



Vol. 3 No. 10.1-International Conference on Re-imaging Justice (October, 2025)-  
Special Issue

## **Death Penalty For Blasphemy And Apostasy:" Comparative Analysis Between Egypt And Afghanistan"**

**Syeda Asifa Haider**

Bachelor Scholar, Department of political science & International Relations  
Government College Women University, Faisalabad, Pakistan  
Email: asifahaider2003@gmail.com

**Ms. Manahil Imran**

Bachelor Scholar, Department of political science & International Relations  
Government College Women University, Faisalabad, Pakistan  
Email: iminahil038@gmail.com

**Dr. Tayba Anwar** (Corresponding Author)

In charge Department of Political Science & International Relations, Government  
College Women University, Faisalabad, Pakistan.

### **ABSTRACT**

The crime of blasphemy or apostasy has been imposed and sensitive in Islamic law in addition in the law of international human rights. Both are regarded as charged religious offences, and their legal status varies widely across Muslim states. The following comparative analysis shows how Afghanistan and Egypt handle the death penalty for Blasphemy and apostasy in their legal as well as political life. Based on the abstract provided, the research paper is about blasphemy and apostasy laws in Islamic law and how they compare to international human rights. It specifically looks at the differences between the legal systems of Egypt and Afghanistan. Through an examination of law, judicial behavior, and popular reaction, the research discovers deep differences as well as similarities between the two countries' policies. Local media in Islamic countries often describe the death penalty as justice and a duty in Islam. The study concludes that the death penalty is not just a legal issue but is also connected to culture, religion, and politics in Islamic countries. The research seeks to deliver an elevated critical assessment of religious sensitivities in connection with Egyptian and Afghan international human rights obligations.

**Key words:** Apostasy, Blasphemy, ICCPR (International Covenant on Civil and Political Rights), Islamic Jurisprudence.



## Vol. 3 No. 10.1-International Conference on Re-imagining Justice (October, 2025)-

### Special Issue

#### Table of Contents

Introduction:.....	393
Literature Review: .....	393
Research Objectives:.....	394
Research Questions:.....	394
Research Statement:.....	394
Research methodology:.....	394
Theoretical framework:.....	395
Discussion and Analysis of Legal Framework of Egypt &Afghanistan:.....	395
Egypt's Legal System:.....	395
Afghanistan: A Sharia-Influenced Legal System with Direct Criminalization .....	395
Comparison Overview .....	396
Blasphemy and Apostasy in Egyptian Law .....	396
Apostasy.....	397
Blasphemy and Apostasy in Afghan Law.....	397
Judicial Behavior and Popular Reactions: .....	398
Critical Assessment of Religious Sensitivities and International Obligations.....	399
Tension Between Religious Norms and Universal Rights:.....	400
Conclusion .....	400
Policy Recommendations and Legal Reform: .....	401
Limitations: .....	401
References:.....	402



## Vol. 3 No. 10.1-International Conference on Re-imagining Justice (October, 2025)- Special Issue

### Introduction:

The act of insulting or showing contempt or lack of reverence for Allah and apostasy is the act of refusing to continue to follow, obey, or recognize a religious faith. Blasphemy and apostasy rank among the most contentious and sensitive offenses in both international human rights discourse and Islamic jurisprudence. In numerous nations with a majority of Muslims, these offenses hold substantial cultural, religious, and political significance in addition to being legal ones. Apostasy, which is often described as the deliberate rejection of Islam, has historically been seen as a serious offense under Islamic law (Sharia), which can result in death (Hallaq, 2009).

Blasphemy also provokes significant legal and societal responses, especially when it involves perceived insults to religious leaders, symbols, or sacred texts. Nonetheless, there are major differences in how these laws are applied and interpreted throughout Muslim governments, which reflects a broad range of legal pluralism. Sharia is strictly interpreted in some jurisdictions, whereas secular or hybrid legal systems are used in others where religious offenses are dealt with more lightly or under civil rather than criminal laws. Criminalizing blasphemy and apostasy is controversial because human rights instruments, especially the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), protect freedom of religion, belief, and expression on a global scale. Critics contend that these rules infringe upon personal liberties and are frequently abused to quell dissent, target minorities, or settle personal grievances (Naim, 2008).

In Egypt and Afghanistan, blasphemy and apostasy law reflect a strong overlap between religion and politics. In Egypt, such laws are used to curb dissent and protect conservative religious norms despite constitutional guarantees of freedom. In Afghanistan, Sharia based provisions treat these offenses as capital crimes, with court prioritizing religious rulings over human rights. In both countries, political influence and clerical authorities shape enforcement revealing persistent tension between religious law and International human rights standards (Basam, 2013).

In contrast, countries like Egypt demonstrates more hybrid approach blending civil and religious law while still retaining harsh penalties for acts deemed blasphemous. Furthermore, the global debate surrounding blasphemy and apostasy law underscores the clash between cultural relativism and universalism in international law. Proponents of reform argue for reinterpretation in Islamic jurisprudence to reconcile these laws with human rights norms emphasizing Quranic principles of freedom of conscience and non coercion in faith. Conversely, conservative scholars and political actors often view such reforms as western impositions that threaten social order and religious identity (Brown, 2012).

### Literature Review:

Brown (2017), The socio-political and legal treatment of blasphemy and apostasy in Afghanistan and Egypt represents a larger tension in between international human rights and religious customs standards, as investigated in both traditional contemporary legal and Islamic jurisprudence academic achievements. Traditional meaning of Sharia, especially underneath the Hanafi school, recommend severe penalties for blasphemy and apostasy, thinking see them to be violation of the divine decree; these meanings have been purely imposed in Afghanistan underneath Taliban governing

Lombardi (2006), While researchers like Abdullahi An-Na'im and Mohammad Hashim



## Vol. 3 No. 10.1-International Conference on Re-imagining Justice (October, 2025)- Special Issue

Kamali support reformist interpretations of Islamic law that are consistent with the ICCPR's guarantees of freedom of belief and expression, detractors of contemporary practices point out how state institutions, clerical officials, and social conservatism all contribute to the maintenance of restrictive norms. While there is room for civil society advocacy and legal reform in Egypt, Afghanistan's theocratic paradigm severely restricts these opportunities.

### **Research Objectives:**

To evaluate how the legal systems that regulate blasphemy and apostasy in Egypt and Afghanistan represent the harmony (or discord) between Sharia law and international human rights norms.

To examine how judges in both nations behave and implement laws pertaining to blasphemy and apostasy.

To determine whether the blasphemy and apostasy laws of Egypt and Afghanistan are consistent with their international legal commitments, namely those outlined in the International Covenant on Civil and Political Rights (ICCPR).

To investigate how society and culture react to charges of blasphemy and apostasy, and assess how media narrates them.

To decriminalize religious expression and bring domestic legislation into compliance with universal human rights principles.

### **Research Questions:**

How the legal systems that regulate blasphemy and apostasy in Egypt and Afghanistan represent the harmony (or discord) between Sharia law and international human rights norms?

How judges in both nations behave and implement laws pertaining to blasphemy and apostasy?

The blasphemy and apostasy laws of Egypt and Afghanistan are consistent with their international legal commitments, namely those outlined in the International Covenant on Civil and Political Rights (ICCPR)

How the society and culture react to charges of blasphemy and apostasy, and assess how media narrates them?

Suggest the context-sensitive legislative to decriminalize religious expression and bring domestic legislation into compliance with universal human rights principles.

### **Research Statement:**

This research examines how Egypt & Afghanistan implements death penalty for apostasy and blasphemy, highlighting interplay between religious law, state authority & International human rights norms.

### **Research methodology:**

This study employs qualitative and comparative method to examine the treatment of blasphemy and apoptosis in Egypt and Afghanistan. The research carried out is explanatory, historical and analytical which provides contextual understanding.



## Vol. 3 No. 10.1-International Conference on Re-imaging Justice (October, 2025)- Special Issue

### **Theoretical framework:**

Constructivism theory is applied to this research. According to constructivist theory, the death penalty for blasphemy and apostasy in Egypt and Afghanistan is a reflection of socially constructed identities and norms. The Taliban in Afghanistan use such punishments to assert a theocratic, anti-Western stance, while Egypt maintains harsh laws to uphold Islamic values despite limited enforcement. Both states' religious and national identities are bolstered by these sanctions. These penalties persist not just for legal reasons but because they align with dominant social narratives that resist external human rights norms, particularly those promoted through international frameworks like the ICCPR (International Covenant on Civil and Political Rights).

### **Discussion and Analysis of Legal Framework of Egypt & Afghanistan:**

This research work utilizes comparative analysis to examine legal framework of Egypt and Afghanistan in which apostasy and blasphemy in Egypt and Afghanistan reflect a fundamental discord between Sharia based interpretations and international human rights norms especially regarding freedom of religion and expression. It highlights how both states selectively integrate sharia principles, often at the expense of ICCPR commitments. We found that the death penalty for blasphemy and apostasy in Egypt and Afghanistan is linked to socially construct religious and national identities by applying constructivist theory (Naim, 2008).

### **Egypt's Legal System:**

A Blend of Secular and Religious Aspects Although Islamic law, or Sharia, is acknowledged as a primary source of legislation by the Egyptian Constitution (Article 2), Egypt's civil law system is mostly based on French legal codes. Apostasy is not a crime under statute, although blasphemy is covered by laws pertaining to defamation of religion.

### **Key features:**

#### **Blasphemy laws:**

These are found in the Penal Code (e.g., Egyptian Constitution Article 98(f)), which makes "contempt of religion" and "insulting the divine" illegal. Although these laws are supposed to protect all recognized religions, they are frequently utilized to target speech or actions that are considered offensive to Islam (Mayer, 1993).

#### **Apostasy:**

Although it is not a crime in Egypt, it carries severe civil penalties, including rejection of inheritance, annulment of marriage, and loss of child custody. Threats of violence and severe social rejection are further consequences of apostasy (Amnesty International, 2022).

### **Afghanistan: A Sharia-Influenced Legal System with Direct Criminalization**

Islamic law has had a greater influence on Afghanistan's legal system, particularly under the Taliban governments. Even though there was an Afghanistan Constitution from 2004 to 2021 that sought to strike a balance between Sharia and International standards, Islamic law has frequently taken precedence, particularly during the present Taliban regime. The Taliban's legal framework is deeply embedded in a historical narrative of



## Vol. 3 No. 10.1-International Conference on Re-imaging Justice (October, 2025)- Special Issue

Islamic resistance, national sovereignty, and cultural authenticity, shaped by decades of conflict, foreign intervention, and internal fragmentation. From a constructivist perspective, the legal system serves as a symbolic arena where norms are reinforced, community boundaries are drawn, and legitimacy is asserted (Saeed, 2020).

### Key features:

Apostasy and blasphemy are both expressly and practically illegal, frequently according to Hanafī interpretations of Islamic law, which can impose harsh punishment for blasphemy and the death penalty for apostasy (Kamali, 1998).

According to the Taliban's view of Sharia, apostasy is a crime against God, or a hudud offense, for which there is minimal opportunity for leniency or legal defense.

Under the Taliban, judicial processes are usually opaque, penalties are meted out quickly, and due process and appeal rights are restricted (Peters, 2005).

Blasphemy and apostasy accusations were occasionally brought under the penal code or through Sharia-based rulings, even under prior administrations like the Islamic Republic of Afghanistan (2004–2021).

### Comparison Overview

This is the comparative analysis of Egypt & Afghanistan for apostasy and blasphemy:

Aspects	Egypt	Afghanistan
Legal basis	Civil law with sharia impact.	Shria dominated system
Blasphemy	Criminalized under the “defamation of religion” law.	Criminalized, punishable by harsh penalties or death
Apostasy	Not criminal but lead to civil & social penalties.	Criminalized, punishable by death
Judicial Approach	Some legal protections but selective enforcement.	Harsh with limited legal safeguards.
International Commitments	Members of ICCPR but with reservations.	Commitments are largely overridden by sharia.

### Blasphemy and Apostasy in Egyptian Law

Egypt's blasphemy and apostasy laws represent a complicated interaction between Islamic customs, civil law, and the country's constitutional guarantees of religious freedom. Egyptian law does not specifically penalize apostasy, which is defined as the abandonment of Islam. But it has major social and civil repercussions. Under Islamic personal status regulations, people who convert to Islam risk having their marriage dissolved, losing custody of their children, and being denied inheritance. The state does little to protect anyone who openly identify as atheists or convert from Islam, leaving them vulnerable to threats and animosity from the public even though apostasy is not a crime. (Fadel, 2008). However, the Penal Code specifically addresses blasphemy in



## Vol. 3 No. 10.1-International Conference on Re-imaging Justice (October, 2025)- Special Issue

Egyptian Constitution Article 98(f), which makes it illegal to insult the divine religions and stir up sectarian strife. Constructivism posits that legal & political institutions are shaped by socially constructed by norms, identities and historical narratives. This law is mostly used to arrest anyone who are thought to be violating Islamic principles, such as Muslims, Christians, atheists, and critics of religious organizations, even though it supposedly protects all recognized religions Islam, Christianity, and Judaism. Generally speaking, Egyptian law does not punish apostasy or blasphemy with death, but it does enforce a social and legal framework in which deviating from religious standards can lead to serious legal and personal consequences (Alizbeth, 2016). The Egyptian Constitution forbids discrimination on the basis of religion and protects religious freedom. "Islam is the religion of the state and the principles of Islamic shari'a are the main sources of legislation," (Egyptian Constitution Article 2). These claims are contradictory because shari'a forbids discrimination against and persecution of minority faiths, rejects religious freedom, and is based on the idea that believers (Muslims) and non-believers (as well as men and women) are not equal. From a constructive theoretical perspective, these legal contradictions and selective sharia application principles can be understood merely as legal inconsistencies but as tools of identity construction. Contradictory principles cannot be implemented by the Egyptian government. Shari'a always takes precedence and serves as the foundation for the existence and application of blasphemy legislation in Egypt since all constitutional provisions must be construed in light of and in submission to Article 2 (Congress Library, 2022).

### **Apostasy**

Although there isn't a specific apostasy statute in the Egyptian legal system, anyone who wants to convert from Islam is actually forbidden from doing so. Islam conversion is always welcome. Shari'a law is the foundation for this. A person who chooses to convert to Islam is deemed by the court to have accepted all of its precepts, including the fact that they have forfeited their ability to convert away from Islam as they are aware that it is forbidden. Those who are born into Muslim families who have never chosen to convert to Islam or give up their right to do so are not addressed by this. (Egyptian journal, 2022). The Civil Status Department is principally responsible for enforcing apostasy "rules." When a convert converts to a religion other than Islam, government officials will not alter their ID card to reflect this change. Converts have occasionally been accused of mocking Islam because they converted. Thus, shari'a law will continue to govern education, marriage, custody, and inheritance for both the individual and any family. As required by sharia law, Egyptian society also retaliates by treating these converts with hatred, contempt, marginalization, and occasionally even murder (Makau, 2018). Christians who converted to Islam and then sought to "convert back" are occasionally handled differently. In the last 10 or so years, courts have let these "returnees" following a comprehensive investigation and copious documentation (International Amnesty, 2022).

### **Blasphemy and Apostasy in Afghan Law**

Blasphemy and apostasy laws in Afghanistan are mostly based on Islamic (Sharia) law, which carries harsh penalties like the death penalty (Feldman, 2008). Afghanistan used to have a mixed legal system, including both Islamic jurisprudence and statutory laws, but since the Taliban's return, Sharia law-based court rulings have predominated, particularly



## Vol. 3 No. 10.1-International Conference on Re-imagining Justice (October, 2025)- Special Issue

since 2021. Blasphemy and apostasy are made to seem almost humorous by the Taliban by imposing strict Hanafi Islamic law. These legal practices are best understood as expressions of socially constructed norms and identity narratives, rather than as mere impositions of religious doctrine, according to constructivist theory. Apostasy or degradation of Islam is a sin against God, a hudud offense, and punishable by death, particularly if the perpetrator is seen to be a convert to atheism or another religion. Blasphemy that is, disdain for Islam, the Prophet Muhammad, or other Islamic symbols also carries severe punishments, sometimes without the formal system's due process. (Noah, 2008). Even in cases where there were no laws to support a prosecution, the courts occasionally applied Sharia law. In the past, the public was not given any access to the court proceedings in the same case, which left the defendant with little protection and no room for appeal. Second, there is a strong conservative social view of religious dissent, and those accused of blasphemy or apostasy are frequently mobbed, put to death in public, or subjected to extrajudicial punishment before a trial has even been held. The legislation provides little or no place for openly expressing non-Islamic opinions or criticizing religious dogma (Afghanistan legal system, 2023). Because judges are religious clergy and hearings are held without defense attorneys or public oversight, the Taliban judiciary also precludes any chance of an appeal of such a conviction. In this setting, the application of Sharia, which includes severe penalties for blasphemy and apostasy, serves to reaffirm a collective identity that is based on religious orthodoxy and national defiance. The legislation provides little or no place for openly expressing non-Islamic opinions or criticizing religious dogma (UNAMA report Afghanistan 2021).

Sayed Pervez Kambaksh, a journalist for the daily Jahan-e-Naw (New World) and a student at Balkh University, was arrested by police on October 27, 2007, on suspicion of disseminating articles published online by Arash Bichord (Arash the atheist). Kambasha was given a death sentence by a court on January 22, 2008, for "blasphemy and distribution of texts defamatory of Islam." The confession, which Kambasha condemned as the result of torture, was used by the court. The conviction was affirmed by the Kabul Court of Appeals in October 2008, however the term was shortened to twenty years in jail. The Afghan Supreme Court upheld the 20-year sentence on February 11 or 12, 2009. Kambasha departed Afghanistan in late August 2009 following President Hamid Karzai's "amnesty" decree (John, 2007).

Journalist and editor of a women's rights magazine Ali Mohaqiq Nasab was convicted to two years in prison for blasphemy by a trial in October 2005 for questioning the severe penalties meted out to women under Sharia law and for arguing that conversion from Islam shouldn't be a crime. After his sentence was lowered on appeal, Nasab was freed in December 2005 (Report Jahan e Naw, 2009).

The Afghan Supreme Court affirmed the death sentences of journalists Ali Reza Payam and Sayeed Mahdavi in August 2003. Two editors of the weekly Aftab were imprisoned for a week in 2003 on charges of blasphemy after they published a contentious series of pieces denouncing the actions of high-ranking Afghan officials in the name of Islam. Although the two editors were later exonerated of the accusations, threats against their lives compelled them to flee Afghanistan (Radin, 2009).

### **Judicial Behavior and Popular Reactions:**

Like in Afghanistan, court behavior and customary reactions to blasphemy and apostasy cases are influenced by institutional ideology, political demands, and broader social-



## Vol. 3 No. 10.1-International Conference on Re-imagining Justice (October, 2025)- Special Issue

religious trends in addition to legal rules (Episton, 2003). In Egypt, the court in particular is likely to reflect the dominant conservative cultural and religious trends that permeate public life, notwithstanding the country's ostensibly civil law code structure. Although judges are often chosen from the legal elites with training in secular law, some of them have deeply held Islamic beliefs that influence how they interpret ambiguous legal provisions like Egyptian Constitution Article 98(f) of the Penal Code. Criminalizing "contempt of religion," the provision has been enforced inconsistently, usually depending on the defendant's religious history and the current atmosphere. People who hold unconventional religious beliefs, such as Shi'a Muslims, Coptic Christians, atheists, or reformist Sunni Muslims, are much more likely to face legal action than Sunni Muslims in the mainstream. Clerics are able to influence legal decisions because courts frequently turn to religious authorities, like Al-Azhar University, for expert opinions, or fatwas. The state-controlled media often shapes people's responses to these trials by framing them as matters of moral integrity or national unity (Banjamine, 2017). Regardless of international law, this puts public pressure on the judiciary to administer harsh penalties. Secular intellectuals, civil society organizations, and human rights advocates have a strong counternarrative and actively oppose such legislation as tools of religious authoritarianism and political repression. On the other hand, the Afghan legal system; especially under the Taliban regime is based on theocracy, with Sharia law serving as both the only relevant authoritative source of law and its source (Qasim, 2010). Cases involving apostasy or blasphemy rarely include thorough legal investigation and procedural safeguards; instead, they result in harsh punishments such as public whippings, executions, or stonings that are carried out by either government officials or vigilante groups. Afghanistan under the Taliban suppresses all intellectual diversity, in contrast to Egypt, where there is some room for legislative reform or the voicing of opposing views. Even during the previous Islamic Republic, judges frequently relied on Sharia-based arguments where the statute law was unclear or silent, particularly when it came to religious issues. In addition to upholding the letter of the law, the judiciary in both countries reflects the gravity of religious populism, institutional conservatism, and political opportunism, which results in decisions that severely curtail freedom of expression and religion in flagrant disregard for International human rights commitments (Skaif, 2011).

### **Critical Assessment of Religious Sensitivities and International Obligations:**

The way that Egypt and Afghanistan handle blasphemy and apostasy raises important questions about how well the two nations comply with international human rights standards, particularly the freedom of religion, belief, and expression guaranteed by the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights (UDHR). Egypt formally committed to upholding Article 18 (freedom of thought, conscience, and religion) and Article 19 (freedom of expression) of the ICCPR when it signed it (Lazarus, 2017). The Egyptian Constitution is always in flux, typically protecting only the three "heavenly religions" (Islam, Christianity, and Judaism) and excluding nonreligious beliefs and variations of Islam. Afghanistan is considerably more cut off from international human rights standards, especially during the Taliban's rule. Even if the previous regimes had ratified the ICCPR, International law no longer has the same authority if it conflicts with their interpretation of Sharia. Despite their conflict with international human rights commitments under the ICCPR, Egypt's



## Vol. 3 No. 10.1-International Conference on Re-imaging Justice (October, 2025)- Special Issue

retention of blasphemy laws serves a symbolic purpose: it reaffirms religious-national identity, maintains communal boundaries, and asserts state sovereignty in the face of perceived pressures from outside. In addition to being illegal, blasphemy and apostasy are penalized by the state-sponsored death penalty, which shows a complete lack of respect for religious freedom as a legal principle. In each set of situations, the implementation of those rules also represents a larger ideological conflict between international human rights standards and religious dogma. The banners of "public morality," "religious sentiment," and "national identity" are often used by governments to justify laws that curtail fundamental liberties. (Mutua, 2001). However, despite the fact that freedom of religion encompasses the freedom to believe or not believe, to change one's beliefs, or to entertain religious beliefs, international human rights legislation makes it clear that these rights should not be qualified by omitting them in order to make place for others.

### **Tension Between Religious Norms and Universal Rights:**

Blasphemy and apostasy laws in Egypt and Afghanistan are governed by the unresolvable conflict between religious values and universal human rights. At its core is a contradiction between the community's religious identity and individual liberty (John, 2007). Religious norms Islamic in this instance; have a strong foundation in each country's legal system as well as its social, cultural, and political structures. Governments and religious leaders consistently defend blasphemy and apostasy laws as necessary to uphold moral order, religious sanctity, and social solidarity, especially in societies where religious identity is closely linked to national identity. However, such arguments are essentially wrong from a human rights perspective since they criminalize freedom of expression and religion, which is guaranteed by international law. All people should have the freedom to think, conscience, and practice their religion, including the freedom to convert or hold beliefs that are unpopular or offensive to the majority. This is the foundation of the general principles of human rights under the International Covenant on Civil and Political Rights (ICCPR). This norm is broken by the application of blasphemy and apostasy laws, particularly if the state upholds legal protections for dissidents and minority opinions at the level of religious sentiment (L Episton John , 2003). In Afghanistan, particularly under the Taliban administration, it manifests as a complete rejection of universal conceptions of rights for unyielding theocratic control, and in Egypt, it takes the form of targeted persecution of anyone who hold opinions different from the mainstream religious interpretation (Makau, 2018). Blasphemy and apostasy laws will remain tools of exclusion, repression, and intimidation rather than justice and social cohesion until this fundamental conflict between religious mores and fundamental rights is settled (Donnelly, 2013).

### **Conclusion**

This study looked at the legal, social, and human rights aspects of the laws against blasphemy and apostasy in Egypt and Afghanistan. It found that while the two countries' legal systems differ greatly, they have similar practices of religious control and repression. The results demonstrate that although Egypt has a hybrid legal system that combines Islamic and civil law, and does not criminalize apostasy in and of itself, it nevertheless imposes harsh civil penalties and permits blasphemy prosecutions under ambiguous legal provisions, frequently targeting minorities and dissenters. Afghanistan,



## Vol. 3 No. 10.1-International Conference on Re-imagining Justice (October, 2025)- Special Issue

on the other hand, particularly under Taliban administration, has a theocratic legal system in which blasphemy and apostasy are both deadly crimes based on Hanafi jurisprudence. These laws are implemented through convoluted legal procedures that show no respect for international law or due process. Both nations reinforce social uniformity at the expense of individual freedoms by using religious sensitivity as an excuse to prosecute anyone who do not adhere to mainstream Islamic ideas. According to the report, these laws are usually political, used to stifle dissent, marginalize religious minorities, and bolster clerical or state power. Furthermore, both Afghanistan and Egypt fail to bring their domestic laws into compliance with their international commitments, especially with regard to freedom of belief and speech, even though they are signatories to international human rights treaties like the ICCPR. All things considered, the results show a profound and continuous conflict between religious standards, state sovereignty, and universal human rights, highlighting the necessity of context-sensitive legislative reform, increased individual liberty protection, and the encouragement of diverse interpretations of religious law.

### **Policy Recommendations and Legal Reform:**

Comprehensive legal reform and policy interventions are necessary to bring Egypt and Afghanistan closer to compliance with international human rights norms, given the legal, social, and human rights issues presented by their respective blasphemy and apostasy laws.

Decriminalizing blasphemy and apostasy are the first and most pressing recommendation.

Although apostasy is not illegal in Egypt, legislative changes to the country's family and personal status laws are necessary to handle its civil repercussions, which include loss of parental rights, marital annulment, and social exclusion.

Crucially, governments need to make sure that laws are applied equitably and fairly, avoiding the use of accusations of blasphemy or apostasy as a means of sectarian discrimination, personal grudges, or political persecution

### **Limitations:**

The main limitation of this research is non-availability of primary data

These sources include academic literature, legal texts, human rights reports, and media coverage. Because blasphemy and apostasy cases are dynamic and politically sensitive, legal interpretations and enforcement strategies can differ greatly over time and by location, which this study was unable to fully monitor.

Furthermore, the comparative method may oversimplify the inherent complexities of each legal system and social context, even though it is helpful for emphasizing important distinctions and parallels between Egypt and Afghanistan..

Finally, due to the absence of fieldwork or primary interviews, the study may lack the nuanced perspectives of affected individuals, legal practitioners, or religious scholars within each country.



## Vol. 3 No. 10.1-International Conference on Re-imagining Justice (October, 2025)- Special Issue

### References:

- Mayer, A. E. (1993). *Islam and human rights*. Colorado: Westview Press.
- Alizbeth, M. A. (2016). *Islam & human rights*. Philadelphia: University of Pennsylvania Press.
- Banjamin, G. T. (2017). *Religious & political violence*. Lanham MD: Rowman & Littlefield Publishers.
- Basam. (2013). *The Sharia state: Arab spring & democratization*. London: Routledge.
- Boarder, R. W. (2009). *the case of Sayed Pervaiz kambaksh*. Paris: Reporters without borders.
- Brown, N. J. (2012). *Constitutions in a Nonconstitutional World: Arab Basic Laws and the Prospects for Accountable Government*. New York City: States University of New York.
- Lambordi, C. B. (2006). *State law as Islamic law in modern Egypt*. Seattle Washington: University of Washington.
- Congress Library (2022). *laws criminalizing apostasy & blasphemy*. Washington DC: Library of Congress.
- Fatima, S. (2011). *Islamic law & politics of blasphemy*. London: Routedge.
- Group, International Crisis. (2023). *Afghanistan legal sstem under taliban*. Brussels: International crisis group.
- Hallaq. (2009). *Sharia: theory practice & transformation (1 ed., Vol. single volume)*. (W. B. Hallaq, Ed., & Hallaq, Trans.) Cambridge, Massachusetts, United States: Cambridge University Press. doi:<https://doi.org/10.1017/CBO9780511815300>
- Hallaq. (2009). *shria: theory , practice and transformations*. Cambridge: Cambridge University Press.
- Hallaq. (2009). *shria: theory practice and transformation*. Cambridge, UK, England: Cambridge University Press. doi:<https://doi.org/10.1017/CBO9780511815300>
- Kmali, HM (1998). *freedom of expression in Islam*. Cambridge: Islamic Text Society UK.
- Amnesty International, (2022). *egypt 2022; Human Rights Overview*. London: Amnesty International.
- Jack, D. (2013). *Universal HumanRights in theory & practice*. Ithaca: Cornell University Press.
- John, K. (2007). *Arguing just war in Islam*. Cambridge: Harvard University Press.
- Episton J. (2003). *Islamic threat : myth Or reality*. New York City: Oxford University Press.
- Brown NJ (2017). *Constitution in un Constitutional world; Arab basic law and accountable Government*. Albany: Suny Press, New York.
- Noah, f. (2008). *the fall & rise of islamic states*. Princeton: Princeton University Press.
- Qasim, Z. M. (2010). *The Ulama in contemporary Islam: custodians of change*. Princeton: Princeton University Press.
- Peters, R (2005). *crime & punishment in Islamic law 16th to 21st century*. Cambridge: Cambridge University Press.
- Saeed, L. (2020). "The Role of Shariah in the Judicial System of Afghanistan. Afghanistan: ICR Journal.



ISSN Online: 3007-3154

ISSN Print: 3007-3146

## Vol. 3 No. 10.1-International Conference on Re-imagining Justice (October, 2025)- Special Issue

US state department,(2022). report on International Religious Freedom : Egypt. US: US state Department press.

United Nations assistance mission in Afghanistan, (2021). Report on protection of Civilians & armed conflicts : Afghanistan. Kabul: UNAMA.

Hallaq, W. B. (2009). Shria: Theory , practice and transformation. Cambridge: Cambridge University Press.

Human rights watch, (2009). Afghanistan journalist 2 years sentenced for blasphemy. New York City: Human Rights Watch Organization.

Human Rights Watch (2022). Egypt: religious freedom & discrimination. New York City: Human rights Watch Organization.