

## NEGOTIATING TEXT AND CONTEXT: THE HADITH ON THE PROHIBITION OF WOMEN'S TRAVEL WITHOUT A MAHRAM IN THE SOCIAL AND LEGAL HISTORIES OF SAUDI ARABIA AND INDONESIA

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### Abstract

*This study investigates the differing interpretations and applications of the hadith prohibiting women from traveling without a mahram in Saudi Arabia and Indonesia. Through a comparative analysis grounded in historical, legal, and socio-cultural contexts, the research reveals that Saudi Arabia traditionally applies the hadith in a strict, textualist manner, rooted in the Hanbalī legal tradition and guardianship system. Indonesia, influenced by pluralistic scholarship and social realities, adopts a more flexible, contextualist approach through ijtihād by religious organizations. Despite these differences, the study affirms that the original ruling remains valid: a woman traveling without a mahram is impermissible (ḥarām) unless in rare, necessity-based exceptions. The presence of a mahram is not merely ideal but a critical safeguard upheld throughout Islamic legal history to protect women's dignity ('ird) and safety (nafs). In modern contexts where security may seem assured, Muslim women must still prioritize obedience to Allah and His Messenger, over social convenience or personal autonomy. Modern adaptations must not override divine directives. Thus, the hadith's relevance continues, and contextual flexibility must remain within the bounds of Sharī'ah—aimed at upholding the protective purpose of Islamic law rather than promoting unrestricted freedom.*

**Keywords:** Hadith Contextualization; Mahram; Women's Travel; Islamic Legal History; Saudi Arabia and Indonesia

### Abstrak

*Penelitian ini mengkaji perbedaan pemahaman dan penerapan hadis larangan safar bagi wanita tanpa mahram di Arab Saudi dan Indonesia. Melalui analisis komparatif yang berpijak pada konteks historis, hukum, dan sosial budaya, penelitian ini menemukan bahwa Arab Saudi menerapkan hadis ini secara ketat dan teksual, berdasarkan tradisi fikih Ḥanbalī dan sistem perwalian (wilāyah). Sementara itu, Indonesia—dengan warisan pluralisme hukum Islam dan dinamika sosialnya—cenderung menggunakan pendekatan kontekstual melalui ijtihād para ulama ormas Islam. Meskipun terdapat perbedaan pendekatan, penelitian ini menegaskan bahwa hukum asal safar wanita tanpa mahram adalah haram, kecuali dalam kondisi darurat dan dengan syarat ketat. Kehadiran mahram bukan hanya anjuran, melainkan bentuk perlindungan syariat yang dijaga sejak masa klasik untuk melindungi kehormatan ('ird) dan keselamatan (nafs) perempuan. Dalam dunia modern yang tampak lebih aman, muslimah tetap dituntut untuk mendahulukan ketaatan kepada Allāh dan Rasul-Nya, daripada mengikuti tekanan sosial atau kebebasan pribadi. Maka, fleksibilitas kontekstual harus tetap berada dalam koridor syariat—bertujuan untuk menegakkan fungsi perlindungan dalam hukum Islam, bukan untuk mendorong kebebasan yang tak terbatas.*

**Kata kunci:** Kontekstualisasi Hadis; Mahram; Perjalanan Perempuan; Sejarah Hukum Islam; Arab Saudi dan Indonesia



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## INTRODUCTION

The hadith prohibiting women from traveling without a *mahram* has been consistently upheld by early Muslim jurists, who viewed the guardian's presence as essential regardless of travel purpose. Rooted in the socio-political conditions of early Islam—marked by insecurity and travel risks—this interpretation prioritized women's safety and honor, aligning with the objectives of *hifz al-'ird* (protection of dignity) and *hifz al-nafs* (protection of life). This view was shaped by the socio-political context of early Islam, where long-distance travel was often unsafe, with risks of robbery, violence, or harassment.<sup>1</sup> The textual reading of the hadith remains central to both classical and contemporary Islamic discourse.

In the modern era, expanded female participation in education and public life, along with safer transportation and state security,<sup>2</sup> has led scholars to revisit the hadith on *mahram* requirements. Contextualists argue that the 'illah—lack of safety—is no longer present, thus the ruling should adapt to current conditions through *maqāṣid al-sharī'ah* reasoning.<sup>3</sup> In contrast, textualists uphold the hadith's normative force unless abrogated by stronger legal proof,<sup>4</sup> reflecting ongoing tension in contemporary Muslim discourse on women's travel. Saudi Arabia and Indonesia, two Muslim-majority countries with contrasting socio-political and legal systems, provide valuable case studies to explore this issue.

Saudi Arabia historically enforced a strictly textual approach, institutionalizing the hadith into state law through the male guardianship (*wilāyah*) system. Under this system, women required permission from a *mahram* to obtain passports, travel abroad, or even perform Hajj.<sup>5</sup> This policy was justified as a protective measure, aligning with the Hanbali school's conservative jurisprudence. However, in recent years, Saudi Arabia has begun to adopt a more flexible stance as part of its Vision 2030 reforms. Legal changes in 2019 allowed women aged 21 and above to obtain

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<sup>1</sup> Satyam Panday, Prarthana Verma, and Ravi Bhatia, 'Economic Research: Greater Share Of Working Women Bolster Saudi Arabia's Economic Growth, Improving Productivity Will Entrench It', *S&P Global*, 2023 <<https://www.spglobal.com/ratings/en/research/articles/230920-economic-research-greater-share-of-working-women-bolster-saudi-arabia-s-economic-growth-improving-productiv-12848378?>>>.

<sup>2</sup> Beata Polok and Maha Akeel, 'Vision 2030 Has Done Wonders for Women. But There's Still Room to Enhance Their Economic Roles in Saudi Arabia.', *Atlantic Councils*, 2024 <<https://www.atlanticcouncil.org/blogs/menasource/vision-2030-women-economy-saudi-arabia/?>>>.

<sup>3</sup> Muhammad Ichsan and Erna Dewi, 'Wanita Karir Dalam Tinjauan Maqashid Al-Shari'ah', *JURIS (Jurnal Ilmiah Syariah)*, 2020 <<https://www.academia.edu/download/92272612/1725.pdf>>; Alex Candra Winata, 'SIM Bagi Wanita Saudi Dalam Pandangan Maqashid Syariah' (Theses - IAIN Curup, 2023).

<sup>4</sup> Niebal Mohammad Ibrahim Al Etoum and others, 'The Requirement of a Mahram for a Woman's Travel under the Contemporary Developments and Fatwas', *International Journal of Religion*, 5.5 (2024), pp. 842–54, doi:10.61707/7qrm0e68.

<sup>5</sup> Ahmed Al-Omran, 'The Saudi Factories Powered by Women', *Ft.Com*, 2024 <<https://www.ft.com/content/985eb86c-fad8-4dab-8a8a-b7c3ca93d8d4?>>>.

passports and travel without guardian approval.<sup>6</sup> Further, the Ministry of Hajj and Umrah announced in 2021 that women could perform Hajj without a *mahram* if traveling in secure groups.<sup>7</sup> These reforms indicate a gradual shift from family-based guardianship to a state-managed security system, with the state functioning as a “collective *mahram*” through organized travel arrangements and safety guarantees.<sup>8</sup> Nevertheless, debates persist within Saudi society, as conservative scholars caution against fully abandoning traditional guardianship norms.

Indonesia, in contrast, has long adopted a contextual approach informed by *maqāṣid al-shari‘ah*. The country’s plural legal system and moderate Islamic tradition allow for interpretative flexibility. No law in Indonesia mandates a *mahram* for women’s travel; adult women enjoy equal legal rights to obtain passports and travel freely.<sup>9</sup> Indonesian scholars, influenced largely by the Shafi‘i school, argue that the essence of the hadith is fulfilled if women’s safety is guaranteed, regardless of whether a *mahram* is physically present. The Majelis Ulama Indonesia (MUI) permits women to perform Hajj or travel abroad with reliable groups, provided security measures are ensured.<sup>10</sup> The Indonesian government, through its regulatory framework, effectively assumes the role of a “collective *mahram*,” organizing group travel for female pilgrims and enforcing public safety regulations.<sup>11</sup> This reflects a pragmatic understanding that the protective objective (*hifz al-nafs*) can be achieved through institutional mechanisms rather than requiring male guardianship.

Historically, Saudi Arabia’s Wahhabi tradition entrenched gender segregation and restricted women’s mobility through state-backed religious authority.<sup>12</sup> Conversely, Indonesia’s pluralistic and culturally diverse society, shaped by values of mutual respect, enabled more adaptable interpretations of Islamic law.<sup>13</sup> These socio-historical trajectories inform how each country integrates religious rulings into its legal and social systems.

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<sup>6</sup> Reuters, ‘Unemployment Among Saudi Citizens Falls to 7.1% in Q2’, *Reuters*, 2024 <<https://www.reuters.com/world/middle-east/unemployment-among-saudi-citizens-falls-71-q2-2024-09-30/?gt;>>.

<sup>7</sup> Giulia Interesse, ‘Saudi Arabia’s Women in the Workplace: A Key Driver of Economic Growth’, *Middle East Briefing*, 2025 <<https://www.middleeastbriefing.com/news/saudi-arabias-women-in-the-workplace-driver-of-growth/>>.

<sup>8</sup> Beata Polok and Karima Saci, ‘Promoting Sustainable Women’s Empowerment in Saudi Arabia in Accessing Job Market: Legal, Financial Transformation’, ed. by Djihed Berkouk and others (Springer Nature Singapore, 2025), pp. 333–39.

<sup>9</sup> Desy Kristiane, ‘The Relevance of Safar Law for Women Without Mahram to Family Economic Independence in the Era of Society 5.0’, 4.1 (2024), pp. 23–33.

<sup>10</sup> Ichsan and Dewi, ‘Wanita Karir Dalam Tinjauan Maqashid Al-Shari‘ah’.

<sup>11</sup> Aldy Darmawan and Nurul Izzati, ‘Hajj and Umrah Travel for Women Without Mahram’, 2023, pp. 1–10.

<sup>12</sup> Panday, Verma, and Bhatia, ‘Economic Research: Greater Share Of Working Women Bolster Saudi Arabia’s Economic Growth, Improving Productivity Will Entrench It’.

<sup>13</sup> Franklin Hutabarat, ‘Navigating Diversity: Exploring Religious Pluralism and Social Harmony in Indonesian Society’, *European Journal of Theology and Philosophy*, 3.6 (2023), pp. 6–13, doi:10.24018/theology.2023.3.6.125.

Several previous studies have examined the reinterpretation of the hadith on women traveling without a mahram in modern contexts. Afiqah<sup>14</sup> argued that safety and *sharī'ī* purpose justify such travel today, identifying dignity protection as the key *'illah*. Al Etoum et al.<sup>15</sup> noted that while textualists maintain prohibition, others permit it during pilgrimage with trusted groups or public security. Studies by Syahidah<sup>16</sup> and Alotaibi et al.<sup>17</sup> explored Saudi and Indonesian policies on mahram in Hajj and wilāyah reforms. Winata<sup>18</sup> and Suhenriko<sup>19</sup> highlighted the role of *maqāṣid* in addressing mobility and moral risk. However, none of these studies conduct a comparative socio-cultural analysis across two countries. This study fills that gap by examining Saudi Arabia's formal-literal approach and Indonesia's contextual-moderate stance, reaffirming adherence to the Qur'an and Sunnah while accommodating social diversity.

This study addresses three key questions: how the hadith on women traveling without a mahram is interpreted in Saudi Arabia and Indonesia, what socio-cultural factors influence its implementation, and how it can be contextualized to remain relevant today. The goal is to show that the hadith aims to protect, not restrict, and that contextual interpretations rooted in *maqāṣid al-sharī'ah* can uphold women's mobility within Sharia bounds.

This study contributes to the discourse on religion and society by showing that Islamic law, when guided by *maqāṣid al-sharī'ah*, can adapt to modern contexts without losing its ethical core. The comparison of Saudi Arabia and Indonesia illustrates that legal rulings are context-dependent. These insights offer practical relevance for policymakers aiming to balance tradition with contemporary realities while safeguarding women's dignity and mobility.

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<sup>14</sup> Fatin Afiqah, 'Penglibatan Wanita Dalam Aktiviti Backpack Menurut Perspektif Hukum Islam Semasa', *Theses - Universiti Malaya*, (2019), pp. 1-30

<sup>15</sup> Al Etoum, Niebal Mohammad Ibrahim, and others, 'The Requirement of a Mahram for a Woman's Travel under the Contemporary Developments and Fatwas', *International Journal of Religion*, 5.5 (2024), pp. 842–54, doi:10.61707/7qrm0e68

<sup>16</sup> Syahidah, Nurlaila, 'Penerapan Hadis Kesertaan Mahram Pada Safar Perempuan (Studi Kasus Kesertaan Mahram Pada Haji Dan Umrah)', *Theses - UIN Syarif Hidayatullah Jakarta*, (2017), pp. 94-98

<sup>17</sup> Alotaibi, Norah Humus, Salihu Dasuki, and Efpraxia Zamani, 'M-Government, Wilaya and Women'S Empowerment in the Kingdom of Saudi Arabia', *1st Virtual Conference on Implications of Information and Digital Technologies for Development*, (2021), pp. 487–99

<sup>18</sup> Alex Candra Winata, 'SIM Bagi Wanita Saudi Dalam Pandangan Maqashid Syariah' *Theses - IAIN Curup*, (2023), pp. 2-4

<sup>19</sup> Muhammad Suhenriko, 'Kebolehan Wanita Tanpa Mahram Melaksanakan Safar Umrah Atau Haji Dalam Perspektif Al-Maqashid Al-Syar'i', *Al- Ma'lumat*, 1.2 (2023), pp. 81–98 <[https://journal.iainsambas.ac.id/index.php/CBJS/article/download/3665/2638?\\_\\_cf\\_chl\\_tk=RKT0mfZccp.n6zp1vvN3CoPxxaikc.NcFu2nOEOM2mM-1747019447-1.0.1.1-kMplpBvB6JclmOvls6JWFwdGcHX0OvK7AVJ.RZWd0DE>](https://journal.iainsambas.ac.id/index.php/CBJS/article/download/3665/2638?__cf_chl_tk=RKT0mfZccp.n6zp1vvN3CoPxxaikc.NcFu2nOEOM2mM-1747019447-1.0.1.1-kMplpBvB6JclmOvls6JWFwdGcHX0OvK7AVJ.RZWd0DE>)

## RESEARCH METHODS

This study adopts a qualitative library-based approach with a comparative framework, aiming to explore the contextual understanding and application of the prophetic hadith prohibiting women from traveling without a *maḥram* in Saudi Arabia and Indonesia. Rather than relying on statistical or field-based data, this study employs a purely library-based approach to explore how divergent legal, cultural, and historical frameworks inform the interpretation and application of a prophetic hadith concerning women's travel without a *maḥram*. The qualitative design is grounded in the constructivist paradigm, which recognizes that religious meaning is historically and socially constructed.

The primary method used is library research, analyzing classical hadith texts (*Sahīh al-Bukhārī*, *Sahīh Muslim*), traditional commentaries (*Fath al-Bārī*, *Syarh Sahīh Muslim*), fatwas (e.g., Lajnah Ad-Dā'imah, MUI), state regulations (e.g., Saudi Royal Decree M/134), and scholarly works from peer-reviewed journals. These sources were accessed through academic databases and Islamic classical libraries between September 2024 and July 2025.

This study employs a traditional Sunni legal framework rooted in Hanbali jurisprudence and the methodology of classical scholars such as Ibn Taymiyyah and Ibn Qayyim, further reflected in contemporary Saudi fatwas. The analysis is guided by *qawā'id fiqhīyyah* and the safeguarding of the five essentials of the Sharia (*darūriyyāt al-khams*), ensuring textual adherence while considering contextual applicability through authoritative *ijtihād*. A comparative analysis is used to examine how different socio-legal systems influence the interpretation of the same hadith: Saudi Arabia with its formal Hanbali-textual tradition, and Indonesia with its Shāfi‘ī-influenced, pluralistic approach rooted in *'urf* and democratic norms.

The data were analyzed using descriptive-analytical and comparative methods. The descriptive analysis interprets the textual meaning of the hadith in light of classical scholarship and contextual objectives (*asbāb al-wurūd*, *maqāṣid*), while the comparative analysis identifies contrasts in state policies, gender norms, and juristic practices in both countries. To ensure validity, source triangulation was applied, and all methodological tools—including textual selection criteria, contextual indicators, and fatwa relevance—were reviewed with scholarly supervision. This approach allows for a rigorous, replicable investigation into how hadith functions within the lived social and legal histories of Muslim-majority societies.

## RESULTS AND DISCUSSIONS

### Overview of The Research Context

This study focuses on the understanding and application of the hadith prohibiting women from traveling without a *mahram* in Saudi Arabia and Indonesia. Saudi Arabia is chosen not only for its literalist legal tradition, but also because it is the birthplace of Islam and the land where revelation was first received by the Prophet Muhammad ﷺ. Indonesia, on the other hand, represents a pluralistic Muslim society that contextualizes Islamic teachings through a moderate approach.<sup>20</sup> These contrasting models provide a rich basis for comparative analysis of how the same hadith is implemented in differing socio-cultural and legal frameworks.

Indonesia's Islamic tradition developed within a multicultural context influenced predominantly by the Shāfi‘ī school, known for its flexible jurisprudence and openness to diverse *fiqh* opinions.<sup>21</sup> Women's independent mobility—across education, work, and travel—is widely accepted, and travel without a *mahram* rarely sparks public debate. Conversely, Saudi Arabia's historical interpretation of the hadith was shaped by a literalist Hanbali-Wahhabi tradition, embedding *mahram* presence as a legal requirement. However, reforms under Vision 2030 have introduced legal accommodations allowing women to travel independently under certain conditions.<sup>22</sup> These two countries were chosen for comparison due to their contrasting legal traditions and historical trajectories—Saudi Arabia representing a state-driven literal model, and Indonesia reflecting a society-driven contextual application of Islamic law.<sup>23</sup> This comparison offers a valuable lens to assess how *ijtihād* and hadith contextualization address contemporary socio-cultural realities.

Based on the socio-religious contexts described, the study uses several indicators to analyze the differences in the understanding and application of the hadith prohibiting women from traveling without a *mahram* in Saudi Arabia and Indonesia, as presented in the following table.

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<sup>20</sup> Nur Annisa Istifarin and Ida Rochmawati, 'Hadis Safar Perempuan Dalam Perspektif Modern: Analisis Hermeneutika Double Movement', *Tajdid*, 23.2 (2024), pp. 498–525 <<https://mail.tajdid.uinjambi.ac.id/index.php/tajdid/article/view/474>>.

<sup>21</sup> M. Usman, Aris Widodo, and Shofwatul Aini, 'The Existence of The Ahmadiyya in Indonesian Democracy: A Struggle For Survival In The Midst of The Islamic-Movement Competition', *IJoReSH: Indonesian Journal of Religion, Spirituality, and Humanity*, 1.2 (2022), pp. 167–87, doi:10.18326/ijoresh.v1i2.167-187.

<sup>22</sup> Norah Humus Alotaibi, Salihu Dasuki, and Efpraxia Zamani, 'M-Government, Wilaya and Women'S Empowerment in the Kingdom of Saudi Arabia', *1st Virtual Conference on Implications of Information and Digital Technologies for Development*, 2021, pp. 487–99.

<sup>23</sup> Istifarin and Rochmawati, 'Hadis Safar Perempuan Dalam Perspektif Modern: Analisis Hermeneutika Double Movement'.

**Table 1** Indicators for Comparing Understanding and Application of Hadith on Women Traveling without a Mahram in Saudi Arabia and Indonesia

No	Indicators	Saudi Arabia	Indonesia
1	The approach of religious scholars and authorities	Approach of scholars and religious authorities: Textualist, Hanbali school of thought, Wahhabi influence, strict fatwas	Contextually, the dominance of the Shāfi'i school, the fatwa of MUI, NU, and Muhammadiyah as the largest mass organizations that are more lenient.
2	State policy regarding women's travel	Previously strict, since Vision 2030 it has given conditional concessions (permission to travel without a mahram)	Policy does not prohibit travel by women without a mahram, leaving it to personal consideration.
3	Public safety and facilities (segregation of gender and transportation)	Strict, segregation in public places (queues, restaurants, transportation); women are closely monitored	Flexible regulatory frameworks, accessible and inclusive public spaces, affordable transportation infrastructure, and robust public safety mechanisms
4	The response of the Muslim community	Generally Sharia-compliant; accepts reforms on the condition that supervision and security are maintained.	Although the majority, Muslims in Indonesia are more secular, so acceptance of reinterpretation of sharia law is more relaxed. And the practice of women traveling without a mahram is more common.

### Findings in Saudi Arabia

The findings reveal that Saudi Arabia has historically maintained a highly strict and literal application of the hadith prohibiting women from traveling without a *mahram*. This approach, consistent with the Hanbali school's textualist methodology, treated the presence of a male guardian not merely as a recommendation but as a legal obligation for women's mobility. For decades, women were required to secure permission from a male guardian to acquire passports, travel abroad, or even perform religious obligations such as Hajj and Umrah. This practice was justified as a means of preserving women's dignity (*hifz al-'ird*) and ensuring their safety (*hifz al-nafs*), which was regarded as the effective cause (*'illah*) of the prohibition.

However, in recent years, particularly under the Vision 2030 reform program, Saudi Arabia has introduced significant changes that mark a gradual shift from rigid textualism to controlled contextualization. One of the most symbolic reforms was the lifting of the long-standing ban on women driving. In September 2017, King Salman issued a royal decree allowing women to drive, ending decades of prohibition.<sup>24</sup> The policy was officially implemented in June 2018 and was widely regarded as a milestone for women's mobility and autonomy.<sup>25</sup> Within the first two years, more than 174,000 driver's licenses were issued to Saudi women, reflecting both high public enthusiasm and the policy's significant impact on female independence.<sup>26</sup>

<sup>24</sup> Elizabeth Carr-Ellis, 'Saudi Arabia: The Laws on What Women Can – And Can't – Do', *Theweek.Com*, 2025 <<https://theweek.com/60339/things-women-cant-do-in-saudi-arabia>>.

<sup>25</sup> Admin, 'Recent Evolution of Gender Dynamics in Saudi Arabia', *Artemis-Bc.Com*, 2024 <<https://artemis-bc.com/blog/recent-evolution-of-gender-dynamics-in-saudi-arabia/#:~:text=Among> the most impactful reforms, had been issued to women>.

<sup>26</sup> Admin, 'Recent Evolution of Gender Dynamics in Saudi Arabia'; Reza Bakhtiar Ramadhan and Irham Shofwan, 'Keputusan Hukum Pembolehan Mengemudi Bagi Perempuan Saudi Arabia Ditinjau Dalam

The relaxation of maḥram requirements for religious travel also reflects this reformist tendency. Since 2021, the Saudi Ministry of Hajj and Umrah has allowed women to register for Hajj without a male guardian, provided they travel in organized groups ensuring safety.<sup>27</sup> In 2022, women under 45 years old were also permitted to perform Hajj and Umrah without a *maḥram* under similar conditions.<sup>28</sup> This policy shift was historically significant, as women under this age had previously been required to be accompanied by a husband or male relative. The reform aligns with a contemporary scholarly perspective that permits women to travel for religious purposes if they are accompanied by reliable companions and if their safety is ensured.<sup>29</sup>

### **Saudi Arabia: Textualist Tradition and Gradual Reform**

The research confirms that Saudi Arabia's approach to the hadith has been historically literal and legally codified. This is consistent with the dominance of the Hanbali school and Wahhabi doctrinal influences, which interpret the hadith's prohibition in absolute terms (*hukm tahrīmī*). For decades, Saudi women were legally required to obtain permission from a male guardian to acquire passports, travel abroad, or even perform Hajj. The guardianship system functioned as a direct extension of the hadith's literal wording, viewing the *maḥram* as the only legitimate protector of women's safety.<sup>30</sup>

However, the findings also highlight that recent years have brought significant reforms under Vision 2030, marking a departure—albeit gradual—from rigid textualism. The 2019 Royal Decree M/134 allowed adult women to travel abroad and obtain passports without guardian approval, signaling a state-level reinterpretation of women's mobility. In 2021, the Ministry of Hajj and Umrah permitted women to perform Hajj without a *maḥram* if they traveled in organized groups, provided safety was guaranteed. This change reflects a shift from the family-based guardianship model to what scholars have described as a state as a “collective *maḥram*”.<sup>31</sup>

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Perspektif Maqashid As-Syari'ah', *Journal of Islamic World and Politics*, 3.1 (2019), doi:10.18196/jiwp.3126.

<sup>27</sup> Carr-Ellis, 'Saudi Arabia: The Laws on What Women Can – And Can't – Do'.

<sup>28</sup> Reem Krimly, 'Saudi Arabia's Ministry of Hajj Announced on Sunday That Women Can Now Register for The Annual Muslim Hajj Pilgrimage without A Male Guardian.', *Alarabiya.Net*, 2021 <<https://english.alarabiya.net/News/gulf/2021/06/14/Women-can-register-for-Hajj-with-other-women-without-male-guardian-Saudi-ministry>>.

<sup>29</sup> Niebal Mohammad Ibrahim Al Etoum and others, 'The Requirement of a Mahram for a Woman's Travel under the Contemporary Developments and Fatwas', *IJOR: International Journal of Religion*, 5.5 (2024), pp. 842–54, doi:10.61707/7qrm0e68; Rahma Harbani, 'Tentang Wanita Bepergian Tanpa Mahram, Benarkah Dilarang?', *Detik.Com*, 2024 <<https://www.detik.com/hikmah/muslimah/d-7146779/tentang-wanita-bepergian-tanpa-mahram-benarkah-dilarang#:~:text=Ulama lain berpendapat%2C wanita muslim,menemai dan amannya kondisi jalan>>.

<sup>30</sup> Al-Omrani, 'The Saudi Factories Powered by Women'.

<sup>31</sup> Polok and Saci, 'Promoting Sustainable Women's Empowerment in Saudi Arabia in Accessing Job Market: Legal, Financial Transformation'.

While these reforms indicate growing flexibility, the findings suggest that Saudi Arabia still approaches the issue cautiously. Religious authorities continue to stress that the hadith remains normative, and the relaxation is justified primarily through public interest (*maṣlahah*) considerations, rather than a complete reinterpretation of the text. Thus, Saudi Arabia exemplifies a transitional model—moving from strict literalism to controlled contextualization, where state security replaces the individual *mahram* in certain regulated scenarios.

Reforms in the education sector further illustrate this trend. Universities in Saudi Arabia have gradually abolished the requirement of a *mahram* for foreign female students. Princess Nourah University (PNU) in Riyadh, the largest women's university in the world, pioneered this policy in 2018 by offering scholarships to international female students without requiring them to be accompanied by a male guardian.<sup>32</sup> To ensure safety, PNU provides airport pickup services and female-only dormitories, replacing the protective function traditionally performed by a *mahram*. This change reflects a broader reform in the male guardianship system, particularly after the 2019 policy allowing women to obtain passports and travel abroad without guardian approval.<sup>33</sup>

Another notable result of Vision 2030 reforms is the increased participation of women in the formal workforce. Official statistics show a dramatic rise in female labor force participation from approximately 17.6% in 2017 to 35.5% in 2023, surpassing the initial Vision 2030 target of 30%.<sup>34</sup> However, the distribution of employment remains concentrated in sectors considered “appropriate” for women according to cultural norms, such as education and healthcare. Recent data indicate that 85% of Saudi women are employed in education and 6% in healthcare, with 95% of female workers concentrated in the public sector.<sup>35</sup> This gendered division of labor reflects the persistence of traditional values, whereby women are encouraged to work in “women-centered” environments, such as beauty shops and female clothing stores, while male workers dominate public-facing roles like cashiers or supermarket clerks.<sup>36</sup> Although new opportunities are emerging

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<sup>32</sup> Donna Michaels, ‘Princess Noura Bint Abdur Rahman University Eligibility Requirements’, *Journeyinsaudi*, 2010 <<https://journeyinsaudi.wordpress.com/wp-content/uploads/2012/01/princess-noura-bint-abdur-rahman-university2.pdf>>; BBC World, ‘Mahasiswi Universitas Di Arab Saudi Kini Boleh Pergi Tanpa Mahram’, *BBC World*, 2018 <<https://news.detik.com/bbc-world/d-4216804/mahasiswi-universitas-di-arab-saudi-kini-boleh-pergi-tanpa-mahram>>.

<sup>33</sup> Admin, ‘Recent Evolution of Gender Dynamics in Saudi Arabia’.

<sup>34</sup> Al-Omran, ‘The Saudi Factories Powered by Women’; Interesse, ‘Saudi Arabia’s Women in the Workplace: A Key Driver of Economic Growth’; Reuters, ‘Unemployment Among Saudi Citizens Falls to 7.1% in Q2’.

<sup>35</sup> Admin, ‘Recent Evolution of Gender Dynamics in Saudi Arabia’; Aljawhara O Almutarrie, ‘Joining the Workforce, Saudi Women and Vision 2030’, in *Gender Economics and Gender Pay Gap - Trends and Explanations*, ed. by Feyza Bhatti (IntechOpen, 2025), doi:10.5772/intechopen.1008278; Reem Walid, ‘Saudi Arabia’s Surge in Female Workforce Participation Drives Economic Impact’, *Arab News*, 2024 <<https://www.arabnews.com/node/2567745/business-economy>>.

<sup>36</sup> Panday, Verma, and Bhatia, ‘Economic Research: Greater Share Of Working Women Bolster Saudi Arabia’s Economic Growth, Improving Productivity Will Entrench It’; Polok and Saci, ‘Promoting

in technology and entrepreneurship, surveys from 2022 show that 62% of companies still maintain gender-segregated workspaces.<sup>37</sup>

Despite these reforms, gender segregation in public spaces remains a defining feature of Saudi social life. Restaurants, banks, and other public facilities often maintain separate areas for men and women. Many restaurants continue to designate “family sections” for women and families, distinct from “single men sections,” although the mandatory separate entrances for men and women were officially abolished in 2019.<sup>38</sup> Queues in public services such as fast-food restaurants, banks, and hospitals also remain gender-segregated, with dedicated counters for women labeled as “family” areas.<sup>39</sup> These practices underscore the continued effort to preserve conservative Islamic values and traditional norms of modesty even amid modernization efforts.

In summary, the findings suggest that Saudi Arabia is navigating a complex path between preserving its religious-cultural identity and responding to modern socio-economic demands. While the reforms under Vision 2030 significantly enhance women's mobility and public participation, they are carefully balanced with measures to maintain traditional norms, reflecting a dual-track reform strategy: promoting women's rights on one hand while safeguarding religiously grounded cultural values on the other.

### **Findings in Indonesia**

In contrast to Saudi Arabia, Indonesia, which is predominantly affiliated with the Shafi'i school of jurisprudence, demonstrates a more flexible and contextual application of the hadith prohibiting women from traveling without a *mahram*. This flexibility is shaped by Indonesia's socio-cultural conditions, the dominance of moderate Islamic thought, and the influence of contemporary scholars who consider advancements in security and the specific needs of Indonesian society. While some conservative families still adhere strictly to the traditional prohibition, the broader social and legal landscape reflects a more lenient and pragmatic interpretation of the hadith.

One of the most notable findings is the absence of any formal legal prohibition against women traveling without a *mahram*. There is no national regulation explicitly restricting women's mobility, whether for domestic or international travel. Indonesian women freely travel between

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Sustainable Women's Empowerment in Saudi Arabia in Accessing Job Market: Legal, Financial Transformation'.

<sup>37</sup> Admin, ‘Recent Evolution of Gender Dynamics in Saudi Arabia’.

<sup>38</sup> Culture News, ‘Has Saudi Arabia Ended Gender Segregation in Restaurants?’, *Commisceo Global*, 2019 <<https://www.commisceo-global.com/blog/has-saudi-arabia-ended-gender-segregation-in-restaurants?tmpl=component&print=1&format=print#:~:text=As a result of this%2C,upon their family or tribe>>.

<sup>39</sup> Mahmoud Abdel Muhsen Irsheid Alafeef, ‘The Role of Vision 2030 in Supporting Saudi Women to Participate in Marketing Activities in the Kingdom of Saudi Arabia’, *Migration Letters*, 21.S2 (2024), pp. 520–38 <[www.migrationletters.com](http://www.migrationletters.com)>.

cities or abroad without being accompanied by male guardians, and such travel is not considered unlawful. On the contrary, the government actively facilitates women's mobility, as demonstrated by the long-standing policy of sending female migrant workers (*Tenaga Kerja Wanita*, TKW) overseas.<sup>40</sup> This state-sanctioned migration, involving millions of women, is conducted under formal procedures to ensure their safety. The religious legitimacy of this practice is reinforced by the Majelis Ulama Indonesia (MUI), which issued a fatwa in 2000 permitting women to work outside their home regions or abroad, provided they are under the supervision of a trustworthy group or institution. In this fatwa, the term *mahram* is interpreted broadly—not limited to male relatives but extending to institutional guarantees of safety.<sup>41</sup> This interpretation reflects a contextual understanding of the hadith, where the primary concern is protection rather than strict male accompaniment.

Indonesian women also enjoy high mobility and active public participation in education, employment, and religious life. Culturally, women working, studying, or traveling independently is a common and socially accepted phenomenon.<sup>42</sup> The number of women in higher education has increased significantly; recent data indicate that more than 50% of university students are female.<sup>43</sup> In the religious sphere, women constitute the majority of Indonesian Hajj pilgrims. Since 2011, approximately 55% of pilgrims have been women, a reversal of the global trend where male pilgrims dominate.<sup>44</sup> This is made possible by supportive government policies and the MUI's flexible interpretation, which permits women to perform Hajj without a *mahram* if safety is guaranteed. The Indonesian Hajj and Umrah Law (Law No. 8/2019) does not differentiate between male and female pilgrims; it simply defines pilgrims as Muslim citizens who meet the

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<sup>40</sup> Hendri Saleh, 'Hukum Wanita Bekerja Di Luar Negeri Dalam Perspektif Hukum Islam', *Jurnal Maqosid*, 10.02 (2022), pp. 33–49.

<sup>41</sup> Hengki Ferdiansyah, 'Ini Dalil Bolehnya Perempuan Bekerja Dalam Islam', *Islami Co*, 2022 <<https://islami.co/ini-dalil-bolehnya-perempuan-bekerja-dalam-islam/#:~:text=Majelis%20Ulama%20Indonesia%20tahun%202000,situasinya%20aman%20dan%20dijamin%20keselamatannya>>; Nurul Mahmudah, 'FATWA MUI NOMOR 7/MUNAS VI/MUI/2000 TENTANG PENGIRIMAN TENAGA KERJA WANITA (TKW) KE LUAR NEGERI', *MUI.or.Id*, 2023 <<https://www.mui.or.id/public/index.php/baca/fatwa/pengiriman-tenaga-kerja-wanita-tkw-ke-luar-negeri>>.

<sup>42</sup> Ferdiansyah, 'Ini Dalil Bolehnya Perempuan Bekerja Dalam Islam'.

<sup>43</sup> Melanie Hanson, 'College Enrollment & Student Demographic Statistics', *Education Data*, 2025 <<https://educationdata.org/college-enrollment-statistics>>; Michael T. Nietzel, 'Women Continue To Outpace Men In College Enrollment And Graduation', *Forbes.Com*, 2024 <<https://www.forbes.com/sites/michaelnietzel/2024/08/07/women-continue-to-outpace-men-in-college-enrollment-and-graduation/>>.

<sup>44</sup> Adha Anggraini, 'Gender Mainstreaming, Transformasi Penyelenggaraan Haji', *Kemenag*, 2024 <<https://kemenag.go.id/kolom/gender-mainstreaming-transformasi-penyelenggaraan-haji-fO3L8>>; Barjah, 'Tipologi Varian Jemaah Haji 2024, Mirip 2019', *Balitbangdiklat Kemenag*, 2024 <<https://balitbangdiklat.kemenag.go.id/berita/tipologi-varian-jemaah-haji-2024-mirip-2019>>; Firda Janati and Dani Prabowo, 'BP Haji: Jemaah Haji Indonesia Mayoritas Perempuan', *Kompas.Com*, 2025 <<https://nasional.kompas.com/read/2025/05/27/13522551/bp-haji-jemaah-haji-indonesia-majoritas-perempuan>>.

administrative and health requirements, without mentioning any *mahram* requirement.<sup>45</sup> Furthermore, the Indonesian Ministry of Religious Affairs has reached agreements with Saudi authorities to facilitate women's travel for Hajj without male relatives, grouping them into all-female travel groups where they are considered "collective *mahram*" for one another.<sup>46</sup>

The contextual and moderate approach of Indonesian scholars further supports this practice. The MUI explicitly allows women to travel without a *mahram* as long as their safety is ensured, reflecting a strong reliance on *maqāṣid al-sharī‘ah*.<sup>47</sup> Prominent Shafi‘i scholars, such as Imam al-Nawawi, are frequently cited to support this view; he permits women to travel in the company of trustworthy women if the journey is safe.<sup>48</sup> Other classical scholars, including Hasan al-Bashri, al-Awza‘i, and Ibn Taymiyyah, also allow women to travel for non-obligatory purposes (such as trade, education, or visitation) if security is guaranteed.<sup>49</sup> Contemporary scholars argue that the prohibition in the hadith was contextually tied to the dangers of travel in the Prophet's time, when roads were unsafe and law enforcement was limited. With modern transportation, regulated travel systems, and state-backed security, these risks have significantly diminished. Thus, the protective objective of the hadith can now be achieved through alternative means without requiring a male guardian.

Nevertheless, traditional conservative values remain influential in certain Indonesian families and communities. Despite increasing female mobility in education and employment, traditional conservative values surrounding women's travel without a *mahram* continue to influence many Muslim families. Some households strictly apply the hadith, forbidding women from traveling long distances without a *mahram*. This reflects the persistence of cultural norms rooted in traditional Islamic values. Accounts from Indonesian bloggers and travel writers illustrate this phenomenon: some women recall being denied permission to travel alone before marriage because their families strictly adhered to the traditional interpretation.<sup>50</sup> Articles on platforms such as Mojok.co also describe the social challenges faced by women seeking to study or work far from

<sup>45</sup> Joko Widodo, 'Undang-Undang Presiden Republik Indonesia No 8 Tahun 2019 Tentang Penyelenggaraan Ibadah Haji Dan Umrah', no. 004251 (2019) <[https://peraturan.bpk.go.id/Download/97310/UU\\_Nomor\\_8\\_Tahun\\_2019.pdf](https://peraturan.bpk.go.id/Download/97310/UU_Nomor_8_Tahun_2019.pdf)>; Humas BPKH, 'Bolehkan Perempuan Pergi Haji Tanpa Suami Atau Mahram?', *BPKH.Go.Id*, 2024 <<https://bpkh.go.id/bolehkan-perempuan-pergi-haji-tanpa-suami-atau-mahram/#:~:text=Berdasarkan%20dalil%20itu%2C%20mazhab%20fikih,jarak%20tempuh%20perjalanan%20sehari%20se malam.>>.

<sup>46</sup> Atiyatul Ulya and Maulana Maulana, 'Penyertaan Mahram Pada Pelaksanaan Haji Dan Umrah', *Refleksi*, 15.2 (2018), pp. 197–222, doi:10.15408/ref.v15i2.10167; Al Etoum and others, 'The Requirement of a Mahram for a Woman's Travel under the Contemporary Developments and Fatwas'.

<sup>47</sup> Edi Hermanto and others, 'Hukum Safar Tanpa Mahram: Kajian Tafsir Dan Fatwa Ulama Terhadap Al-Qur'an Dan Hadis', *Edusola: Journal Education, Sociology and Law*, 1.2 (2025), pp. 905–14.

<sup>48</sup> Harbani, 'Tentang Wanita Bepergian Tanpa Mahram, Benarkah Dilarang?'

<sup>49</sup> Harbani, 'Tentang Wanita Bepergian Tanpa Mahram, Benarkah Dilarang?'

<sup>50</sup> Rias Rise, 'Perempuan Dan Travelling', *Riasrise.Com*, 2018 <<https://www.riasrise.com/2018/11/perempuan-dan-travelling.html>>; Trinity, 'Perempuan Yang Pergi Seorang Diri', *Greatmind Id*, 2018 <<https://greatmind.id/article/perempuan-yang-pergi-seorang-diri>>.

home, as many families still believe that women “should not travel far” without male accompaniment.<sup>51</sup> Mainstream Islamic discussions in Indonesia acknowledge this cultural factor; for instance, NU Online Jatim explains that prohibiting women from traveling without a *mahram* is sometimes maintained not only for religious reasons but also to honor prevailing local customs.<sup>52</sup> While the hadith on *mahram* is interpreted more flexibly by many religious scholars, certain communities still uphold strict applications, forbidding women from undertaking long-distance travel unless accompanied by a male guardian.<sup>53</sup> Similarly, Indonesian travel blogger Trinity notes that in some cultural contexts, women traveling alone are still viewed with suspicion, and solo female travel is considered socially inappropriate.<sup>54</sup> These narratives demonstrate that conservative interpretations of the hadith continue to shape the lived experiences of Indonesian Muslim women, particularly within families and regions adhering to strong traditional norms.

In summary, Indonesia represents a model where religious texts are interpreted contextually, blending Sharia principles with socio-cultural realities. The dominant view prioritizes *maqāṣid al-sharī‘ah*, particularly the protection of life and dignity, over rigid textualism. Although some conservative families still adhere to the traditional prohibition, the broader societal trend reflects a more moderate and pragmatic application of the hadith, enabling women to participate actively in public life while maintaining the ethical objectives of Islamic law.

### **Indonesia: Contextualization and *Maqāṣid al-Sharī‘ah***

In contrast, Indonesia's interpretation and application of the hadith have been shaped by its pluralistic society and moderate Islamic discourse. The research findings show that Indonesia never institutionalized the requirement for a *mahram* in its legal system. Women enjoy equal legal rights to travel, both domestically and internationally, without guardian approval. This practice reflects the influence of Shafi‘i juristic leniency and the strong role of *maqāṣid al-sharī‘ah* in Indonesian fatwas and policies.

The Majelis Ulama Indonesia (MUI) explicitly allows women to travel, including for Hajj, without a male guardian, provided they travel in safe and regulated groups. This aligns with the principle of *hifz al-nafs* (protection of life) as the core *‘illah* of the prohibition. The Indonesian government plays a crucial role in ensuring this protection through its regulations on Hajj and

<sup>51</sup> Siti Rubaiha, ‘Hal Paling Menyebalkan Bagi Perempuan: Diragukan Bisa Merantau’, *Mojok.co*, 2023 <<https://mojok.co/uneg-uneg/perempuan-yang-diragukan-bisa-merantau>>.

<sup>52</sup> Syaifulullah, ‘Hukum Perempuan Melakukan Perjalanan Tanpa Mahram’, *Jatim.Nu.or.Id*, 2022 <<https://jatim.nu.or.id/keislaman/hukum-perempuan-melakukan-perjalanan-tanpa-mahram-idqj4>>.

<sup>53</sup> Zainuddin Lubis, ‘Anak Perempuan Sekolah Jauh Dari Keluarga, Apakah Boleh?’, *Islami Co*, 2022 <Anak Perempuan Sekolah Jauh dari Keluarga, Apakah Boleh?%0A%0AKini #belajaralquran dan %23belajartafsir lebih mudah dengan [www.quran.islami.co](http://www.quran.islami.co), baca selengkapnya di: <https://islami.co/anak-perempuan-sekolah-jauh-dari-keluarga-apakah-boleh/>>.

<sup>54</sup> Trinity, ‘Perempuan Yang Pergi Seorang Diri’, *Greatmind Id*, (2018), accessed 2025-07-21

Umrah, which require female pilgrims to register in groups supervised by licensed organizers. Scholars such as Darmawan and Izzati, describe this as the state acting as a functional or collective *mahram*, replacing the individual guardian through institutional guarantees of safety.<sup>55</sup>

Culturally, Indonesia's inclusive interpretation is facilitated by its plural and cooperative social norms, which emphasize *gotong royong* (mutual cooperation) and respect for women's participation in public life. This cultural backdrop allows religious authorities to prioritize the ethical objectives of Sharia over rigid textualism. Consequently, the contextualization of the hadith in Indonesia is not perceived as a theological compromise but as a faithful realization of the hadith's protective purpose under modern conditions.

### **Comparative Socio-Cultural and Historical Dynamics**

This study finds that Saudi Arabia's textualist application of the hadith on women's travel without a *mahram* is shaped by its historical roots as a theocratic monarchy grounded in Ḥanbalī jurisprudence. The kingdom's long-standing enforcement of gender segregation and male guardianship reflects a deeply embedded legal conservatism, which continues to influence public attitudes despite recent reforms under Vision 2030.

Indonesia's historical trajectory as a pluralistic, post-colonial democracy fostered a contextualist interpretation of the hadith. Without a formal theocratic system, its Islamic legal culture accommodates local customs and diverse fiqh traditions, allowing scholars to employ *maqāṣid al-sharī‘ah* to align the hadith's protective aims with modern realities like public safety and legal accountability.

This divergence shows that hadith application is inseparable from each society's legal, cultural, and political history. While the prophetic text remains fixed, its application has always been subject to the scholars' *ijtihād* in accordance with changing circumstances. Classical jurists from Ahlus Sunnah have long acknowledged the role of 'urf (custom), maslahah (public interest), and situational conditions in the implementation of legal rulings. This demonstrates that Islamic legal reasoning, while rooted in revelation, is also responsive to evolving social realities and aims to uphold the objectives of Sharia (*maqāṣid al-sharī‘ah*), especially in matters of protection (*hifz al-nafs*) and dignity (*hifz al-‘ird*).

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<sup>55</sup> Darmawan and Izzati, 'Hajj and Umrah Travel for Women Without Mahram'.

**Table 2** Indicators for Comparing Understanding and Application of Hadith on Women Traveling without a Mahram in Saudi Arabia and Indonesia

Aspect	Saudi Arabia (before 2018)	Saudi Arabia (after 2018)	Indonesia
The Hadith Approach	Literal (Textual)	Limited Contextualization	Moderate Contextualization
Mahram Requirement	Strictly Mandatory	Loosened on safe cases	Not Required if Safety is Ensured
Women's Mobility	Highly Restricted	Increased (Driving Allowed, University Admission without Mahram)	High Mobility (Education, Work, Religious Travel)
Sharia Principle	Protection ( <i>Hifz al-Ird / al-Nafs</i> )	Protection + Public Benefit ( <i>Maṣlaḥah</i> )	Protection + Public Interest ( <i>Maṣlaḥah</i> )

### Theological and Practical Implications

The findings confirm that the hadith's primary objective is protection, not restriction. Both countries, despite their different approaches, ultimately aim to safeguard women's dignity and security. However, the Indonesian model demonstrates more clearly how the ethical objectives of Sharia can be upheld without imposing unnecessary restrictions on women's agency. This has important implications for other Muslim-majority societies: rather than adhering rigidly to historical forms, states and religious authorities can adopt mechanisms that achieve the same protective purpose in ways compatible with modern conditions.

Moreover, the results suggest that debates over women's travel without a *mahram* are not merely theological but also socio-political. Reform in Saudi Arabia was driven as much by economic and political agendas (e.g., Vision 2030) as by religious reasoning. In Indonesia, the pluralistic interpretation reflects the broader societal value of gender inclusivity and civic equality.

#### 1. Theoretical Analysis of the Findings

This discussion analyzes and synthesizes the findings on the understanding and application of the hadith prohibiting women from traveling without a *mahram* (*safar al-mar'ah bidūn mahram*) in Saudi Arabia and Indonesia. The analysis integrates the results with theoretical frameworks discussed in the literature review, particularly the textual and contextual approaches to hadith, *maqāṣid al-sharī'ah* theory, and the socio-cultural role in shaping religious understanding.

The contextualization approach to hadith provides a framework for understanding prophetic traditions not only through their literal wording but also in light of social context,

cultural dynamics, and the higher objectives of Sharia (*maqāṣid al-sharī‘ah*).<sup>56</sup> Saudi Arabia historically adheres to a textualist approach aligned with the Hanbali school, emphasizing strict adherence to the textual meaning of the hadith. However, recent reforms under Vision 2030 demonstrate an emerging *ijtihād tadbīqī* (applied jurisprudence), maintaining the original ruling while considering security and public benefit (*maṣlahah āmmah*).

In contrast, Indonesia has adopted a moderate contextual approach, as reflected in the fatwas of the Majelis Ulama Indonesia (MUI) and the practices of the country's major Islamic organizations, Nahdlatul Ulama (NU) and Muhammadiyah. These institutions permit women to travel without a *mahram* under certain conditions, such as safety, necessity, and righteous intentions, consistent with *maqāṣid al-sharī‘ah* principles.<sup>57</sup> This approach emphasizes the protection of life (*hifz al-nafs*), honor (*hifz al-‘irq*), and religion (*hifz al-dīn*).

Compared to previous studies, such as Afiqah, Syahidah, and Suhenriko, this research contributes by offering a cross-national comparative perspective and highlighting the role of state policy and socio-cultural transformation in shaping religious responses to hadith interpretation. Hence, the application of hadith should not be viewed solely through formal legal rulings but also by considering the interrelation between textual sources, *ijtihād*, and evolving social realities. All these analyses remain within the methodological framework of Ahlus Sunnah wal-Jamā‘ah, which emphasizes strict adherence to Qur'an and Sunnah while proportionally understanding context.

## 2. Hadith on Women Traveling without a Mahram: Textual Evidence

The prohibition of women traveling without a *mahram* is grounded in several authentic hadiths narrated by al-Bukhari, Muslim, and others.

### a. Hadith from Ibn ‘Abbās

Arabic Text:

لَا تُسَافِرُ الْمَرْأَةُ إِلَّا مَعَ ذِي حَرْمَةٍ

Transliteration:

*Lā tusāfir al-mar‘ah illā ma ‘a zī mahram*

<sup>56</sup> Muh Fatkul Mubin, Jannatul Husna, and Nurkholis Nurkholis, ‘Objektifitas Pemikiran Azami Tentang Sejarah Penulisan Hadis’, *Analisis: Jurnal Studi Keislaman*, 21.1 (2021), pp. 141–64, doi:10.24042/ajsk.v21i1.8152.

<sup>57</sup> Auda, ‘Maqasid Al - Shariah as Philosophy of Islamic Law: A Systems Approach : Anthropomorphic Depictions of God: The Concept of God in Judaic , Christian , and Islamic Traditions : Representing the Unrepresentable’, 2008, pp. 22–23; Achmad Musyahid and others, ‘Sejarah Kodifikasi Hukum Islam Dan Pengembangan Teori Hukum Modern’, 10.1 (2012), pp. 11–22.

Translation:

“A woman must not travel except with a *mahram*.” (Narrated by al-Bukhari, *Fath al-Bārī* IV/172; Muslim, no. 978; Ahmad I/222, 246)

b. Hadith from Ibn ‘Umar

Arabic Text:

لَا تَسِيرُ الْمَرْأَةُ مَسِيرَةً يَوْمَ وَلَيْلَةً إِلَّا مَعَ ذِي مَحْرَمٍ

Transliteration:

*Lā tasīr al-mar’ah masīrata yawmin wa laylah illā ma ‘a zī mahram*

Translation:

“A woman should not travel a day and a night except with a *mahram*.” (Narrated by Muslim, no. 1339).<sup>58</sup>

c. Hadith from Abū Hurayrah

Arabic Text:

لَا يَجْهُلُ لِامْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ أَنْ تُسَافِرْ مَسِيرَةً يَوْمٍ وَلَيْلَةً لَيْسَ مَعَهَا حُرْمَةٌ

Transliteration:

*Lā yaḥillu limra’atin tu’minu billāhi wa al-yawmi al-āakhir an tusāfira masīrata yawmin wa laylah laysa ma ‘ahā ḥurmah*

Translation:

“It is not permissible for a woman who believes in Allah and the Last Day to travel for a day and a night unless accompanied by a *mahram*.” (Narrated by al-Bukhari II/566; Muslim, p.487; Ahmad II/437, 445, 493, 506).<sup>59</sup>

### 3. Socio-Cultural Context of Saudi Arabia and Indonesia

Saudi Arabia's conservative socio-religious character is rooted in Wahhabi ideology and the Hanbali school, which traditionally impose strict gender segregation and mobility restrictions for women.<sup>60</sup> However, Vision 2030 introduced transformative reforms: allowing women to drive (2018), travel abroad without a guardian (2019), and

<sup>58</sup> Abu Zakaria Muhyiddin Al-Nawawi, *Syarah Shahih Muslim*, Cetakan ke (Darul Sunnah, 2014).

<sup>59</sup> Ibn Ḥajar Al-‘Asqalānī, *Fathul Bari: Syarah Shahih Al-Bukhari* (Pustaka Imam Asy-Syafii, 2010); Muhammad bin Ismail al-Bukhari, *Shahih Al-Bukhari*, Cetakan ke (Pustaka As-Sunnah); Al-Nawawi, *Syarah Shahih Muslim*; Abi Abdullah Al-Shiybaniy, *Musnad Al Imam Ahmad Ibn Hanbal* (Dar al Iḥyā’ al Turath al ‘Arabi, 1993).

<sup>60</sup> Yasin Elhadary and Hillo Abdelatti, ‘Gender Equality at Public Universities in Saudi Arabia: Achievements and Ambitions’, *Journal of Educational and Social Research*, 14.4 (2024), pp. 40–59, doi:10.36941/jesr-2024-0084.

perform Hajj and Umrah without a *mahram* if traveling in safe groups.<sup>61</sup> These changes represent an applied *ijtihād* (*tadbīr siyāsī*), preserving the hadith's original ruling while considering contemporary public interests (*maṣlahah*).

In contrast, Indonesia's pluralistic and democratic context embraces *Islam Wasatiyyah*, a moderate interpretation of Islam that promotes religious tolerance and gender-inclusive practice. Women are visible and active across public spheres—as professionals, leaders in civil society, and migrant workers—reflecting the culturally embedded moderation within Indonesian Islamic practice.<sup>62</sup> This is consistent with Berger & Luckmann's social constructivism theory, which asserts that religious interpretations are shaped by social and cultural structures.<sup>63</sup>

#### 4. Comparative Jurisprudential Analysis

Saudi Arabia's textualist approach is consistent with classical Hanbali scholars such as Ibn Bāz and al-‘Uthaymīn, who view the prohibition as universal, regardless of safety.<sup>64</sup> However, under Vision 2030, Saudi scholars began considering *maqāṣid al-sharī‘ah*—specifically, the protection of life (*hifz al-nafs*) and honor (*hifz al-‘ird*)—in legal reforms.<sup>65</sup>

Indonesia, influenced by the Shafi‘i school, historically adopts a contextualist perspective, allowing women to travel if safety is guaranteed. NU, Muhammadiyah, and MUI emphasize *maqāṣid* and public interest (*maṣlahah*) in their fatwas.<sup>66</sup>

#### 5. The Role of the State as a “Functional Mahram”

Classical fiqh places the *mahram* as a physical and moral guardian. However, in modern contexts, the state can function as a collective or institutional *mahram* by providing

<sup>61</sup> Nahdhiyatus Sholihah and others, ‘Transformation of the Roles of Saudi Arabian Women Post-Implementation of the “Saudi Vision 2030” in the Perspective of Modernism’, *Jurnal CMES*, 16.2 (2023), p. 201, doi:10.20961/cmes.16.2.69354; M Al-Rasheed, *The Son King: Reform and Repression in Saudi Arabia* (Oxford University Press, 2021).

<sup>62</sup> Dede Ishak and Ahmad Gibson Albustomi, ‘Embracing Diversity: The Role of Islamic Tolerance in Indonesia’s Multicultural Society’, *Jurnal Iman Dan Spiritualitas*, 5.1 (2025), pp. 69–82, doi:10.15575/jis.v5i1.43361; Badrah Uyuni and others, ‘Virtual Spaces of Islamic Preaching: Digital Majelis Taklim and the Changing Role of Women in Indonesia’, *Nature Anthropology*, 3.2 (2025), pp. 10005–10005, doi:10.70322/natanthropol.2025.10005; Istifarin and Rochmawati, ‘Hadis Safar Perempuan Dalam Perspektif Modern: Analisis Hermeneutika Double Movement’; Muhammad Alan Juhri, Abdillah Assegaf, and Darma Ami Fauzi, ‘Islam Wasatiyya in the View of Majelis Ulama Indonesia’, *MODERATIO: Jurnal Moderasi Beragama*, 3.1 (2023), p. 41, doi:10.32332/moderatio.v3i1.6538.

<sup>63</sup> Peter L Berger, Thomas Luckman, and Hasan Basari, *Tafsir Sosial Atas Kenyataan : Risalah Tentang Sosiologi Pengetahuan* (LP3ES, 2012).

<sup>64</sup> Ikhwani, ‘Hukum Safar Wanita Tanpa Mahram Menurut Pandangan Para Ulama’, *Ameena Journal*, 12.2 (2025), pp. 82–89.

<sup>65</sup> Adi Warsito and Serli Wulandari, ‘Konsep Pemerintahan Arab Saudi Dan Kebijakan Visi 2030’, *Tanjak: Jurnal Sejarah Dan Peradaban Islam*, 2.3 (2022), pp. 231–41, doi:10.19109/tanjak.v2i3.14024.

<sup>66</sup> Abd Aziz and Yuan Martina Dinata, ‘Pelacakan Hadis Bepergian Wanita Tanpa Mahram’, Al Amin: Jurnal Kajian Ilmu Dan Budaya Islam, 4.01 (2021), pp. 102–14; Mahmudah, ‘Fatwa Mui Nomor 7/Munas Vi/Mui/2000 Tentang Pengiriman Tenaga Kerja Wanita (Tkw) Ke Luar Negeri’.

legal and security mechanisms that fulfill the protective objective of the hadith (*safar al-mar'ah*), aligning with *maqāṣid al-sharī'ah* reasoning.<sup>67</sup> In Saudi Arabia, reforms such as the 2019 passport regulation and the 2021 Hajj policy reflect the state's assumption of protective roles previously held by individual guardians.<sup>68</sup>

In Indonesia, the absence of formal *mahram* regulations has long been compensated by state mechanisms, such as female-friendly public transportation, anti-violence laws, and women's protection agencies.<sup>69</sup> These structures ensure women's safety, fulfilling the hadith's protective purpose while maintaining its ethical essence.

## 6. Qur'anic Principle

The Qur'an strongly upholds the protection of honor and dignity, which underpins the hadith prohibition:

Arabic Text:

وَقُرْنَ فِي بُيُوتِكُنَّ وَلَا تَبَرَّجْ اجْنَاهِلَيَّةَ الْأُولَىٰ

Transliteration:

*Wa qarna fi buyūtikunna wa lā tabarrajna tabarruja al-jāhiliyyati al-ūlā*

Translation:

“And remain in your homes and do not display yourselves as in the times of pre-Islamic ignorance.” (Qur'an, Al-Ahzāb 33:33).<sup>70</sup>

This verse emphasizes modesty and caution for women, which aligns with the hadith's primary objective: protection, not restriction.

In light of the comparative findings, it is important to reaffirm that the classical ruling on the prohibition of women traveling without a *mahram* (*harām*) remains legally binding in Islamic law. This ruling is based on numerous *ṣahīh* hadiths with consistent themes of safeguarding women's dignity (*hifz al-'ird*) and physical well-being (*hifz al-nafs*). Although some contemporary scholars issue conditional allowances (*rukhaṣ*) based

<sup>67</sup> Nabila Silmy Amatillah, ‘Gendered Hadith-Jurisprudence and Travel Restrictions : A Critical Analysis of the Mahram Requirement for Women in Islam’, no. June 2025 (2025), pp. 49–68.

<sup>68</sup> Anas Al-Yusuf, ‘Saudi Women Can Obtain Passports Without Male Guardians’ Permission’, *Saudi Gazette*, 2019 <<https://saudigazette.com.sa/article/573746#:~:text=JEDDAH> – Saudi Gazette has, the permission of their guardians>; Himpuh News, ‘Saudi Tegaskan Kembali Perempuan Boleh Menunaikan Haji Tanpa Mahram’, *Himpuh.or.Id*, 2024 <<https://himpuh.or.id/blog/detail/1305/saudi-tegaskan-kembali-perempuan-boleh-menunaikan-haji-tanpa-mahram#:~:text=wanita,Hasan%2C Tsauri%2C Ahmad%2C dan Ishaq>>.

<sup>69</sup> Siaran Pers, ‘Menteri PPPA Dorong Sinergi Kementerian/Lembaga, Wujudkan Mudik Ramah Perempuan Dan Peduli Anak’, *Kemenppa.Go.Id*, 2025 <<https://kemenppa.go.id/index.php/page/view/NTc0NQ==#:~:text=Mudik Ramah Perempuan dan Peduli,rentan%2C yakni perempuan%2C anak%2C>>.

<sup>70</sup> Yayasan Penyelenggara Penerjemah Al-Qur'an and Lajnah Pentashih Mushaf, *Al-Qur'an Tajwid Dan Terjemahnya*, Kementerian Agama RI (Tiga Serangkai Pustaka Mandiri, 2016).

on public safety, technological advancement, and changing travel conditions, these do not constitute a normative shift in the legal ruling. Rather, such permissions fall under exceptions (*istithnā*) rooted in necessity (*darūrah*) or overriding benefit (*maslahah rājiḥah*), not a redefinition of the legal foundation. Therefore, the application of contextual *ijtihād* must be framed within the objective of protection, not permissiveness, preserving the spirit and structure of Sharī'ah. This reinforces that the default ruling remains prohibition, and contemporary allowances should be approached with legal caution and spiritual consciousness

## CONCLUSION

This study highlights the dynamic negotiation between text and context in the interpretation of the hadith on women's travel without a maḥram. While the classical textual ruling prohibits such travel to ensure the protection of women, the historical and legal realities in both Saudi Arabia and Indonesia demonstrate that this protection can be functionally fulfilled by modern mechanisms—particularly through the role of the state as a provider of safety, order, and regulation.

In Saudi Arabia, where the legal system traditionally enforced the maḥram requirement in a strict textual framework, recent reforms have shown a shift towards a more contextual application, aligning with broader goals of public safety and gender participation in society. Meanwhile, Indonesia has long applied a contextual and pluralist approach, emphasizing the role of the state in safeguarding its citizens, including women, without making maḥram accompaniment a rigid prerequisite.

The analysis confirms that the maḥram requirement, while deeply rooted in classical jurisprudence, serves as a means rather than an end. The essence of the hadith lies in the protection of women's dignity and safety, which can be achieved either through a personal guardian or through secure, lawful public systems. Thus, the state's ability to function as a *collective maḥram* reflects the relevance of Sharia's objectives in modern governance.

Ultimately, the study reaffirms that the presence of a maḥram remains the most ideal arrangement. However, when legitimate conditions are met—such as safety, moral integrity, and lawful purpose—travel without a maḥram is not a denial of the hadith's intent but a contextual realization of its protective aim. Muslim women, therefore, are urged to view such rulings not solely through the lens of social freedom but as part of their devotion and obedience to Allah and His Messenger (may peace be upon him).

## RESEARCH IMPLICATION

This study reinforces that religious texts—such as the hadith on mahram—cannot be divorced from the social, legal, and political contexts in which they are applied. The use of modern *ijtihād tathbīqī* to allow exceptions is not a form of legal abrogation, but a contextual response within the framework of *maqāṣid al-shari‘ah*. Muslim women are encouraged to prioritize obedience to Allah and His Messenger by adhering to Sharia guidelines in travel matters. The study also recommends that religious institutions in Indonesia promote fiqh education on women's travel to ensure that flexible interpretations do not exceed Sharia boundaries. Policymakers handling issues such as Hajj, Umrah, and overseas study should develop security-based legal frameworks that serve as a form of *collective mahram*, in line with Islamic values. For scholars, this research invites further inquiry into the contextualization of hadith across different Muslim societies while maintaining fidelity to sound sources and classical interpretations.

## LIMITATIONS

The study is limited to library-based analysis and lacks empirical fieldwork, such as interviews or surveys with affected communities, scholars, or policymakers. The scope is also geographically restricted to Saudi Arabia and Indonesia, and therefore does not capture wider variations across other Muslim-majority nations. Additionally, this study does not explore the digital dimension of women's mobility, nor does it conduct a sociological analysis of community-level implementation of the hadith. These limitations open avenues for broader and more integrative research.

## SUGGESTION

Future researchers are advised to expand comparative studies beyond Saudi Arabia and Indonesia by including countries with different jurisprudential and social contexts, such as Egypt, Malaysia, or Turkey. It is also recommended to incorporate empirical methods—such as field interviews or ethnographic observations—to gain a more comprehensive understanding of how the hadith on mahram is understood and practiced in diverse settings. Finally, greater attention should be paid to technological developments and their role in shaping modern interpretations of religious travel guidelines. Regardless of evolving realities, Muslim women should continue to prioritize *taqwā* and obedience to Allah's commands in their travel decisions.

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