

LEGAL ANALYSIS OF QURBAN MEAT DISTRIBUTION TO NON-MUSLIM CITIZENS FROM A MASLAHAH PERSPECTIVE



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Abstract

This article aims to explain the legal analysis of the distribution of sacrificial meat to non-Muslims from a maslahah perspective. In this article there are two problems that the author will resolve, namely: first, what is the opinion of the ulama regarding the law of distributing sacrificial meat to non-Muslims. Second, how to analyze the law of distributing sacrificial meat to non-Muslims from a Maslahah perspective. This research uses a qualitative method, which is carried out by collecting, analyzing and comprehensively interpreting narratives on visual data to obtain complete, thorough and holistic insight into the legal analysis of the distribution of sacrificial meat to non-Muslims from a maslahah perspective. The results of this research show that: first, the law on the distribution of sacrificial meat to non-Muslims among the ulama has very different opinions, if seen from the opinion of the majority of ulama, they say that it is permissible (makruh) to give food from sacrificial meat to non-Muslims in general. Furthermore, a minority of ulama are of the opinion that it is not permissible to give anything from sacrificial meat to non-Muslims at all.

Keywords: Analysis, Distribution, Sacrificial Meat, Non-Muslims, Maslahah

INTRODUCTION

If a Muslim participates in the sacrifice according to the concept of Islamic teachings, it is recommended to distribute it to the poor, needy and to fellow Muslim neighbors, then it is a common thing and is not a problem. However, in some communities there are those who live in one place consisting of various beliefs and diverse cultures that communicate and interact with each other, there are also relationships between neighbors, friends, even though they have different beliefs, but in establishing relationships between fellow people of different beliefs it is still recommended to maintain social relations in order to create a safe, comfortable and peaceful society (Sunarto, 2010). Regarding the legal basis for sacrifice in the Qur'an as well as in the Sunnah, it is explained, while the texts relating to the distribution of sacrificial meat to anyone who is entitled to receive it, especially about distributing sacrificial meat to non-Muslims, is it permissible to distribute it to them or not? In this case, it is clearly not stated in the Qur'an as well as in the Sunnah in detail.

Related to this issue, there are differences of opinion among scholars about the law of distributing sacrificial meat to non-Muslims. Some argue that the law is permissible by alluding to sunnah alms, and some argue that the law is not permissible because sacrifice is a special worship for Muslims.

RESEARCH METHOD

The study approach in this study uses a library research method, the main source of the study approach is based on written literature such as books, journals and printed and digital documents. This research is qualitative in nature, namely describing everything related to the research subject. In descriptive research, analysis is used to explain the legal analysis of the distribution of sacrificial meat to non-Muslim residents from a *maslahah* perspective.

In relation to the study data in the research on the legal analysis of the distribution of sacrificial meat to non-Muslim citizens from a *maslahah* perspective, it will be collected, then presented chronologically, namely the separate data is re-identified with a system, selected, verified, and re-arranged systematically based on the study being studied. After data analysis is carried out along with the data collection process, data interpretation and writing other

narratives. The data that has been obtained will be reduced in a certain pattern, then categorized themes, then interpreted based on the scheme obtained, so that conclusions can be drawn with descriptive-analytical methods.

RESULTS AND DISCUSSION

In Arabic vocabulary, sacrifice is better known as al-Udhiyyah, which means slaughtering a sacrificial animal.(Al-Ansori, 2015.). Meanwhile, in the Arabic-Indonesian Dictionary al-Udhhiyah it is defined as a goat that is sacrificed, slaughtered(Yunus, 1990). So it can be concluded that in terminology, sacrifice is slaughtering livestock such as sheep, cows, camels, buffaloes, on a predetermined day (10-13 Dzulhijjah)(Ministry of Education and Culture of the Republic of Indonesia, 1998). with the aim of getting closer to Allah SWT(Al-Khatib, 2009).

History of Sacrifice

The Quran tells that the ritual of sacrifice performed during the time of the Prophet Muhammad until now is not a new worship, but the procedure for its implementation is different but the purpose is the same, namely to get closer to the Almighty Creator. Sacrifice began in the time of Prophet Adam AS, namely when there was a dispute between his sons Habil and Qabil regarding the decision of Prophet Adam regarding their prospective life partners, it was carried out with cross-marriage between Habil's twin brother married to Qabil's twin brother and vice versa in this case Prophet Adam AS asked both of them to give a sacrifice. The sacrifice that was accepted would be married to a beautiful one, then both of them immediately gave the sacrifice and placed it in a place that was believed to be suitable for carrying out this. In a story that Qabil sacrificed with fruits while Habil sacrificed with a female goat, this is explained in the Quran Surah al-Maidah 5: 27(Ministry of Religion of the Republic of Indonesia, 2019).

During the time of Prophet Ibrahim AS he was also ordered to carry out the slaughter of sacrificial animals. The same story with Prophet Ibrahim AS and his son Ismail also happened during the time of Abdul Muttalib which happened to Abdullah, his father Rasulullah on the basis of a vow that came out of his mouth. If he had 10 children then one of the children would be made a sacrifice, with that incident he until he was given the title

Ibn Zabihain. During the time of Caliph Amar bin Ash, there was also a tradition of sacrificing beautiful girls to the Nile River (Katsir, 2018), similar to the traditional offerings of the Indian people to the Ganges River, namely sacrificing beautiful women decorated with ornaments to be offered with the aim that the water of the Nile and Ganges rivers will not dry up and to continue to provide life to its people. In ancient civilizations, there was also a tradition of sacrifice such as the Pre-Columbian, Mesoamerican, and Aztec civilizations by sacrificing hundreds of cows, some civilizations sacrificed humans as a dedication to new temples, bridges so that they would last and be strong, even human sacrifices were also carried out when a king, high priest, or great leader in a country died and the victim in this case was someone who was truly believed to be ready to accompany and serve the leader into the next life (Malik, 2001).

Regarding the legal basis for the sacrifice worship, there are many explanations in the Qur'an and the Sunnah. Among the verses of the Qur'an that explain the sunnah of carrying out the sacrifice worship are: first, the Qur'an Surah al-Kautsar verses 1-3 (Ministry of Religion of the Republic of Indonesia, 2014). Second, Al-Qur'an Surah as-Saffat/37: 100-102 (Ministry of Religion of the Republic of Indonesia, 2014). The Sunnah which is the legal basis for sacrificial worship includes: First, the Hadith narrated by Dar al-Qutni. Second, the Hadith narrated by at-Tarmidhi (At-Tarmidhi, nd).

Opinions of Scholars on the Law of Distributing Qurban Meat to Non-Muslims

Based on the legal issue of whether or not it is permissible to distribute sacrificial meat either raw or ready to eat to non-Muslim residents, there is no detailed and direct explanation in the Qur'an or As-Sunnah to be used as a reference or argument in this matter, however, among the Ulama based on the above explanation, they do not remain silent even though there is no detailed evidence and directly explaining this problem, even the Ulama make the principle of istinbath law (Fatwa) or (Ijtihad) to issue, explain the law whether or not sacrificial meat is permissible to be distributed and consumed by non-Muslim residents based on texts that follow the principle of "Maqasid al-Syari'ah" in general.

Based on the above explanation, below the author will list the opinions of Ulama regarding the law on distributing sacrificial meat to non-Muslim citizens, including:

First: From the Hanafi Mazab, regarding the distribution of sacrificial meat to non-Muslims, Imam Abu Hanifah said that it is permissible to give food from sacrificial meat to infidels as in the book "Al-Fiqh al-Hanafi Fi Saubihi al- Jadid" explained: it is permissible to give eat from sacrificial meat to infidels, and because of this al-Hasan, Abu Saur and Ashab who are in line with their opinions in providing comments may give food from sacrificial meat to Zimmah experts as in the form of food the other, on the basis that sacrificial meat is a sunnah alms, therefore it is permissible to give food from sacrificial meat to non-Muslims (zimmah experts) and prisoners of war as with other sunnah alms. Meanwhile, obligatory alms such as obligatory sacrifices are not permitted to be given to non-Muslims, whether they are Zimmah members, because obligatory sacrifices are the same as zakat and kafarah vows, only Muslims are entitled to receive them (Al-Tahmaz, 2001). To strengthen the above opinion in the book "Fatawa al-Hindiyah", it is reaffirmed with the sentence: you can give from sacrificial meat as you wish to rich or poor people, Muslims and unbelievers (dhimmi) (Nidlam, 1991).

Based on the above information, the author will include several opinions of scholars from the Hanafi school of thought which are in line with his opinion: Imam al-Kasani al-Hanafi (Al-Kasani, 2004), Abu al-Ma'ali al-Bukhari al-Hanafi both argue that it is permissible to give food from sacrificial meat and give it to rich and poor people, whether from the Muslim group or the Zimmah (Al-Hanafi, 2004). Meanwhile, Abdurrahman al-Jaziri concluded that this school of thought generally agrees that it is permissible to give sacrificial meat, whether in the form of food or not, to non-Muslims (limmah experts, people of the book, or Majuzi) but the law is makruh (Al-Jaziri, 1990).

The Al-Qur'an, the source of evidence for this school of thought, is the word of Allah SWT. QS Al-Mumtanganah/60: 8 (Ministry of Religion of the Republic of Indonesia, 2014). The hadith which is the source of evidence for this school of thought is the history of Asma' bint Abu Bakr. She says that one day my mother came to me because she missed me and at that time, she was still in a state of *Musyrik*, so I met Rasulullah SAW and asked: Can I continue the relationship? with him? He answered: yes (Al-Bukhari, n.d.).

Second, from the Maliki Mazab, regarding the distribution of sacrificial meat to non-Muslims, in this case, the Maliki School of Thought considers the law of distributing

sacrificial meat to Jews and Christians as explained in the book "Mawahibul Jalil" (Hattab, n.d.).

Based on the above information, the author will include several opinions from scholars of the Maliki school of thought that are in line with his opinion, including: Al-Laits, Ibn Juzai al-Kalbi al-Garnati said that if the sacrificial meat has been processed into food and then non-Muslims are called to be entertained at the house of the person making the sacrifice, then the law is permissible, but it is accompanied by makruh (Al-Naisaburi, n.d.). Meanwhile, Abu al-Hasan al-Adwi and Ibn Wahbin, both are of the opinion that if the processed sacrificial meat is eaten at the house of the person offering the sacrifice, it is not disliked (Al-Adwi, 1994). Abu Abdillah al-Kharisy, Ibnu Habib, commented on the meaning of makruh here, namely that it is makruh to give food from sacrificial meat to non-Muslims if they send the meat to their home, but if they (non-Muslims) are in the same house as the person making the sacrifice, such as a nurse or Christian servant. or his child then it is not makruh (Abdullah, n.d.). Meanwhile, Muhammad al-'Arabi al-Qarawi said that what is considered makruh here is if the person making the sacrifice represents someone else without emergency, shaves, sells the fur of the animal before slaughtering it, drinks its milk, and gives food to non-Muslims from the sacrifice (Al-Qarawi, n.d.). Abu al-Walid al-Qurtubi said that in his book someone visited Imam Malik from among the Muslim community and asked: is it permissible to give gifts of sacrificial meat to neighbors who are experts in zimmah? Imam Malik answered, and there was no problem, after that Imam Malik said again that it would not be good if he gave only once. Then there was another person who asked Imam Malik with the sentence: Is it permissible to give food to Christians from sacrificial meat? Imam Malik replied: apart from that I like it more. From Imam Malik's answer, al-Qasim commented: "I really admire his answer (Al-Qurtubi, 1988).

The Al-Qur'an, the source of evidence for this school of thought, is the word of Allah SWT. QS Al-Mumtanganah/60: 8 (Ministry of Religion of the Republic of Indonesia, 2014). The hadith which is the source of evidence for this school of thought is: HR Baihaqi: From Umar bin Su'aib from his father and grandfather, the Messenger of Allah SAW actually said, there are three neighbors: some of them have three rights, and some of them have two rights and some of them have one right. As for those who have three rights, close neighbors have

neighbor rights, Islamic rights, and kinship rights. As for those who have two rights, then they are neighbors who are Muslim, they have rights over their neighbors and Islamic rights. And as for those who have one right, then the neighbors who disbelieve have the rights of neighbors. We said, O Messenger of Allah, shall we feed them from the meat of worship? Rasulullah SAW answered: do not feed the polytheists the meat of Muslim worship (HR. al-Baihaqi).

Third, from the Syafi'i school of thought, regarding the distribution of sacrificial meat to non-Muslims, in this case, Imam as-Syafi'i said in the book *al-Buwaiti*: It is not permissible to give food from sacrificial meat to someone who has a status outside of Islam, in this case including both those who participate in the sacrifice and those who do not because people who have the status of apostates are clearly outside of Islam (Al-Kabir, n.d.).

Based on the above information, below the author will include several opinions of scholars from the as-Syafi'i School of thought that are in line with his opinion, including Imam al-Ramli, regarding the problem of distributing sacrificial meat to non-Muslims, in this case, he stated in the book "*Nihayah al-Muhtaj*": It is not permissible to give sacrificial meat absolutely to infidels, because the purpose of giving sacrificial meat is as a form of affection between fellow Muslims, apart from that sacrificial meat is also a form of Allah SWT's hospitality for Muslims during *Idh Adha*. (Al-Ramli, 1993). Ibn Hajar al-Haitami said that it is not permissible to give sacrificial meat to non-Muslims, even though the purpose of sacrificial worship is to show compassion towards fellow Muslims by giving food (Al-Haitami, 1983). Then Ibrahim al-Bajuri added that even though its status is a sunnah sacrifice (Al-Bajuri, 1926). Abi Bakr al-Dumyati, Abu Umar al-Qurtubi, Imam al-Qalyubi, and Umairah believe that those who participate in the sacrifice, it is required that they are Muslims, for those who make the sacrifice, should consume the meat sacrifice, then feed the poor, needy, or rich people, whether the meat is still raw or has been processed and is ready to eat (Al-Qalyubi & Umairah, nd). Then al-Bulquni commented that the sunnah referred to here is that the person who participates in the sacrifice is not an apostate, if the person who sacrifices is an apostate then he is not allowed to consume the sacrificial meat, on the basis that the sacrificial meat is a special dish from Allah SWT for Muslims. To strengthen the previous opinions, Sheikh Muhammad Arsyad al-Banjari added the opinion that it is not

perfect to give parts of the sacrificial meat such as skin, liver, spleen, intestines, and others as alms. Likewise, sacrificial meat has been processed into food. It is not even perfect for sacrificial meat that has been processed into food and then the poor and needy are invited to the homes of people who participate in the sacrifice to consume it, or delivered directly to the homes of the poor and needy, and it should not be given to non-Muslims. Sacrificial meat should not be given in charity, given away, even for banquets to people who can afford it, because people who can afford the legal status are the same as the position of person taking part in the sacrifice, it is recommended that the sacrificial meat be given in charity while the meat is still raw, for people who can afford it, they can accept, have the sacrificial meat given by the imam from Baitul mall, and can sell, give alms, and give the sacrificial meat to poor people, but it must not be given to poor people. non-Muslim people (Al-Banjari, 2008).

The Al-Qur'an which is the source of evidence for this school of thought is the word of Allah SWT: QS al-Hajj/22: 28 and QS al-Hajj/22: 36 (Ministry of Religion of the Republic of Indonesia, 2019), The hadith which is the source of the argument is; HR Baihaqi: O Messenger of Allah, can we feed them from the meat of worship? Rasulullah SAW answered: do not give food to Mushrikin from the meat of Muslim worship.

Fourth, from the Hanbali School, related to the distribution of sacrificial meat to non-Muslims, in this case, Imam Ahmad said in the book "al-Hasyiyah al-jumal": that it is permissible to give food from sacrificial meat to infidels (the zimmah experts) (Al-Abadi, n.d.). In connection with this expression, Imam Ibnu Najjar al-Hanbali Rahimullah also commented: It is sunnah to eat from the sacrificial meat and then gift and give alms a third of it, including an obligatory sacrifice (because of nadzar). And it is permissible for disbelievers if the sacrifice is not a vow (Al-Buhuti & Al Turki, 2000).

Based on the information of Imam Ahmad and Imam Ibnu Najjar al-Hanbali, giving sacrificial meat to non-Muslims is permissible, but only in certain cases, namely non-Muslims who have the status of zimmah experts. Therefore, below the author will include the opinions of scholars from the Hanbali Mazab which are in line with his opinion, including Imam Ibn Qudamah believes that in his book "Al-Mughni" sacrificial meat may be given to infidels (Non-Muslims) and prisoners as in Sunnah alms others on the basis that sacrificial meat is food that can be consumed so it can be given as food for consumption to Kafirs (Non-

Muslims) like other foods and is a recommended sunnah alms (Al-Maqdisi, 2012). Abu al-Fajr Shamsuddin. Al-Zarkazy (Al-Zarkazi, 1993). Abu al-Naja' (Al-Naja', 2013). Mansur al-Buhuti al-Hanbali, Abdul al-Rahman al-Khuluti al-Hanbali, and Musthafa al-Ruhaibani al-Hanbali are of the opinion that it is permissible to distribute meat from sunnah sacrifices as gifts to non-Muslims, but if the meat from sacrifices that have the status of obligatory sacrifices is not permitted, as is zakat, expiation of oaths is only for Muslims (Al-Buhuti & Al Turki, 2000). Abdurrahman al-Jaziri gave conclusions regarding the distribution of sacrificial meat to non-Muslims. In general, this school of thought allows it and is even Sunnah to give sacrificial meat to both Muslims and non-Muslims, but it is not permissible for obligatory sacrificial meat (nazar) to be given to non-Muslims as gift, alms (Al-Jaziri, 1990).

The Al-Qur'an which is the source of evidence for this school of thought is the word of Allah SWT: QS al-Hajj/22: 28 and QS al-Hajj/22: 36 (Ministry of Religion of the Republic of Indonesia, 2019) The evidence that comes from the hadith is: that HR Jabir Ibn 'Abdullah R. feeds others with it and keeps it (HR Malik) (Malik, nd).

Fifth, From Contemporary Ulama, regarding whether it is permissible to distribute sacrificial meat to non-Muslims, is it permissible for non-Muslims to eat rather than sacrificial meat, this is explained in the "fatwa al-Lajnah al-Daimah" that the sacrificial meat is better eaten by the shahibul qurban one third, then one third is given as a gift to relatives, neighbors, and friends, then another third as alms for the poor. If it is more or less than one-third or only enough for some of them, then there is no problem, this problem has space. On this basis, it is permissible to give sacrificial meat to non-Muslims because of their poverty, and kinship, as neighbors or to show that Islam is Rahmatan Lil `Alamin. Based on the Generality of the word of Allah SWT. QS Al-Mumtahanah / 60: 8 And the Prophet told Asma` binti Abu Bakar to continue to do good to his mother even though her mother was still a polytheist (Lajnah Daimah, nd). This fatwa is also following the opinion expressed by Sayyid Sabiq.

Based on the information above, below the author will include the opinions of contemporary Ulama regarding the distribution of sacrificial meat to non-Muslims, namely: Sheikh Abdul Aziz bin Baz, Sheikh Abd al-Rahman bin Nasir al-Sa'di, Sheikh Muhammad

al-Usaimin explaining Allah SWT does not forbid you to do good, maintain friendship, return kindness, do justice to Mushrik people either from your own family or from other people, provided that as long as they have no intention of fighting and expelling Muslims from that place, then establish relations with them as long as there is no conflict with religious law. In this case, he used QS Al-Mumtahanah/60:8, as the basis for his proof (Al-Uthaymeen, 1993). Sheikh Muhammad Arsyad al-Banjari explained that it is not sufficient to give charity to so-called meat such as skin, liver, and spleen it is not adequate to give charity to cooked meat and it is not sufficient to give charity to dry meat. It is not adequate if food is made and then invited to the poor and needy to eat it or delivered to the poor and it is not permissible to give it to non-Muslims. Don't sell it or give it away just to eat and give charity or entertain it to people who can afford it or to the poor in Islam because people who can afford it accept gifts as per the law of those who have sacrifices only. But it is permissible for the rich to have the Baitul Mal sacrificial meat given to them by the Imam, and it is permissible for the poor to sell, give alms, and give away the sacrificial meat. But you cannot give it to people who are not Muslims (Al-Banjari, 2008). Muhammad Hasbi ash-Shiddieqy believes that sacrificial meat is food just like other foods, both can be consumed by anyone, so this also applies to sacrificial meat. Giving alms to someone is something that is highly recommended, sunnah alms can be accepted and enjoyed by anyone, unlike obligatory alms, which cannot be given to anyone, but only specifically to Muslims (Ash-Shiddieqy, 2001).

From some of the information that has been listed above, most contemporary scholars agree that sacrificial meat from sunnah sacrifices may be given to non-Muslims in general, either in the form of raw meat, processed into ready-to-eat food, in the form of alms, or the form of gifts. However, non-Muslims who are experts in harbi may not be given any of the sacrificial meat. Obligatory sacrificial meat (nazar) may not be given to non-Muslims either in general or specifically because obligatory alms are only for Muslims who are more entitled to receive and enjoy it. Supported by the verse of the Qur'an, Surah Al-Mumtahanah/60: 8-9, it strengthens that there is no obstacle for anyone to do good to anyone as long as it does not conflict with the aqidah.

Legal Analysis of the Distribution of Qurban Meat to Non-Muslim Citizens from a Maslahah Perspective

As is well known, the Qur'an and the Sunnah of the Prophet SAW are the main sources of Islamic Law, both have stopped since the Prophet SAW died because he was the last Prophet. However, understanding (istinbat) of both continues and will never stop, even the results of understanding the sources of law are in turn referred to as Islamic Law because additional sources of law are obtained from the main source, thus Islamic law does not stop and will continue to develop even though the revelation has ended and the Prophet SAW has died (Djazuli, 2000).

Based on the description, it is explained that the main source of Islamic law is the Qur'an, while the Sunnah is the first source of explanation. As for other legal arguments, they tend to be methods used to understand the two sources as explained by A. Djazuli that *ijma'*, *kiyas*, *maslahah mursalah*, *sadz* or *fath adz-dzariah*, *adat*, *istihsan*, and methods based on the rules of *fiqh* are methods in determining Islamic law that are *Ijtihad*. Therefore, from the case that the author mentioned in this article, there is a problem, where the practice of distributing sacrificial meat to non-Muslims has differences of opinion among Ulama.

First, according to Fiqh scholars regarding the distribution of sacrificial meat to non-Muslims, some scholars think that a Muslim may give sacrificial meat to non-Muslims by treating it as alms and gifts. However, the non-Muslims referred to here are not people who fight Muslims. If non-Muslims join in fighting the Muslims then they should not be given any of the sacrificial meat, but doing good to them is something that is recommended in accordance with the *dzhahir* text of the Al-Qur'an surah al-Mumtahanah 60:8. From this verse, Ibn Katsir explains in his interpretation: the purpose of this verse is that Allah SWT, does not forbid the Muslim Ummah to do good to non-Muslims who have no intention of fighting against the Muslim Ummah and there is no conspiracy to expel the Muslim Ummah from their residence (Katsir, 1999). Then Sheikh Abdul Rahman bin Nazir al-Sa`adi explained that Allah SWT does not forbid you from doing good, maintaining ties of kinship, repaying kindness, and being fair to polytheists both from your family and others. As long as they do not fight you because of religion and as long as they do not expel you from your country, therefore it is not a problem to do good to them (Al-Sa`di, 2001). As an illustration,

we can observe the story of Asma' binti Abu Bakar R. A that: one day my mother came to me because she missed me, and at that time my mother was still a polytheist, so I met the Messenger of Allah SAW while asking: can I continue my relationship with him? He answered: yes (Al-Bukhari, n.d.).

Based on the verses of the Qur'an and the Sunnah that the author has listed above, it confirms to us that Allah SWT does not forbid doing good to people who have different beliefs from us such as giving them food, clothing, and vehicles, and being fair to them on condition that they do not oppose and fight the religion of Allah and do not expel us from our hometown. The verse is general in nature covering all times and places for all non-Muslims as long as they meet the conditions listed above because even though they have different beliefs, they are still God's creatures who deserve good treatment while living in the world so they feel that Islam is Rahmatan Lil `Alamin.

Some scholars think that it is not permissible to simply give food or donate sacrificial meat that is sunnah or obligatory to non-Muslims because if we look at it from the perspective of the ritual of sacrifice, it is a special worship of the Muslim Ummah that is only related to Allah SWT. Apart from that, by alluding to the person who made the sacrifice after the sacrifice he apostatized, then he is not allowed to enjoy the sacrificial meat at all. Therefore, because of this allusion, non-Muslims have the same status as the person who made the sacrifice if he apostatizes after the sacrifice, both are not allowed to enjoy the sacrificial meat.

As for sacrificial animals in the form of obligatory (predicted or prescribed) not a single scholar has said that obligatory sacrifices can be given to non-Muslims. The scholars agree that obligatory sacrificial animals should not be given to non-Muslims, as should not be given from obligatory alms such as zakat and kafarah vows. Obligatory almsgiving is only for Muslims, apart from Muslims it is not permitted at all, so the similarity between obligatory sacrifices and obligatory almsgiving is zakat, kafarah and so on.

Based on the explanation above which is sourced from the Al-Quran, As-Sunnah, and the opinions of Ulama, it states that the distribution of sacrificial meat to non-Muslims is part of the khilafiyah problem. Therefore, if viewed from the analysis based on maslahah, the author draws the following conclusions: First, if viewed from the factor of poverty, kinship or as a neighbor, then the opinion of the majority of scholars who say that it is permissible

(makruh) to give food from sacrificial meat to non-Muslims in general is more beneficial to apply, then it is permissible to give to non-Muslims specifically, namely only the zimmah people. Furthermore, it is not permissible to give anything from sacrificial meat to non-Muslims, rich or poor, but in an emergency such as there is no other food except sacrificial meat, then it is permissible to feed them from sacrificial meat in order to resolve the emergency even by inviting non-Muslims or they come to our house themselves, but after that they must replace it with other meat, finally it is permissible to give alms, give gifts and hand over sacrificial meat to non-Muslims in general, but not non-Muslim harbi. Second, the method in determining the law on the matter, the opinion that states that distribution to Non-Muslims is permissible using the *ijtihad bayani* method which is sourced from the Qur'an and As-Sunnah. Then there is also using *kiyas*, namely by alluding to the sacrifice as food that can be eaten like other foods, and the sacrifice is a recommended sunnah charity, like other sunnah charity, the opinion that says it is not permissible for Non-Muslims to enjoy the meat of the sacrifice likens it to the person who makes the sacrifice how after making the sacrifice he becomes an apostate then the law is that he is not allowed to eat even a little. Finally, the opinion that says it is not permissible merely to give to Non-Muslims by looking at it from a welfare perspective and looking at it from a religious perspective, namely that the sacrifice is a form of worship, the purpose of the sacrifice worship in the form of an attitude of affection towards fellow Muslims by providing food and the sacrifice is a dish from Allah SWT for Muslims. Third, it is permissible to give food, gifts from the results of the sacrifice to Non-Muslims because of their poverty, kinship, or because they are neighbors or to soften their hearts. Who knows with the kindness we give him he will convert to Islam, the requirement of Non-Muslims is not people who fight Muslims. Therefore Non-Muslims have the rights of neighbors, so we as Muslims are also required to do good to Non-Muslim neighbors as long as we fulfill their rights as neighbors without showing their religious loyalty and the disbelief they adhere to and because the status of sacrificial animals is the same as charity or gifts. While we are allowed to give gifts to non-Muslims.

CONCLUSION

Sacrifice is an effort to dedicate oneself to Allah SWT by slaughtering certain animals such as camels, cows, buffalo, sheep, or goats, at a predetermined time (11, 12, 13 Dzulhijjah) based on devotion, patience, and sincerity in carry out the commands of Allah SWT, and His Messenger as carried out by Prophet Ibrahim AS

Regarding the law of distributing sacrificial meat to non-Muslims, there are many differences of opinion among scholars. If we look at the opinion of the majority of scholars, it is permissible (makruh) to give food from sacrificial meat to non-Muslims in general. Furthermore, a minority of scholars think that it is not permissible to give anything from sacrificial meat to non-Muslims at all. The opinion that states that it is permissible to give to non-Muslims uses analogy as the legal basis, namely that sacrifice is food that can be eaten like other foods and sacrifice is a voluntary charity like other voluntary charity. As for the opinion that says that it is not permissible for non-Muslims to enjoy sacrificial meat, it is an analogy with people who make sacrifices who after the sacrifice turn out to have apostatized and it is not permissible for them to eat and states that sacrifice is a special worship for Muslims, therefore only Muslims have the right to enjoy it. So, from this statement, if we look at it from the perspective of its benefits, it is better to distribute sacrificial meat to non-Muslims.

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