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The Validity of State Officials' Qurban Funded by the State Budget in the Shafi'i Madzhab

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Abstract

The practice of qurban funded through the State Budget (APBN/APBD) has increasingly become part of governmental religious and social programs in Indonesia, raising debates regarding its shar'i validity in Islamic law. This article examines the validity of state officials' qurban within the framework of the Shafi'i madzhab, focusing on ownership (al-milk al-tām), the status of *shahib al-qurban*, as well as the relevance of *wakalah* and *maslahah* in institutional qurban practices. This study employs a qualitative normative approach through library research based on authoritative Shafi'i legal texts and contemporary literature on Islamic philanthropy and public finance. The findings demonstrate that qurban in the Shafi'i madzhab requires lawful personal ownership of the sacrificial animal. Therefore, qurban financed directly through public funds cannot automatically be attributed as a personal act of worship by state officials without a valid transfer of ownership. Consequently, state-funded qurban is more appropriately understood as a socio-religious public policy rather than an individual ritual act.

Keywords: State-Funded Qurban; Shafi'i Madzhab; Public Ownership; Wakalah; Islamic Philanthropy

Abstrak

Praktik qurban yang dibiayai melalui APBN/APBD semakin berkembang sebagai bagian dari program sosial dan keagamaan pemerintah di Indonesia, namun keabsahannya dalam hukum Islam masih diperdebatkan. Artikel ini mengkaji keabsahan qurban pejabat negara dalam perspektif Mazhab Syafi'i dengan menitikberatkan pada konsep kepemilikan (*al-milk al-tām*), kedudukan *shahib al-qurban*, serta relevansi akad *wakalah* dan *maslahat* dalam qurban institusional. Penelitian ini menggunakan pendekatan kualitatif normatif melalui studi kepustakaan dengan merujuk pada literatur otoritatif Mazhab Syafi'i dan kajian kontemporer tentang filantropi Islam serta keuangan publik. Hasil penelitian menunjukkan bahwa qurban dalam Mazhab Syafi'i mensyaratkan kepemilikan pribadi yang sah atas hewan qurban. Karena itu, qurban yang dibiayai langsung dari dana publik tidak dapat secara otomatis dinisbahkan sebagai ibadah personal pejabat negara tanpa adanya perpindahan hak milik yang sah. Qurban berbasis anggaran negara lebih tepat dipahami sebagai kebijakan sosial-keagamaan daripada ibadah individual.

Kata Kunci: Qurban Anggaran Negara; Mazhab Syafi'i; Kepemilikan Publik; Wakalah; Filantropi Islam

INTRODUCTION

The tradition of distributing qurban animals by state officials using the State Budget (APBN) and Regional Budget (APBD) has become increasingly common in governmental practice in Indonesia. Almost every Eid al-Adha season, ministries, regional governments, and state institutions allocate official budgets for the procurement of qurban animals, which are subsequently distributed to the public in the name of particular institutions or officials. On the one hand, this practice is regarded as a form of state philanthropy and a symbol of the government's closeness to society. On the other hand, it raises a fiqh issue regarding the validity of qurban worship when its funding originates from public funds. In the Shafi'i madzhab, qurban is categorized as a financial act of worship (*ibadah maliyah*) that requires complete ownership (*al-milk al-tām*) of the property used for worship.[1] Imam al-Nawawi emphasized that a qurban animal must originate from the lawful ownership of the person performing the qurban and must not be connected to the rights of another party.[2] The issue becomes more complex when state officials attribute the qurban to themselves or their institutions, while the funds used originate from the state budget, which legally constitutes public property. This situation demonstrates a tension between modern bureaucratic practices and the principles of worship jurisprudence in the Shafi'i madzhab.

The debate concerning the relationship between worship, property ownership, and state authority has attracted the attention of a number of contemporary scholars. Ahmad Maftuhin explains that the practice of Islamic philanthropy in Indonesia has undergone a transformation from an individual act of worship into an instrument of state social policy.[3] Amelia Fauzia likewise demonstrates that the modern state has become increasingly active in employing religious symbols and activities as part of its socio-political legitimacy.[4] In the context of qurban, Fathullah Asni and colleagues highlight the development of institution-based qurban fund management models through the approaches of *wakalah* and public fundraising.[5] Meanwhile, Saad, Harun, and Rosele explain that a *wakalah* contract in commercial religious services still requires clarity regarding ownership and the authority of the principal.[6] The issue of public property ownership in Islamic law is also discussed by Islahi, who positions state financial administrators merely as trustees rather than absolute owners of state property.[7] From the perspective of Shafi'i jurisprudence, Wahbah al-Zuhaili emphasizes that a financial act of worship cannot be separated from the legality of ownership of the object of worship. Al-Syirbini further stresses that qurban is invalid if the animal used is not under the full ownership and control of the person performing the qurban.[8] These

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1 Wahbah al-Zuhaili, "*Al-Fiqh al-Islami wa Adillatuhu*," vol. 3 (Damascus: Dar al-Fikr, 1985), 597.

2 Abu Zakariya Yahya bin Syaraf al-Nawawi, "*Al-Majmu' Syarh al-Muhadzdzab*," vol. 8 (Beirut: Dar al-Fikr, n.d.), 383.

3 Ahmad Maftuhin, "*Filantropi Islam: Fikih untuk Keadilan Sosial*," (Yogyakarta: Magnum Pustaka, 2017), 54.

4 Amelia Fauzia, "*Faith and the State: A History of Islamic Philanthropy in Indonesia,"* (Leiden: Brill, 2013), 112.

5 Fathullah Asni et al., "*A New Model of Fundraising Management Through Qurban (Sacrificial Worship) Fund: A Qualitative Research Approach," International Journal of Academic Research in Business and Social Sciences* 13, no. 9 (2023): 1456.

6 M. N. Saad, M. S. Harun, and M. I. Rosele, *"Analisis Konseptual Aplikasi Wakalah dalam Perkhidmatan Ibadah Komersial di Malaysia dari Perspektif Perundangan Islam," Journal of Halal Science and Management Research* 8, no. 1 (2025): 114.

7 Abdul Azim Islahi, *"Islamic Economic Thinking in the 12th AH/18th CE Century with Special Reference to Shah Wali-Allah al-Dihlawi,"* MPRA Paper No. 75432 (2009): 18.

8 Muhammad al-Khatib al-Syirbini, "*Mughni al-Muhtaj ila Ma'rifah Ma'ani Alfazh al-Minhaj*," vol. 6 (Beirut: Dar al-Kutub al-Ilmiyyah, 1994), 123.

studies indicate that the relationship between qurban, state property ownership, and the authority of public officials remains an open issue in contemporary Islamic law.

Although discussions concerning Islamic philanthropy, *wakalah*, and public fund management have developed considerably, there are still relatively few studies that specifically examine the validity of qurban performed by state officials and financed through state budgets from the perspective of the Shafi'i madzhab. Most studies merely position qurban as a socio-religious practice or an instrument of welfare distribution without relating it to the legal requirements of worship according to Shafi'i jurisprudence. The focus of discussion is generally directed toward the management of qurban meat distribution, the strengthening of social solidarity, or the administrative legality of using public budgets for religious activities.[9] In fact, within the legal structure of the Shafi'i madzhab, administrative legality is not always identical to the Shar'i validity of worship. This academic gap is significant because the practice of qurban by state officials continues to be carried out and enjoys social legitimacy within society, while the fiqh foundation concerning the ownership status of qurban animals financed by the state has not been thoroughly explained. The primary issue lies not merely in whether the use of public funds is permissible, but rather in determining who may be regarded, from a Shar'i perspective, as the *shahib al-qurban* when the qurban animal is purchased using state budget funds.

This article aims to examine the validity of qurban performed by state officials and financed through state budgets from the perspective of the Shafi'i madzhab. The primary focus is directed toward the concepts of property ownership, the status of officials as users of public budgets, and the relevance of the *wakalah* contract in the implementation of institutional qurban. This article is based on the assumption that qurban in the Shafi'i madzhab constitutes an individual act of worship that requires lawful ownership of the animal being slaughtered. Accordingly, the use of the State Budget (APBN) or Regional Budget (APBD) without a mechanism for transferring ownership may result in the qurban failing to satisfy the legal requirements for a valid act of worship. At the same time, this study also assumes that the modern state possesses a socio-religious function that permits the use of public funds for activities that promote the welfare of the Muslim community (*maslahah*), provided that such use does not conflict with the principles of Islamic law.

Based on these assumptions, this article argues that qurban performed by state officials and financed through state budgets can only be regarded as valid from the perspective of the Shafi'i madzhab when there is clear identification of the subject of worship, certainty regarding the ownership status of the qurban animal, and a contractual mechanism that transfers ownership authority from the state to a particular individual or designated party prior to the performance of the qurban.

Method

This article employs a qualitative approach with a normative-prescriptive research design focusing on the legal construction of the Shafi'i madzhab regarding the validity of qurban performed by state officials and financed through the State Budget (APBN) and Regional Budget (APBD). A normative approach was selected because the primary object of discussion concerns the fiqh interpretation of the ownership status of public property, the legal requirements for valid

9 Siti Indah, "*Manajemen Ibadah Qurban di Masjid Assalam BTN 3 Way Halim Permai Bandar Lampung,*" (Lampung: UIN Raden Intan Lampung, 2022), 53.

qurban worship, and the legitimacy of using state budgets for religious activities. The perspective of the Shafi'i madzhab serves as the principal analytical framework, positioning the concepts of *al-milk* (ownership), *amanah* (trusteeship), *wakalah* (agency), and *maslahah* (public benefit) as the basis for analyzing institutional qurban practices within the context of modern governance. The primary data sources of this study consist of authoritative Shafi'i legal texts, including *Al-Majmu' Syarh al-Muhadzdzab* by Imam al-Nawawi, *Mughni al-Muhtaj* by al-Syirbini, and *Al-Muhadzdzab* by al-Syirazi, which discuss the law of qurban, the use of property, and *wakalah* contracts. Secondary data were obtained from scholarly journals, academic books, and contemporary studies related to Islamic philanthropy, public fund management, and the relationship between the state and religious practices. Data were collected through a library research method involving the stages of source identification, classification, and verification based on relevance, academic authority, and their connection to the discussion of qurban performed by state officials from the perspective of Islamic law.

The data were analyzed using a descriptive-analytical method with a deductive reasoning approach. The descriptive approach was employed to explain the concepts of qurban, state property ownership, and *wakalah* contracts within the Shafi'i madzhab, while the analytical approach was used to assess the relevance of these concepts to the practice of utilizing the State Budget (APBN) and Regional Budget (APBD) in the implementation of qurban by state officials. Deductive reasoning was applied by deriving the general principles of Shafi'i jurisprudence concerning the legal requirements of financial acts of worship (*ibadah maliyah*) and property ownership, and subsequently applying them to the practice of institutional qurban within the framework of modern governmental administration. To strengthen the validity of the argumentation, this article employs source triangulation by comparing the opinions of classical jurists, the views of contemporary scholars, and state administrative practices concerning the use of public funds for religious activities. The scope of this article is limited to the discussion of qurban performed by state officials using public budgets from the perspective of the Shafi'i madzhab and does not provide an in-depth examination of the views of other madzhab's of Islamic law or the practice of personal qurban financed through officials' private funds. The limitation of this study lies in its reliance on library research without field observation or direct interviews with government authorities or religious institutions. Nevertheless, the use of primary sources from Shafi'i jurisprudence, combined with contemporary academic literature, is expected to produce a systematic legal argument that remains relevant to the evolving practices of modern governance.

RESULT AND DISCUSSION

Ownership Status of State Budgets from the Perspective of the Shafi'i Madzhab

In the Shafi'i madzhab, qurban is categorized as a financial act of worship (*ibadah maliyah*) that is directly connected to the legality of property ownership. Imam al-Nawawi explains that the primary requirement for the validity of qurban is complete ownership of the animal to be slaughtered, since qurban constitutes an act of drawing closer to Allah SWT through the sacrifice of lawfully owned property.[10] In the framework of Shafi'i jurisprudence, ownership is not merely understood as physical control over an object but also encompasses Shar'i legitimacy regarding the origin of the property and the right to utilize it.[11] Every act of worship involving the expenditure

10 Abu Zakariya Yahya bin Syaraf al-Nawawi, "*Al-Majmu' Syarh al-Muhadzdzab*," vol. 8 (Beirut: Dar al-Fikr, n.d.), 383.

11 Wahbah al-Zuhaili, "*Al-Fiqh al-Islami wa Adillatuhu*," vol. 4 (Damascus: Dar al-Fikr, 1985), 311.

of wealth must be based on the principle of *al-milk al-tām* (complete ownership) in order for the act to possess valid legal consequences. This perspective serves as an essential foundation for understanding the issue of qurban performed by state officials who utilize public budgets as the source of financing for qurban animals.

The concept of ownership in the Shafi'i madzhab is closely related to the principle of *amanah* (trusteeship) in property management. Al-Syirbini emphasizes that a person is not permitted to use property that remains connected to the rights of other parties for the purpose of personal worship.[12] Within the context of the modern state, the State Budget (APBN) and Regional Budget (APBD) constitute public property derived from taxation, state revenues, and other financial sources that are legally owned collectively by society.[13] The position of state officials with respect to public budgets is limited to that of administrative managers who are authorized to distribute and utilize such budgets in accordance with statutory regulations. State officials do not possess personal ownership rights over state funds; therefore, the use of APBN or APBD funds for personal qurban raises Shar'i concerns from the perspective of the Shafi'i madzhab.

Imam al-Syirazi, in *Al-Muhadzdzab*, explains that qurban worship is closely associated with the element of *taqarrub* (seeking nearness to Allah), which is inherently attached to the individual *mukallaf*.[14] The state, as an administrative institution, is not a *mukallaf* subject upon whom religious obligations are imposed in the same manner as individual Muslims. Qurban performed in the name of the state or governmental institutions raises the question of who, from a Shar'i perspective, may be regarded as the *shahib al-qurban*. In governmental practice in Indonesia, qurban animals financed through the State Budget (APBN) or Regional Budget (APBD) are often distributed in the name of regional heads, ministries, or particular government agencies.[15] Such practices demonstrate a blending of public office authority and individual acts of worship. Within the framework of the Shafi'i madzhab, institutional symbolism cannot substitute for the requirement of individual ownership, which constitutes the foundation of a valid qurban.

The relationship between property ownership and the validity of worship in Shafi'i jurisprudence is also evident in discussions concerning the use of *shubhat* property or property whose legal status is uncertain. Wahbah al-Zuhaili explains that a financial act of worship (*ibadah maliyah*) involving invalid property or property that is not fully owned may render the act of worship invalid or, at the very least, diminish its spiritual value.[16] This perspective is particularly relevant when state budgets are used to purchase qurban animals without any mechanism for transferring ownership to a specific individual. In such circumstances, the qurban animals remain categorized as public property and therefore do not satisfy the requirement of personal ownership according to the Shafi'i madzhab.[17] The use of APBN and APBD funds in institutional qurban

12 Muhammad al-Khatib al-Syirbini, "*Mughni al-Muhtaj ila Ma'rifah Ma'ani Alfazh al-Minhaj*," vol. 2 (Beirut: Dar al-Kutub al-Ilmiyyah, 1994), 15.

13 Amelia Fauzia, "*Faith and the State: A History of Islamic Philanthropy in Indonesia,*" (Leiden: Brill, 2013), 112.

14 Abu Ishaq al-Syirazi, "*Al-Muhadzdzab fi Fiqh al-Imam al-Syafi'i*," vol. 1 (Beirut: Dar al-Kutub al-Ilmiyyah, 1995), 237.

15 Siti Indah, "*Manajemen Ibadah Qurban di Masjid Assalam BTN 3 Way Halim Permai Bandar Lampung,*" (Lampung: UIN Raden Intan Lampung, 2022), 53.

16 Wahbah al-Zuhaili, "*Al-Fiqh al-Islami wa Adillatuhu*," vol. 4 (Damascus: Dar al-Fikr, 1985), 597.

17 Muhammad al-Khatib al-Syirbini, "*Mughni al-Muhtaj ila Ma'rifah Ma'ani Alfazh al-Minhaj*," vol. 2 (Beirut: Dar al-Kutub al-Ilmiyyah, 1994), 123.

consequently requires a more detailed legal explanation regarding the ownership status of the animals prior to the slaughtering process.

The tradition of institutional qurban that has developed in Indonesia cannot be separated from the changing role of Islamic philanthropy within the modern state. Ahmad Maftuhin explains that contemporary Islamic philanthropy has undergone a transformation from an individual religious activity into an instrument of state social policy.[18] The government functions not only as a regulator but also as a principal actor in the distribution of religion-based social assistance. In the context of qurban, regional governments frequently utilize public funds to purchase qurban animals that are subsequently distributed to impoverished communities and religious institutions.[19] From a social perspective, such practices are viewed positively because they expand the distribution of welfare among the Muslim community. However, from the perspective of Shafi'i jurisprudence, social legitimacy does not automatically render qurban worship valid if the Shar'i requirements of ownership over the qurban animal have not been fulfilled.

Shafi'i jurisprudence draws a clear distinction between individual ownership and the management of public trusteeship (*amanah*). Abdul Azim Islahi explains that state financial administrators in the classical Islamic tradition function merely as trustees of the community and not as absolute owners of state property.[20] This concept is consistent with the principle of *Bayt al-Mal* in Islamic governance, which regards public wealth as collectively owned by society and whose utilization must be directed toward the public good (*maslahah*).[21] State officials do not possess Shar'i legitimacy to attribute a qurban to themselves when the qurban animal has been purchased entirely through state funds. In such a context, the position of the official is more appropriately understood as that of a manager of religion-based social distribution rather than as the individual performer of qurban worship.

The presence of a *wakalah* contract is often used to justify the practice of institutional qurban conducted by the government. In the Shafi'i madzhab, *wakalah* refers to the delegation of authority from one party to another to perform an act that is legally permissible to be delegated.[22] However, a *wakalah* contract does not eliminate the fundamental requirement of ownership in a financial act of worship (*ibadah maliyah*). Al-Nawawi emphasizes that the principal who delegates authority must still possess ownership of the object to be used in the act of worship.[23] The state cannot act as the principal in a personal qurban if the qurban animal remains classified as public property that is not individually owned. In this context, *wakalah* can function only as an administrative instrument for the distribution of qurban animals rather than as a basis for legitimizing the validity of qurban worship performed personally by state officials.

18 Ahmad Maftuhin, "*Filantropi Islam: Fikih untuk Keadilan Sosial,"* (Yogyakarta: Magnum Pustaka, 2017), 54.

19 Ahmad Maftuhin, "*Filantropi Islam: Teori dan Praktik,"* (Yogyakarta: Magnum Pustaka, 2020), 97.

20 Abdul Azim Islahi, *"Islamic Economic Thinking in the 12th AH/18th CE Century with Special Reference to Shah Wali-Allah al-Dihlawi,"* MPRA Paper No. 75432 (2009): 18.

21 Wahbah al-Zuhaili, "*Al-Fiqh al-Islami wa Adillatuhu*," vol. 4 (Damascus: Dar al-Fikr, 1985), 311.

22 M. N. Saad, M. S. Harun, and M. I. Rosele, *"Analisis Konseptual Aplikasi Wakalah dalam Perkhidmatan Ibadah Komersial di Malaysia dari Perspektif Perundangan Islam," Journal of Halal Science and Management Research* 8, no. 1 (2025): 114.

23 Abu Zakariya Yahya bin Syaraf al-Nawawi, "*Raudhah al-Thalibin*," vol. 4 (Beirut: Dar al-Kutub al-Ilmiyyah, 2003), 331.

The *maslahah* approach is frequently invoked as an argument to justify the use of state budgets for socio-religious activities. Amelia Fauzia explains that the modern state tends to employ Islamic philanthropic activities as part of its social legitimacy and as a means of strengthening the relationship between the government and Muslim communities.[24] The distribution of qurban meat to impoverished communities is regarded as a form of social service that generates broad benefits for society. This *maslahah*-based perspective may indeed be used to justify the utilization of the State Budget (APBN) or Regional Budget (APBD) for religion-based social assistance programs.[25] However, within the Shafi'i madzhab, *maslahah* cannot override the essential requirements of worship established by the scriptural sources (*nass*) and the opinions of jurists. Qurban financed through state budgets may be justified as a governmental social program, but it is not necessarily valid as the individual qurban worship of state officials.

Another issue arising in the practice of qurban by state officials concerns the attribution of officials' identities to qurban animals financed through public funds. In practice, communities often receive qurban animals in the name of governors, regents, mayors, or other public officials, even though the financing originates from the Regional Budget (APBD) or State Budget (APBN).[26] Such circumstances create the impression that the state official is the individual personally performing the qurban. From the perspective of Shafi'i jurisprudence, the attribution of an act of worship to a particular person must be based upon lawful ownership and a valid intention (*niyyah*).[27] If the qurban animal does not originate from the official's personal property, such attribution may give rise to ethical and Shar'i concerns because it conflates the symbolism of public office with an individual act of worship. Transparency regarding the source of financing therefore becomes essential to preserve clarity concerning the status of qurban worship within the public sphere.

The legal framework of the Shafi'i madzhab ultimately demonstrates that the ownership status of state budgets has direct implications for the validity of qurban performed by state officials. As a financial act of worship (*ibadah maliyah*), qurban requires lawful ownership of the animal being slaughtered as well as clarity regarding the subject performing the act of worship.[28] Within the context of the State Budget (APBN) and Regional Budget (APBD), state officials possess only administrative authority as managers of public funds and are not the personal owners of such budgets. Consequently, qurban financed through state budgets is more appropriately regarded as a social policy grounded in religious values rather than as the personal act of worship of a particular official. From the perspective of the Shafi'i madzhab, the validity of qurban can only be considered when a Shar'i mechanism exists that transfers ownership rights over the qurban animal to a specific individual prior to the performance of the slaughtering ritual.[29]

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24 Amelia Fauzia, "*Faith and the State: A History of Islamic Philanthropy in Indonesia,*" (Leiden: Brill, 2013), 135.

25 Ahmad Maftuhin, "*Filantropi Islam: Teori dan Praktik,*" (Yogyakarta: Magnum Pustaka, 2020), 101.

26 Siti Indah, "*Manajemen Ibadah Qurban di Masjid Assalam BTN 3 Way Halim Permai Bandar Lampung,*" (Lampung: UIN Raden Intan Lampung, 2022), 61.

27 Muhammad al-Khatib al-Syirbini, "*Mughni al-Muhtaj ila Ma'rifah Ma'ani Alfazh al-Minhaj*," vol. 2 (Beirut: Dar al-Kutub al-Ilmiyyah, 1994), 15.

28 Abu Zakariya Yahya bin Syaraf al-Nawawi, "*Al-Majmu' Syarh al-Muhadzdzab*," vol. 8 (Beirut: Dar al-Fikr, n.d.), 384.

29 Wahbah al-Zuhaili, "*Al-Fiqh al-Islami wa Adillatuhu*," vol. 4 (Damascus: Dar al-Fikr, 1985), 392.

The Position of State Officials as *Shahib al-Qurban*

The Shafi'i madzhab defines the *shahib al-qurban* as the party who lawfully owns the qurban animal and performs the act of worship with the intention of drawing closer to Allah SWT.[30] Within the framework of Shafi'i jurisprudence, qurban is not merely understood as the act of slaughtering an animal but also as a financial act of worship (*ibadah maliyah*) that requires a direct relationship between the subject of worship and the ownership of the property used.[31] The identity of the *shahib al-qurban* constitutes an essential element in determining the validity of qurban. This position differs from ordinary social activities because qurban possesses a devotional (*ta'abbudi*) dimension associated with intention (*niyyah*), ownership, and the legality of the property utilized. In the context of state officials, the issue arises when qurban animals purchased through the State Budget (APBN) or Regional Budget (APBD) are attributed to particular officials as the parties performing the qurban, even though the source of funding originates from public budgets.[32]

Imam al-Nawawi explains that qurban worship must be performed by an individual who possesses both financial capability and lawful ownership of the qurban animal.[33] Such ownership cannot be substituted merely by holding a public office or exercising administrative authority. In modern governmental practice, state officials indeed possess the authority to utilize public budgets in accordance with state regulations; however, such administrative authority is not equivalent to personal ownership rights over state funds.[34] This perspective demonstrates that state officials cannot automatically be categorized as *shahib al-qurban* merely because their names are associated with the distribution of qurban animals financed by the state. In the Shafi'i madzhab, the requirement of ownership is substantive in nature and cannot be replaced by structural legitimacy or the symbolic status of public office.

The relationship between intention (*niyyah*) and ownership in qurban constitutes an important aspect in determining the position of state officials as performers of the act of worship. Al-Syirbini emphasizes that qurban is an individual act of worship that is valid only when performed with the intention of worship by a party who possesses full ownership of the qurban animal.[35] In the practice of qurban by state officials, the intention of worship is often intertwined with the representative function of public office and the symbolism of governmental social service. This situation gives rise to legal concerns when qurban is conducted in the name of a particular official while its financing originates from public budgets. From the perspective of Shafi'i jurisprudence, intention alone is insufficient to establish a person as the *shahib al-qurban* if it is not accompanied by lawful ownership of the object of worship.[36] The attribution of an official's name to qurban financed by the state therefore does not automatically prove that the official is the party performing the qurban in a Shar'i sense.

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30 Abu Zakariya Yahya bin Syaraf al-Nawawi, "*Raudhah al-Thalibin*," vol. 4 (Beirut: Dar al-Kutub al-Ilmiyyah, 2003), 327.

31 Wahbah al-Zuhaili, "*Al-Fiqh al-Islami wa Adillatuhu*," vol. 3 (Damascus: Dar al-Fikr, 1985), 597.

32 Amelia Fauzia, "*Faith and the State: A History of Islamic Philanthropy in Indonesia,*" (Leiden: Brill, 2013), 112.

33 Abu Zakariya Yahya bin Syaraf al-Nawawi, "*Al-Majmu' Syarh al-Muhadzdzab*," vol. 8 (Beirut: Dar al-Fikr, n.d.), 383.

34 Abdul Azim Islahi, *"Islamic Economic Thinking in the 12th AH/18th CE Century with Special Reference to Shah Wali-Allah al-Dihlawi,"* MPRA Paper No. 75432 (2009): 18.

35 Muhammad al-Khatib al-Syirbini, "*Mughni al-Muhtaj ila Ma'rifah Ma'ani Alfazh al-Minhaj*," vol. 6 (Beirut: Dar al-Kutub al-Ilmiyyah, 1994), 123.

36 Wahbah al-Zuhaili, "*Al-Fiqh al-Islami wa Adillatuhu*, vol. 3 (Damascus: Dar al-Fikr, 1985), 311.

The position of state officials in the management of public finances is more closely associated with the concept of *amanah* (trusteeship) than with personal ownership. Abdul Azim Islahi explains that state financial administrators in the classical Islamic governance tradition function merely as trustees of the community rather than as absolute owners of public property.[37] This concept is consistent with the *Bayt al-Mal* system, which regards state assets as collectively owned by society and whose utilization must be directed toward the public good (*maslahah*).[38] Within this framework, state officials do not possess the Shar'i right to claim qurban financed through the State Budget (APBN) or Regional Budget (APBD) as their personal act of worship unless a mechanism for the transfer of ownership has first been established. Their position is more appropriately understood as that of implementers of the state's socio-religious policies rather than individuals performing qurban worship through the use of their own property.

The practice of institutional qurban in Indonesia demonstrates that qurban animals are frequently distributed in the name of governors, regents, ministries, or particular government agencies as a symbol of the government's closeness to society.[39] This tradition has developed alongside the expanding role of the state in Islamic philanthropic activities and religion-based social services. Amelia Fauzia explains that the modern state tends to employ religious symbols as a means of building social legitimacy and strengthening political relations with Muslim communities.[40] In the context of qurban, the symbolic association of public officials with the distribution of qurban animals may be understood as part of the state's political communication and social service functions.[41] However, from the perspective of Shafi'i jurisprudence, such symbolism is insufficient to establish an official as the *shahib al-qurban* if the requirement of personal ownership of the qurban animal has not been fulfilled.

The legal framework of the Shafi'i madzhab also distinguishes between individual acts of worship and collective social activities. Al-Syirazi explains that qurban is an act of worship attached to the individual *mukallaf*, and its performance must have a clearly identifiable legal subject.[42] The state, as an administrative institution, does not constitute a *mukallaf* subject in the same manner as an individual Muslim. Qurban performed in the name of a government institution raises the issue of identifying who, from a Shar'i perspective, is regarded as the actual performer of the act of worship. In modern bureaucratic practice, qurban animals financed through state budgets are often designated as "regional government qurban" or "ministerial qurban." This perspective indicates that institutional qurban is more closely associated with a religion-based social program than with the individual act of worship of a state official.[43]

37 Abdul Azim Islahi, *"Islamic Economic Thinking in the 12th AH/18th CE Century with Special* Reference to *Shah Wali-Allah al-Dihlawi,"* MPRA Paper No. 75432 (2009): 22.

38 Wahbah al-Zuhaili, "*Al-Fiqh al-Islami wa Adillatuhu*," vol. 2 (Damascus: Dar al-Fikr, 1985), 144.

39 Siti Indah, "*Manajemen Ibadah Qurban di Masjid Assalam BTN 3 Way Halim Permai Bandar Lampung,"* (Lampung: UIN Raden Intan Lampung, 2022), 61.

40 Amelia Fauzia, "*Faith and the State: A History of Islamic Philanthropy in Indonesia,"* (Leiden: Brill, 2013), 135.

41 Muhammad al-Khatib al-Syirbini, "*Mughni al-Muhtaj ila Ma'rifah Ma'ani Alfazh al-Minhaj*," vol. 6 (Beirut: Dar al-Kutub al-Ilmiyyah, 1994), 124.

42 Abu Ishaq al-Syirazi, "*Al-Muhadzdzab fi Fiqh al-Imam al-Syafi'i*," vol. 1 (Beirut: Dar al-Kutub al-Ilmiyyah, 1995), 237.

43 Ahmad Maftuhin, "*Filantropi Islam: Teori dan Praktik,"* (Yogyakarta: Magnum Pustaka, 2020), 97.

The presence of a *wakalah* contract is frequently invoked to explain the position of state officials in the implementation of institutional qurban. In the Shafi'i madzhab, *wakalah* refers to a delegation of authority that is permissible only when the principal possesses full rights over the object being delegated.[44] This means that a person may delegate the slaughtering of a qurban animal only if the animal genuinely belongs to him or her. Within the context of the State Budget (APBN) and Regional Budget (APBD), the state, as the holder of public property, cannot be equated with an individual *mukallaf* who bears religious obligations.[45] Consequently, state officials who act as administrators of qurban animal distribution on behalf of the government do not automatically become *shahib al-qurban*. In this context, *wakalah* functions merely as an administrative mechanism for the distribution of social assistance based on religious values.

The *maslahah* perspective is often employed as a basis for justifying the practice of qurban by state officials financed through public budgets. Ahmad Maftuhin explains that modern Islamic philanthropy has shifted from an individual act of worship toward an instrument of social welfare in which the state serves as the principal actor in distributing assistance to the Muslim community.[46] Within the framework of *maslahah*, the use of the State Budget (APBN) or Regional Budget (APBD) for the procurement of qurban animals may be justified because it provides broad social benefits for impoverished and vulnerable groups.[47] Nevertheless, the Shafi'i madzhab continues to regard ownership and intention (*niyyah*) as fundamental requirements for the validity of qurban worship. Social benefit alone does not automatically transform the status of a state official into that of a *shahib al-qurban* when the qurban animal is not derived from the official's personal ownership.

Ethical concerns also arise when state officials obtain social legitimacy and a religious image from qurban that is in fact financed through public funds. In local political practice in Indonesia, the distribution of qurban animals is often utilized as a means of fostering emotional closeness between public officials and the community.[48] Such circumstances have the potential to blur the boundaries between religious devotion, public service, and political image-building. From the perspective of Shafi'i jurisprudence, qurban worship possesses a spiritual orientation that must remain free from *riya'* (ostentation) and the dominance of worldly interests.[49] The use of official symbols in qurban programs financed through state budgets therefore requires careful consideration so as not to obscure the distinction between personal acts of worship and the administrative functions of government.

Ultimately, the status of state officials as *shahib al-qurban* depends upon whether the requirement of lawful ownership of the qurban animal is fulfilled according to the Shafi'i madzhab. If the qurban animal is purchased entirely through the State Budget (APBN) or Regional Budget

44 Abu Zakariya Yahya bin Syaraf al-Nawawi, "*Raudhah al-Thalibin*," vol. 4 (Beirut: Dar al-Kutub al-Ilmiyyah, 2003), 331.

45 M. N. Saad, M. S. Harun, and M. I. Rosele, *"Analisis Konseptual Aplikasi Wakalah dalam Perkhidmatan Ibadah Komersial di Malaysia dari Perspektif Perundangan Islam," Journal of Halal Science and Management Research* 8, no. 1 (2025): 114.

46 Ahmad Maftuhin, "*Filantropi Islam: Fikih untuk Keadilan Sosial,"* (Yogyakarta: Magnum Pustaka, 2017), 89.

47 Amelia Fauzia, "*Faith and the State: A History of Islamic Philanthropy in Indonesia,"* (Leiden: Brill, 2013), 141.

48 Siti Indah, "*Manajemen Ibadah Qurban di Masjid Assalam BTN 3 Way Halim Permai Bandar Lampung,"* (Lampung: UIN Raden Intan Lampung, 2022), 65.

49 Abu Hamid al-Ghazali, "*Ihya' Ulum al-Din,"* vol. 4 (Beirut: Dar al-Kutub al-Ilmiyyah, 2005), 312.

(APBD) without any transfer of ownership to a specific individual, then the state official cannot be categorized as the personal performer of qurban worship.[50] In such circumstances, the official's role is more appropriately understood as that of a manager of socio-religious distribution acting on behalf of a state institution. The Shar'i validity of qurban may only be considered when there exists a mechanism of gift transfer (*hibah*), transfer of ownership rights, or the use of the official's personal funds prior to the performance of the qurban.[51] The Shafi'i madzhab places ownership as the primary foundation for determining whether a person may be regarded as *shahib al-qurban*.

The Relevance of *Wakalah* and *Maslahah* in Institutional Qurban

In contemporary practice, qurban is no longer carried out entirely on an individual basis as was traditionally the case among Muslim communities in the classical period. The development of modern bureaucratic systems and the expanding role of social institutions have led to the widespread implementation of qurban through mechanisms of representation or *wakalah*.[52] In the Shafi'i madzhab, *wakalah* is understood as the delegation of authority from one party to another to perform an act that may legally be delegated under Islamic law.[53] Imam al-Nawawi explains that a *wakalah* contract is permissible in both transactional matters (*mu'amalat*) and acts of worship related to the management of property, including the slaughtering of qurban animals.[54] An individual may delegate the processes of purchasing, slaughtering, and distributing a qurban animal to a committee or institution, provided that the principal retains lawful ownership of the qurban animal. This perspective demonstrates that *wakalah* in qurban functions only as a mechanism for technical implementation and does not eliminate the requirement that the qurban animal be owned by the *shahib al-qurban*.

The practice of institutional qurban conducted by regional governments or state institutions frequently employs the concept of *wakalah* as the basis for the administrative legitimacy of qurban implementation.[55] In practice, government agencies purchase qurban animals using the State Budget (APBN) or Regional Budget (APBD) and subsequently appoint committees or designated officials to carry out the slaughtering and distribution of the animals to the public. From an administrative perspective, this mechanism may be understood as a form of delegated authority in the management of religion-based social assistance. However, from the perspective of the Shafi'i madzhab, a *wakalah* contract still requires lawful ownership of the object being delegated.[56] State officials or government institutions cannot be regarded as *shahib al-qurban* when the qurban animals remain classified as public property that is not personally owned. In this context, *wakalah* merely clarifies the technical implementation of qurban animal distribution and does not constitute a basis for validating the individual qurban worship of state officials.

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50 Abu Zakariya Yahya bin Syaraf al-Nawawi, "*Al-Majmu' Syarh al-Muhadzdzab*," vol. 8 (Beirut: Dar al-Fikr, n.d.), 384.

51 Wahbah al-Zuhaili, "*Al-Fiqh al-Islami wa Adillatuhu*," vol. 5 (Damascus: Dar al-Fikr, 1985), 392.

52 Ahmad Maftuhin, "*Filantropi Islam: Teori dan Praktik,*" (Yogyakarta: Magnum Pustaka, 2020), 97.

53 Wahbah al-Zuhaili, "*Al-Fiqh al-Islami wa Adillatuhu*," vol. 5 (Damascus: Dar al-Fikr, 1985), 392.

54 Abu Zakariya Yahya bin Syaraf al-Nawawi, "*Raudhah al-Thalibin*," vol. 4 (Beirut: Dar al-Kutub al-Ilmiyyah, 2003), 331.

55 Siti Indah, "*Manajemen Ibadah Qurban di Masjid Assalam BTN 3 Way Halim Permai Bandar Lampung,*" (Lampung: UIN Raden Intan Lampung, 2022), 61.

56 M. N. Saad, M. S. Harun, and M. I. Rosele, *"Analisis Konseptual Aplikasi Wakalah dalam Perkhidmatan Ibadah Komersial di Malaysia dari Perspektif Perundangan Islam," Journal of Halal Science and Management* Research 8, no. 1 (2025): 114.

Al-Syirbini emphasizes that *wakalah* cannot be used to transfer the responsibility of worship to another party in the absence of clear ownership rights.[57] In the context of institutional qurban, the use of state funds to purchase qurban animals places the ownership status of the animals within the collective sphere rather than the individual sphere. Although the slaughtering may be carried out in the name of a particular official, the substantive validity of the qurban remains questionable because the requirement of *al-milk al-tām* (complete ownership) has not been fulfilled.[58] This perspective demonstrates that the Shafi'i madzhab places significant emphasis on the direct relationship between financial acts of worship (*ibadah maliyah*) and the legality of the property employed. Qurban is evaluated not merely on the basis of the slaughtering process or the distribution of meat, but also according to the legal status of ownership of the animal prior to the performance of the act of worship. A *wakalah* contract alone is insufficient to validate the qurban of state officials unless it is accompanied by a transfer of ownership rights over the qurban animal to a specific individual.

The concept of *maslahah* is frequently invoked as a basis for justifying the use of state budgets for institutional qurban. Wahbah al-Zuhaili explains that *maslahah* in Islamic law aims to preserve public benefit and prevent harm to society.[59] Within the context of modern governance, the distribution of qurban meat to impoverished communities is regarded as a form of social service that generates broad benefits for Muslims. This perspective is subsequently employed to justify the utilization of the State Budget (APBN) or Regional Budget (APBD) for the procurement of qurban animals by state institutions.[60] From a social standpoint, such practices are capable of strengthening social solidarity, assisting disadvantaged groups, and enhancing the legitimacy of governmental social services. Nevertheless, within the Shafi'i madzhab, *maslahah* cannot override the essential requirements of worship established by the scriptural sources (*nass*) and the opinions of jurists, particularly those concerning ownership and the intention of worship (*niyyah*).[61]

The debate concerning the relationship between *maslahah* and the legality of worship is evident in the practice of modern Islamic philanthropy. Ahmad Maftuhin explains that the modern state has become increasingly active in utilizing religion-based philanthropic instruments to strengthen social welfare policies.[62] In the context of qurban, the government functions not only as a regulator but also as an implementer of religion-based social assistance distribution for the community. This practice reflects the transformation of qurban from an individual act of worship into a collective social instrument in which the state serves as a principal actor.[63] Nevertheless, the Shafi'i madzhab continues to preserve the character of qurban as an individual act of worship that requires lawful ownership of the object of worship. The social benefits generated through the distribution of qurban meat do not automatically render institutional qurban valid as the personal act of worship of state officials.

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57 Muhammad al-Khatib al-Syirbini, "*Mughni al-Muhtaj ila Ma'rifah Ma'ani Alfazh al-Minhaj*," vol. 6 (Beirut: Dar al-Kutub al-Ilmiyyah, 1994), 125.

58 Wahbah al-Zuhaili, "*Al-Fiqh al-Islami wa Adillatuhu*," vol. 4 (Damascus: Dar al-Fikr, 1985), 311.

59 Wahbah al-Zuhaili, "*Al-Fiqh al-Islami wa Adillatuhu*," vol. 2 (Damascus: Dar al-Fikr, 1985), 144.

60 Amelia Fauzia, "*Faith and the State: A History of Islamic Philanthropy in Indonesia,*" (Leiden: Brill, 2013), 141.

61 Abu Zakariya Yahya bin Syaraf al-Nawawi, "*Al-Majmu' Syarh al-Muhadzdzab*," vol. 8 (Beirut: Dar al-Fikr, n.d.), 384.

62 Ahmad Maftuhin, "*Filantropi Islam: Fikih untuk Keadilan Sosial,*" (Yogyakarta: Magnum Pustaka, 2017), 89.

63 Ahmad Maftuhin, "*Filantropi Islam: Teori dan Praktik,*" (Yogyakarta: Magnum Pustaka, 2020), 101.

The *maslahah* perspective is also widely employed in contemporary fiqh approaches to adapt Islamic law to the needs of modern administration. Amelia Fauzia explains that the modern state tends to utilize religious symbols and activities as part of its strategy for social and political legitimacy.[64] The distribution of qurban animals by state officials is regarded as a means of strengthening the government's religious image while simultaneously demonstrating the state's concern for impoverished communities. Within the socio-political context of Indonesia, such practices are widely accepted by society because they are perceived as providing tangible benefits to qurban recipients.[65] However, social acceptance is not always synonymous with Shar'i legitimacy from the perspective of Shafi'i jurisprudence. The validity of qurban remains dependent upon whether the fundamental requirements of worship have been fulfilled, particularly with regard to ownership of the animal and the identity of the *shahib al-qurban*.[66]

The position of *wakalah* in institutional qurban is also closely related to the concept of *amanah* (trusteeship) in the management of public finances. Abdul Azim Islahi explains that state financial administrators in the Islamic tradition function solely as trustees of the community's wealth.[67] Within this framework, state officials do not possess the right to treat public budgets as personal property that may be utilized for individual acts of worship. The use of the State Budget (APBN) or Regional Budget (APBD) for qurban is therefore more appropriately understood as a state social policy rather than the personal act of worship of public officials.[68] In this context, *wakalah* merely demonstrates the administrative mechanism for distributing religion-based social assistance and does not constitute a basis for legitimizing individual qurban.

The relationship between *maslahah* and institutional qurban is also reflected in arguments concerning the distribution of social welfare. Fathullah Asni and colleagues explain that modern qurban management models have increasingly developed through institutions, foundations, and public organizations that employ collective approaches to the collection and distribution of qurban funds.[69] Such an approach enables the distribution of qurban meat to become broader in scope and more systematically organized. From a social perspective, this model is regarded as more effective than individual qurban practices that are limited to particular communities. Nevertheless, the Shafi'i madzhab continues to distinguish between the effectiveness of social distribution and the Shar'i validity of qurban worship.[70] The successful distribution of social benefits cannot serve as the sole basis for determining the validity of qurban performed by state officials and financed through public budgets.

64 Amelia Fauzia, "*Faith and the State: A History of Islamic Philanthropy in Indonesia,*" (Leiden: Brill, 2013), 135

65 Siti Indah, "*Manajemen Ibadah Qurban di Masjid Assalam BTN 3 Way Halim Permai Bandar Lampung,*" (Lampung: UIN Raden Intan Lampung, 2022), 65.

66 Muhammad al-Khatib al-Syirbini, "*Mughni al-Muhtaj ila Ma'rifah Ma'ani Alfazh al-Minhaj*," vol. 6 (Beirut: Dar al-Kutub al-Ilmiyyah, 1994), 124.

67 Abdul Azim Islahi, *"Islamic Economic Thinking in the 12th AH/18th CE Century with Special Reference to Shah Wali-Allah al-Dihlawi,"* MPRA Paper No. 75432 (2009): 22.

68 Wahbah al-Zuhaili, "*Al-Fiqh al-Islami wa Adillatuhu*," vol. 3 (Damascus: Dar al-Fikr, 1985), 597.

69 Fathullah Asni et al., *"A New Model of Fundraising Management Through Qurban (Sacrificial Worship) Fund: A Qualitative Research Approach," International Journal of Academic Research in Business and Social Sciences* 13, no. 9 (2023): 1456.

70 Abu Ishaq al-Syirazi, *Al-Muhadzdzab fi Fiqh al-Imam al-Syafi'i*, vol. 1 (Beirut: Dar al-Kutub al-Ilmiyyah, 1995), 237.

From the perspective of Shafi'i jurisprudence, *maslahah* ultimately occupies an important position in supporting state social policies, yet it cannot replace the fundamental principles of financial acts of worship (*ibadah maliyah*). Al-Nawawi emphasizes that qurban worship continues to require both intention (*niyyah*) and lawful ownership of the qurban animal.[71] Institutional qurban financed through the State Budget (APBN) or Regional Budget (APBD) may be justified as a form of social service and state philanthropy, provided that its purpose is to assist impoverished communities and strengthen social solidarity among Muslims. However, such social legitimacy does not automatically establish state officials as *shahib al-qurban* when the qurban animals do not originate from their personal ownership. The relevance of *wakalah* and *maslahah* in institutional qurban is therefore more appropriately understood as an administrative and social instrument for the distribution of public welfare rather than as the primary basis for the validity of qurban worship according to the Shafi'i madzhab.

CONCLUSION

The validity of qurban performed by state officials and financed through the State Budget (APBN) or Regional Budget (APBD) from the perspective of the Shafi'i madzhab is fundamentally dependent upon whether the requirement of lawful ownership of the qurban animal has been fulfilled. The Shafi'i madzhab regards qurban as a financial act of worship (*ibadah maliyah*) that cannot be separated from the principle of *al-milk al-tām* (complete ownership). Consequently, the use of public funds without a mechanism for transferring ownership rights means that state officials cannot automatically be regarded as *shahib al-qurban*. Within this context, state officials are more appropriately understood as trustees of public resources and implementers of religion-based social policies rather than as the personal performers of qurban worship. The existence of a *wakalah* contract in institutional qurban functions only as an administrative mechanism for carrying out the slaughtering and distribution processes and does not constitute a basis for legitimizing ownership of the qurban animal. Likewise, the *maslahah* approach may justify the use of state budgets for social welfare and community service purposes, but it cannot override the essential requirements of worship established in Shafi'i jurisprudence.

The principal contribution of this article lies in its effort to bridge the discourse of classical Shafi'i jurisprudence with contemporary bureaucratic practices concerning the use of state budgets for religious activities. This study demonstrates that the administrative legality of utilizing public funds is not always identical to the Shar'i validity of an act of worship. In addition to providing a conceptual clarification of the relationship between ownership, *wakalah*, and *maslahah* in institutional qurban, the article also highlights the importance of distinguishing between the social functions of the state and the legitimacy of individual acts of worship within Islamic law. The strength of this study lies in its use of primary sources from the Shafi'i madzhab combined with contemporary literature on Islamic philanthropy and public financial governance. Nevertheless, the limitation of this research stems from its normative library-based approach, which does not incorporate empirical data concerning the actual practice of qurban by state officials or the perspectives of fatwa institutions and governmental authorities.

71 Abu Zakariya Yahya bin Syaraf al-Nawawi, "*Al-Majmu' Syarh al-Muhadzdzab*," vol. 8 (Beirut: Dar al-Fikr, n.d.), 384.

The discussion of institutional qurban still offers considerable opportunities for further scholarly development. Future studies may focus on comparative analyses of the views of different madzhabs of Islamic law regarding the use of public funds in financial acts of worship (*ibadah maliyah*), examinations of positive law approaches to the legality of government-funded qurban budgets, or empirical research on public perceptions of qurban performed by state officials. Furthermore, subsequent research is needed to explore models of institutional qurban governance capable of integrating Shar'i principles, budgetary transparency, and the social functions of the state in a more comprehensive manner.

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