby converts from Islam should be killed. Since the 1970's, the Muslim conservatives in Egypt have been requesting the execution of death penalty for apostates. They, however, receive criticism and opposition from the majority of Muslim population in the country (Mayer, 1995; Boyle & Sheen, 1997).

It is apparent that Muslims have not arrived at any consensus in relation to freedom of religion or belief and the right to turn away from Islam in particular. Almost all Muslim jurists agree that Muslims, under the Islamic law, are forbidden to change or abandon religion. Several other Muslims insisted that it is the right of man to believe or not to believe. According to the first group of Muslims, coercion must be used to bring Muslims who converted to any other religion or atheism back to Islam. If they are reluctant, they should be sent to severe punishment. In Islam, one's conversion to a religion other than Islam or to atheism implies that he leaves the path of salvation for the path of eternal damnation. Therefore, he must be brought back to the fold of Islam by whatever means. In fact, the act of abandoning Islam would bring dishonour into the Muslim community and is regarded as the ultimate betrayal of a Muslim (Saeed & Saeed, 2004).

In brief, the interpretation of Qur'anic texts pertaining to freedom of religion differs among the Muslims. The first group held to the view that apostasy should be regarded as a human right because Islam is not a religion of coercion and guarantees religious freedom. One's change of religion should be regarded as his right. Besides, apostasy law of Islam is not relevant with modern time. The other group of the Muslims advocates the rejection of apostasy and as such, it should not be regarded as human rights. According to them, the provision of religious freedom in the Qur'an is confined to restrictions. Apostasy is regarded as a forbidden sin and death penalty must be imposed on anyone who commits it.

Conclusion:-

Apostasy should not be regarded as a human right regardless of the fact that almost all constitutions of the world guarantee religious freedom. The call for recognition of apostasy as a human right is indeed influenced by the West which extremely enjoys freedom of belief or religion. As for Islam, if apostasy is regarded as an absolute human right, it would open the doors for either Muslims or converts to indulge in unpardonable sin. It is indeed contradictory with the teachings of Islam. The openness of Islam to freedom of religion does not mean that it accepts apostasy because man's renunciation of Islam is regarded as a sin. To provide freedom to commit apostasy for Muslims is a great issue to deal with because Islam and the Muslim community are under subtle and unseen threat in every aspect of modern life. With the death penalty not unanimously agreed upon by many modern Islamic jurists, recognizing apostasy as a Muslim's human right may weaken the faith of the *ummah* and thus may not be welcome.

References:-

1. Al-Qur'an.
2. Akhtar, Seyed Waheed. 1989. Freedom in the Islamic framework of human rights with special reference to *Nahj al-Balaghah*. In. Naqavi, Sayyid Khadim Husayn (ed.). *Human Rights in Islam*. Tehran: Islamic Propagation Organization.
3. Anon. 2017. Bangladesh 2017 International Religious Freedom Report. International Religious Freedom Report for 2017 United States Department of State, Bureau of Democracy, Human Rights, and Labor. Retrieved on, 1st March 2019, <https://www.state.gov/documents/organization/281262.pdf>
4. Boyle, K. & Sheen, J. 1997. *Freedom of Religion and Belief: A World Report*. London: Routledge.
5. al Hageel, Sulieman Abdul Rahman. 1999. *Human Rights in Islam*. Beirut: Mu'assasat Fu'ad li al-Tajlid.
6. Islam, Abm. Mahbubul. 2002. *Freedom of Religion in Shari'ah*. Kuala Lumpur: A.S. Nordeen.
7. Kamali, Mohammad Hashim. 1997. *Freedom of Expression in Islam*. Cambridge: Islamic Texts Society.
8. Khan, Majid Ali. 1993. The Universal Declaration of Human Rights and the human rights in Islam: A comparative study. In. Mahmood, Tahir (ed.). *Human Rights in Islamic Law*. New Delhi: Genuine Publications Pvt. Ltd.
9. Kharofa, Ala'eddin. 1994. Nobody is compelled to embrace Islam. In. Kharofa, Ala'eddin (ed.). *Nationalism, Secularism, Apostasy and Usury in Islam*. Kuala Lumpur: A.S. Nordeen.
10. Mahmood, Tahir. 1993. The Islamic law on human rights. In. Mahmood, Tahir (ed.). *Human Rights in Islamic Law*. New Delhi: Genuine Publications Pvt. Ltd.
11. Maududi, Abul A'la. 1993. Human rights, the West and Islam. In. Mahmood, Tahir (ed.). *Human Rights in Islamic Law*. New Delhi: Genuine Publications Pvt. Ltd.
12. Mayer, A.E. 1995. *Islam and Human Rights*. Boulder: Westview Press.
13. Patwari, M.I. 1993. Human rights in Islamic law and International law: A comparison. In. Mahmood, Tahir (ed.). *Human Rights in Islamic Law*. New Delhi: Genuine Publications Pvt. Ltd.
14. Saeed, Abdullah & Saeed, Hassan. 2004. *Freedom of Religion, Apostasy and Islam*. London: Ashgate.
15. Weeramantry, C.G. 1993. Islam and human rights. In. Mahmood, Tahir (ed.). *Human Rights in Islamic Law*. New Delhi: Genuine Publications Pvt. Ltd.