

## Women on the Move: A Comparative Analysis of *Salaf* and Contemporary Ulama on Solo Female Travel in Islam

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DOI: <https://doi.org/10.61987/fiqh.v2i1.1324>

Received: 18 September 2025

Revised: 28 December 2025

Accepted: 20 February 2026

### Abstract:

This study aims to examine the views of *Salafi* and contemporary scholars on the law of women traveling without a *mahram* in the context of modern travel. The background of this research highlights the tension between classical interpretations that prohibit women from traveling without a *mahram* and the growing demand for female participation in the global public sphere. The research employs a qualitative approach, using library research and normative and comparative methods to analyse classical and contemporary fiqh texts. The main findings reveal that the differing views between *Salafi* and contemporary scholars regarding women's travel without a *mahram* stem from differences in identifying the *'illah* (legal cause) of the prohibition, with some scholars emphasizing physical protection, while others focus on social safety. While most *Salafi* scholars view the *mahram* as mandatory, contemporary scholars argue that modern security systems can replace the *mahram's* role. This study contributes by offering a moderate legal synthesis that integrates *maqashid al-Shariah* with contemporary social realities. It recommends a paradigm shift in understanding the role of *mahrams* and the collective security system in supporting women's mobility.

**Keywords:** *Safar, Mahram, Maqashid al-Shariah, Social Mobility*

### INTRODUCTION

Female mobility in contemporary society has transitioned from a peripheral occurrence to an essential component of global social dynamics. This research is vital for the broader community because restrictions on movement directly limit human potential and societal progress. The primary reason for this urgency is that modern infrastructure, ranging from globalised education to international labour markets, demands physical presence and cross-border participation. Evidence shows that women are no longer confined to the domestic sphere but are leading actors across sectors such as academia, healthcare, and diplomacy (Aggestam & Towns, 2019). Consequently, maintaining a rigid, antiquated view on travel without addressing these shifts creates a functional paralysis within Muslim communities. If Islamic jurisprudence (*fiqh*) does not offer a responsive framework, it risks becoming perceived as a barrier to empowerment rather than a source of guidance. Therefore, this study is essential to bridge the gap between traditional values and the non-negotiable reality of modern female participation in the public square, ensuring that faith and progress coexist harmoniously.

The fundamental problem facing the modern Muslim community is a profound state of ambiguity regarding the legal status of women traveling alone. This confusion stems from a clash between inherited religious interpretations and the practical

requirements of contemporary life. On the one hand, many individuals feel a deep spiritual obligation to adhere to classical rulings prohibiting travel without a *mahram* (male guardian), fearing that deviation compromises religious integrity. On the other hand, the refusal to adapt these rulings leads to social stagnation, as women are often forced to choose between their career aspirations and their religious identity (Bear & Offer, 2024). This creates a psychological and social tension that disrupts family dynamics and community cohesion. Without a clear, scholarly resolution, this problem manifests as a "legal dead-end," leaving millions of women in a state of constant doubt. Thus, the community faces a structural crisis in which traditional caution inadvertently facilitates modern exclusion, requiring a systematic re-evaluation of how religious safety is defined in a globalised world.

In the field, a significant shift in the "nature of travel" has rendered many classical safety concerns obsolete. Historically, travel was synonymous with immense physical danger, involving long desert treks and the threat of banditry, which justified the presence of a *mahram* for protection. However, the current reality presents a starkly different landscape defined by highly regulated transportation hubs, digital surveillance, and rapid communication (Pundir et al., 2022). Today, a woman travelling by international airlines and staying in secure urban centres often experiences a higher level of safety than a traveller on a short regional journey centuries ago. Despite these technological and systemic advancements, many local religious authorities continue to enforce restrictions based on literal distance or travel time, ignoring the enhanced security provided by modern state institutions. This phenomenon highlights a "contextual lag" in which religious rulings remain tethered to the physical conditions of the seventh century, while the actual environment has moved into the twenty-first, creating friction that complicates female autonomy in everyday social and professional life.

Previous scholarship on women's travel (*safar*) has generally split into two divergent camps, leaving a significant gap in integrated analysis. The first category of research relies heavily on classical compendia such as *Fath al-Bari and al-Majmu'*, which prioritize the literal interpretation of *hadiths* that restrict travel beyond three days without a *mahram* by Ibn Hajar al-Asqalani and An-Nawawi in (Alsouri & Youssef, 2024; Fathoni et al., 2025). These studies provide a robust textual foundation but often fail to account for the sociological evolution of the traveling environment. Conversely, contemporary scholars like Mahmud Syaltut and Yusuf al-Qaradawi have attempted to prioritize the "security of the route" over the "presence of a male," arguing that the ratio legis (*'illah*) of the prohibition was safety, not gender (Bommasani et al., 2021; Q. Li et al., 2020; Rahman & Sciara, 2022). While these contemporary works offer much-needed flexibility, they are frequently criticised by traditionalists for being "apologetic" or lacking the rigorous epistemological depth of classical methodology. This polarisation demonstrates that the current literature is fragmented, either too rigidly textual or too loosely contextual, without a comprehensive bridge.

The primary weakness of existing academic inquiries is the absence of a systematic, comparative study that deeply probes the epistemological roots of both *Salaf* and contemporary viewpoints. Most prior studies are descriptive-normative; they merely list opinions without analysing the underlying legal derivation methodologies (*istinbath al-hukm*) that yield these conflicting conclusions. Furthermore, there is a distinct lack of research that applies the framework of *Maqashid al-Shariah* (the higher objectives of *Sharia*) to mediate specifically between classical evidence and modern social necessity.

Existing research often overlooks the socio-cultural factors that influenced the original *hadith* narrations, treating them as timeless mandates rather than context-dependent protections (Cafaro, 2022; Ferdous, 2024). This research gap is critical to resolve because, without a critical comparative dialogue, the debate remains a series of monologues between generations. By failing to offer an integrated solution, previous research has left policymakers and the public without a definitive, scholarly middle ground that respects both the sanctity of the text and the welfare of the modern Muslim woman.

The novelty of this research lies in its specific approach, "Methodological Synthesis," which brings together the early *Salaf* and contemporary spectrums within a single, critical analytical frame. Unlike previous works that merely present a side-by-side comparison, this study meticulously traces how the ratio legis of travel laws has shifted from physical protection to moral preservation and social agency. It introduces a dynamic legal framework that treats Islamic law as an elastic system, capable of maintaining its core principles while adapting its secondary applications to the socio-cultural realities of the current era (Bianchi et al., 2020; Husain et al., 2024; Moldaliev et al., 2025). This study is strategically significant because it moves beyond the "prohibition vs. permission" binary to explore the "conditions of safety" as a modern legal standard. By utilizing an interdisciplinary lens that combines *Ushul Fiqh* with modern sociology, this research offers a state-of-the-art contribution to the development of "Social *Fiqh*." It provides a fresh perspective that views female mobility not as a religious risk to be mitigated, but as a social *maslahah* (benefit) to be facilitated and protected.

The central research problem addressed here is the fundamental disagreement between *Salaf* scholars and contemporary thinkers over the religious permissibility of women travelling alone. This study specifically seeks to answer: to what extent can a woman's journey without a *mahram* be religiously justified within the high-security context of the modern world? Furthermore, it examines the specific criteria and conditions that must be established to ensure that such travel aligns with both the letter and the spirit of Islamic law. Through rigorous comparative analysis and critical evaluation, the research aims to identify a "middle path" that honours the caution of classical *fiqh* while embracing the functional flexibility required by today's globalised society. Resolving this problem is vital for providing concrete guidance to religious institutions, state policymakers, and individual families who are currently navigating these complex waters. By defining the parameters of modern "safe travel," this research seeks to provide a definitive answer to a question that has long been a source of social friction and religious confusion in the Muslim world.

This research argues that the prohibition of women traveling without a *mahram* is a context-dependent ruling (*hukm ghairu ta'abbudi*) that must be re-evaluated through the lens of *Maqashid al-Shariah*. The core hypothesis is that, since the original purpose of the *mahram* was to ensure the traveler's physical safety, the existence of modern state security, organized transport, and digital connectivity serves as a functional equivalent to the traditional guardian. Consequently, when safety is guaranteed, the prohibition is lifted, as the law revolves around its underlying cause. This study contributes a new, more inclusive perspective on Islamic jurisprudence, arguing that legal rigidity in this matter actually contradicts the *Sharia* objective of protecting women's welfare and their right to pursue education and livelihood. By shifting the focus from "male accompaniment" to "systemic safety," this research facilitates a renewal of *fiqh* that remains faithful to the Prophet's mission of ease and protection. Ultimately, it offers a scientific solution that

empowers women to be active global citizens without sacrificing their commitment to Islamic values.

## RESEARCH METHODS

This study utilizes a qualitative approach specifically designed as library research. The rationale for selecting this approach is that the research focus rests on the analysis of texts and literature rather than field data or statistical figures. A qualitative approach provides ample space to explore the meanings, contexts, and arguments contained within scholarly opinions, both classical and contemporary (Cernasev & Axon, 2023; Granikov et al., 2020). Meanwhile, library research was chosen because the primary sources consist of books of *fiqh* (jurisprudence), scholarly works, and academic literature discussing Islamic law regarding women's travel.

Within this framework, the study combines normative and comparative approaches. The normative approach is used to examine Islamic legal texts, ranging from the Qur'an and *Hadith* to classical *fiqh* literature (Drobnič, 2024; Gatti & McAvoy, 2024; Moradipoor, 2025). Conversely, the comparative approach is employed to contrast the views of *Salaf* (early) scholars with those of contemporary scholars, thereby identifying similarities, differences, and the underlying argumentative backgrounds they utilize (Sadzali, 2014). Consequently, this research not only describes opinions but also tests their relevance in a modern social context.

Data collection techniques are conducted through documentation studies. All data are obtained by tracing relevant written sources. The primary sources of this research include classical *fiqh* texts such as *Fath al-Bari* by Ibn Hajar al-Asqalani, *al-Majmū'* and *Syarḥ Muslim* by Imam an-Nawawi, and the works of contemporary scholars such as Mahmud Syaltut and Yusuf al-Qaradawi. Meanwhile, secondary sources include scientific journals, modern books, and prior research on themes such as women's *safar*, *maqashid al-Shariah*, and social *fiqh*. The data are then classified into several categories, including the views of *Salaf* scholars, contemporary views, points of convergence and difference, and their socio-contextual relevance.

Furthermore, data analysis techniques are carried out in several stages. First, descriptive-analytical analysis is used to systematically describe the views of both *Salaf* and contemporary scholars, including the evidences (*dalil*) and arguments employed (Nazahah & Sahidin, 2021; Syaifuddin & Junaedi, 2025). Second, comparative analysis involves comparing these two groups of scholars to find points of intersection, divergence, and the underlying thought patterns. Third, a contextual analysis of *maqashid al-Shariah* links these views to modern social conditions, particularly regarding safety, mobility, and the welfare (*maslahah*) of women (Chiu et al., 2024; Lester et al., 2020). Finally, a legal synthesis is performed to formulate proportionate conclusions by blending the strength of classical evidence with contemporary social needs, resulting in a legal perspective that remains valid under *Sharia* (*syar'i*) while being socially relevant.

## RESULTS AND DISCUSSION

### Opinion of *Salaf* Scholars

Basically, *safar* of a woman without the accompaniment of a *mahram* is haram or not allowed. This is based on evidence showing that it is not permissible for a woman to wear *safar* without a *mahram* (Kristiane & Hidayatullah, 2024). Among them are:

"A woman should not travel as far as a 3-day journey, unless there is a *mahram* with her" (H.R al-Bukhari).

The *hadith*, as explained by Imam Nawawi in the book of Muslim Sharah, is understood by many scholars as a prohibition on women travelling in the *sunnah* or *mubah* without being accompanied by a *mahram*. As for compulsory travel, such as performing the *hajj*, the scholars have different opinions (Nazri et al., 2025). According to Imam Abu Hanifah and supported by the majority of *hadith* scholars, it is mandatory for women who want to perform *Hajj* to be accompanied by a *mahram* or her husband. However, according to Imam Malik, al-Auza'i, and as-Shafi'i, it is not obligatory. They require security only. Although no verse in the Qur'an explicitly mentions *safar* without a *mahram*, the mufassir interpret several verses related to maintaining the purity and safety of women as a postulate for the prohibition. For example, (QS Surah An-Nisa" [4]: 43) which mentions not to approach prayer in a state of drunkenness or hadas, interpreted as a symbol of caution in any condition, including *safar*. *Saheeh hadith* provides strong evidence that the prohibition on *safar* without a *mahram* is not solely about distance, but about security and social protection for women (Thimm, 2021).

The scholars differ in their determinations of the limits. The difference in views stems from the *hadith* they receive. Because there are several numbers of each *hadith* that say that it is forbidden for a woman to perform *safar* without a *mahram*, all of which are different in *pronunciation* and narration. The *first* opinion, considering that the minimum distance for a trip is called *safar*, is that it can be as far as 3 days and 3 nights of travel. The *second* opinion says that the minimum distance for a journey considered *safar* is 2 days' journey, which is 4 burud, equivalent to 16 farsakh (period), 48 miles, or 85 km. This opinion was expressed by Ibn Umar, Ibn Abbas, al-Hasan al-Bashri, and al-Zuhri. While the *third* opinion states that there is no limit to the distance of *safar*. This is returned to the *'urf* or habits of the community. This is Ibn Taymiyah's *illah*, as expressed in the *hadith* about the presence of *mahram* in the women's *safar*, that security is guaranteed (Abidin & Ghazali, 2025; Ilma, 2021).

**Table 1. Comparison of Madhhab (Salaf Scholars) Views on Women's Safar**

Comparative Aspects	Hanafi & Hanbali	Maliki & Shafi'i	Ibn Taymiyyah
Requirements for Mandatory Travel ( <i>Hajj</i> )	<b>Mandatory</b> to have a <i>Mahram</i> /Husband.	<b>Not mandatory</b> to have a <i>mahram</i> ; safety ( <i>Amn</i> ) or a trustworthy group of women ( <i>Niswah tsiqah</i> ) is sufficient.	Focuses on safety (the legal reason or <i>'illah</i> for the ruling is safety).
<i>Sunnah/Mubah</i> (Recommended/Permissible) Travel	Categorically prohibited without a <i>mahram</i> .	The majority prohibit it without a <i>mahram</i> , but there is leeway if conditions are very safe.	Depends on <i>'urf</i> (societal custom) and the level of security.
<i>Safar</i> Distance Limits	3 days journey (Hanafi) or 2 days/85 km (Hanbali).	2 days journey (approximately 85-89 km).	No specific kilometer limit; returned to the societal definition ( <i>'urf</i> ).

The data presented in Table 1 illustrate that, while there is a general consensus regarding the importance of a *mahram*, significant legal disagreements (ikhtilaf) existed even among the Salaf scholars, particularly regarding mandatory travel, such as the *Hajj* pilgrimage. A deep interpretation of this data reveals two primary currents of classical thought. The first is the Textual-Principled Approach, championed by the Hanafi and Hanbali schools, which views the prophetic prohibition as a fixed devotional requirement (*ta'abbudi*) that leaves no room for interpretation based on safety conditions; for them, the absence of a *mahram* equates to a lack of physical capability (*istitha'ah*) to perform the pilgrimage. The second is the Functional-Conditional Approach, adopted by the Maliki and Shafi'i schools, which is more flexible. They understand the primary objective of the *mahram* to be safety; therefore, if safety can be guaranteed by other factors such as a trustworthy group of women (*niswah tsiqah*) the obligation for *Hajj* remains valid despite the absence of a personal *mahram*. Furthermore, Ibn Taymiyyah's perspective, which anchors the definition of *safar* to communal custom (*'urf*), reinforces this functional trend, suggesting that the law is not rigidly bound by specific distances but rather by the societal perception of risk.

The difference in times is a major factor in the observance of the hadith prohibiting women from travelling without *mahram*, so whatever the scholars' opinions are, they are inevitable in seeking the truth. They have differing opinions; some agree absolutely with the *hadith*, and some accept it with several terms and conditions that are in accordance with the *sharia* of the Islamic religion and its *maslahah mursalah*. As a clear goal, being accompanied by women is trusted to provide a guarantee of trust to the *mahram* and their families (Abidin & Ghazali, 2025; Roodgar & Zahed, 2025; Sari, 2024).

وإنما حرم الشرع مسافرة المرأة وحدها لأن السفر مظنة الطمع فيها وانقطاع ناصرها والذاب عنها وبعدها منه ( شرح النووي على مسلم 24/5 )

In Islamic teachings, the *Shari'ah* prohibits women from travelling alone on long journeys without being accompanied by a *mahram*, i.e., a blood-related male relative who can be trusted, such as a father, brother, or son. This provision applies especially when women want to travel long distances, whether for worship, education, or other personal affairs, to unfamiliar, quiet, or prone-to-disturbance places. In scholarly terminology, *mahram* refers to a bond between individuals that can prevent marriage. *Mahram* occurs either through blood relations, infidelity or marriage. This is in accordance with the general agreement among scholars in the Islamic world, even though, in contexts where women must be accompanied by a *mahram*, the *mahram* must be permanent and meet other requirements. This means that not everyone who is bound by the criteria for a female *mahram* can immediately accompany the woman (Hamdani, 2021; Rahmi, 2023).

This ban is not without reason. Islam is very protective of women's safety and honor, because traveling alone can open up opportunities for disturbances, harassment, and even crimes. Even in an emergency situation, there is no trusted person who can immediately protect or help him, so the trip becomes full of risks. One lesson from the obligation to travel with a *mahram* is to maintain personal safety throughout the trip.

This rule is aimed at all Muslim women as a form of religious affection and protection, not to limit their movement. *Sharia* provides a solution by requiring women to travel with a *mahram* when traveling long distances, ensuring their safety and comfort. Thus, women can carry out their activities without fear or worry, because they are under

the protection set by the *sharia*.

According to the Hambali madhhab, it is also doubtful that a woman's journey must be accompanied by her *mahram* in any type of journey. However, the law is only binding in the past, which is very different from today (Al Etoum et al., 2024; Y. Li & Liu, 2021).

### Opinions of Contemporary Scholars

In establishing the law of women, scholars not only refer to the texts of the Qur'an and Hadith but also consider differences in socio-cultural conditions. The *ijtihad* of the scholars is certainly closely related to the colour or inclination of the manhaj they adhere to. In the realm of contemporary women's jurisprudence, some scholars tend to be very textual, strict, and very careful in establishing Islamic law. On the other hand, some choose a moderate approach, taking into account changing conditions and times. In the past, *safar* was a challenging journey. At times, a person has to travel long distances on camels, carrying large amounts of provisions, and face the risk of robbery due to the quiet streets and the lack of settlers. This condition serves as the background for implementing rules to ensure that women do not travel without a *mahram* companion to avoid potential dangers and risks. However, as times have evolved, travel conditions have undergone a significant transformation. Modern transportation technology, infrastructure improvements, and the existence of various security systems make the risk of travel today much less than in the past (Duggal et al., 2021; Pencarelli, 2020).

A different view comes from the opinions of contemporary scholars, as expressed by classical scholars regarding the existence of *mahram* for women who perform *safar*. According to the Hanafiyah madhhab, a woman's *mahram* is a mandatory requirement for Hajj (Thimm, 2021). With advances in transportation, travel is becoming easier and safer. This ease and safety in traveling does not violate the travel law for women (Porter et al., 2025).

In the modern era, some contemporary scholars, such as Yusuf Al-Qardawi, have given a more flexible view. In the context of advances in transportation and security technology, he argues that *safar* without a *mahram* can be permissible if the conditions are safe and travel is important such as education or work (Kristiane & Hidayatullah, 2024).

ولها ايضا ان تخرج له وحدها إذا تيقنت الأمن على نفسها هذا كله في الفرض ولو نذرا أو قضاء على الأوجه اما النفل فليس لها الخروج له مع نسوة وان كثرت حتى يحرم على المكينة التطوع بالعمرة من التنعيم مع النساء خلافا لمن نازع فيه. ( حواشى الشرواني )

In Islam, women can leave the house or travel alone as long as they feel safe and confident that there is no threat around them. This is especially true when women want to fulfill religious obligations, such as taking vows or making up delayed worship (*qadha*). Because this worship is mandatory, the *sharia* provides leeway to continue it even without a companion.

However, it is different if the trip is to carry out worship that is not mandatory or *sunnah*. In this case, women are not allowed to travel alone, even in a group of other women. For example, performing *sunnah Umrh* from *Tan'im* to the Grand Mosque only with fellow women is still considered not in accordance with *sharia*. This rule is aimed at all Muslim women as a form of protection, not a restriction. This is because non-urgent trips are still risky without an escort, especially in situations that could cause disturbances.

Then how does Islam regulate it? Islam emphasizes the importance of prudence. For *sunnah* worship, it is recommended that women be accompanied by a *mahram* or a

person who can guard and protect them during the journey. This is not just a rigid rule, but a form of Islamic affection in maintaining the safety and honor of women. Even so, some scholars have different views. They see that the conditions of the times that are safer and more secure, mean transportation can be a reason to give leeway. However, a more cautious opinion still prioritizes safety over merely carrying out *sunnah* worship.

Nowadays, the situation and conditions have changed greatly. Safety and comfort for travelers are becoming commodities and the main concerns of many transportation agencies. Especially with the number of transportation agents, both land and air, these factors are the main concern. Namely, safety and comfort will be superior factors in addition to speed and punctuality. Thus, a woman who goes alone without a *mahram* or husband for school purposes or resides in a dormitory with other women for the purpose of study, or travels by plane for the purpose of *Hajj*, *Umrah* or to meet her husband in another place, as long as she goes using a reliable means of transportation and a trusted agent who always prioritizes the rules of general rules and religion, then he will get adequate security (Baykal, 2023; Darmawan & Izzati, 2024).

There are differences of opinion among scholars regarding *the prohibition* of women from performing *safar* without a *mahram*. Some scholars argue that *the prohibition of 'illah* is *safar* without the *mahram* itself. So that it has consequences for the haram of *safar* for women without *mahram*, both in the condition of obligatory *safar*, *sunnah* and *mubah*. Meanwhile, some others argue that *'illah* prohibiting *safar* for women without a *mahram* is a security to perform *safar*. This has consequences for the permissibility of *safar* both in the condition of obligatory *safar*, *sunnah*, or *mubah*. As for *safar* intended for *haraman*, it is clear that the law is *haram* whether accompanied by *mahram* or not. From this it can be said that Islam is a universal religion. In it, there are rules that can change, are in harmony, and are relevant to the changing times. It is a blessing for Muslims, aiming to provide benefits in both this world and the hereafter (Sulaiman, 2021).

### Analytical Comparison: *Salaf* and Contemporary Perspectives in Women's *Safar* Law

The fundamental difference between *Salaf* and Contemporary scholars lies in the methodology of legal excavation (*istinbat al-ahkam*) in viewing the *'illah* (cause of law) from the prohibition of *safar* of women without a *mahram*. The majority of *Salaf* scholars, especially from the Hanafiyah and Hanabilah, tend to use a textual-normative approach that views the existence of *mahram* as an absolute condition (*syarth* is customary) which is *ta'abbudi* (irreversible worship). They adhere to the literal meaning of hadiths such as "*La tusafir al-mar'atu...*" without distinguishing the trip's safety conditions. In contrast, contemporary scholars such as Yusuf al-Qaradawi, as well as the decisions of some modern fatwa institutions, have shifted toward a contextual-functional approach. They argue that the existence of a *mahram* is not the main goal (*maqasid*), but a *wasilah* (means) to achieve *hifdzun nafs* (protection of the soul). In this view, if the protection is provided by the modern security system, the original law prohibiting it can shift to *mubah* (Ilma, 2021). This methodological comparison is summarized in Table 2 below.

Table 2. Comparison of the Methodology of Women's *Safar* Law: *Salaf* vs. Contemporary

Methodology Dimensions	Perspective of <i>Salaf</i> Scholars	Perspectives of Contemporary Scholars
Focus of Interpretation	Textual ( <i>Lafdzi</i> ): Literal adherence to the text of the <i>hadith</i> .	Contextual ( <i>Maqasidi</i> ): Purpose of the law (protection of life and honor).

<b>Definition of 'illah (Legal Reason)</b>	The journey itself ( <i>as-safar</i> ), which is inherently considered risky.	Concerns regarding <i>fitnah</i> (temptation/harm) and safety ( <i>khauf al-fitnah wa al-amn</i> ).
<b>Status of Mahram</b>	A formal/personal requirement is attached to the individual.	A functional security instrument (can be replaced by a system).
<b>Reality Condition</b>	<b>Static:</b> Equates the risk of all journeys.	<b>Dynamic:</b> Responsive to changes in infrastructure and technology.

More profoundly, the evolution of this thinking is influenced by changes in sociological reality and transportation infrastructure. *Salafi* scholars formulated the law at a time when road travel across the desert was fraught with the risk of robbery and physical isolation, so that the *mahram* became the only bulwark of defense for women. However, contemporary scholars have re-interpreted the concept of 'divinity. If earlier scholars considered his 'illah to be a "journey" itself (*as-safar*), then contemporary scholars see his 'illah as "a concern for fitnah and salvation" (*khauf al-fitnah wa al-amn*). This analysis is supported by the opinions of Imam Shafi'i and Malik regarding *Hajj*, which hold that women may travel with *niswah tsiqah* (a group of trusted women). This leniency was developed by modern Islamic jurisprudence to cover educational and work-related travel, provided that transportation facilities such as aeroplanes and strict check-in systems guarantee security equal to, or even better than, that provided by an escort by a single *mahram* (Al Ameri, 2024). The logical flow of the shift in *ijtihad* from the classical to the modern era is comprehensively illustrated in Figure 1 below.

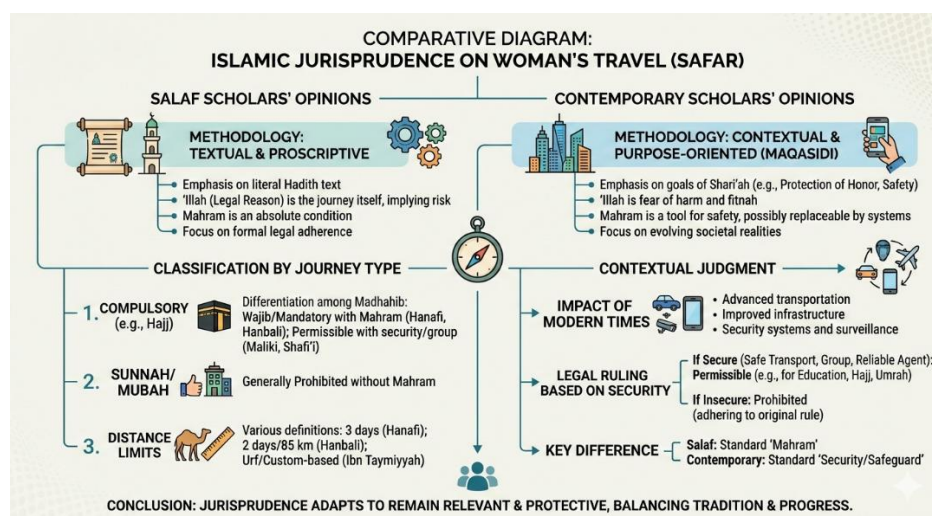


Figure 1. Comparative Logic Flow of Women's *Safar* Law: Traditional (*Salaf*) vs. Modern (Contemporary)

interpretation of Figure 1 reveals a systematic evolution of Islamic legal reasoning (*ijtihad*), illustrating how a fundamental change in traveling conditions necessitates the shift from traditional to contemporary perspectives. At its core, the diagram highlights a methodological transition from a textual-proscriptive approach that views the presence of a mahram as a static, absolute legal condition (*ta'abbudi*) to a contextual-maqasidi approach that prioritises the law's underlying objective: the preservation of a woman's safety and honour. By contrasting the high-risk, slow-paced travel of the past (symbolized by the camel) with the low-risk, monitored environments of modern transportation (represented by airplanes and digital security), the visual analysis demonstrates that contemporary scholars have not discarded the Prophetic traditions, but have rather re-identified the 'illah (legal cause). They argue that the prohibition was historically

contingent upon the insecurity of the journey; thus, when systemic security, such as reliable travel agencies, surveillance, and group safety, replaces the functional role of the *mahram*, the legal ruling adapts accordingly. Ultimately, Figure 1 synthesizes these views by showing that while the specific applications differ across eras, the fundamental intent of the *Shari'ah* remains a constant effort to balance textual adherence with the dynamic pursuit of human welfare (*maslahah*).

Finally, the synthesis of these two views shows that Islam is a dynamic religion and pays attention to the *maslahah mursalah*. Despite the dichotomy between strict (*ihtiyat*) and moderate (*taysir*) opinions, both agreed on the principle of protecting women's dignity. The shift from the standard of "personal *mahram*" to "systemic security" reflects Islamic jurisprudence's ability to respond to the challenges of the times without abandoning the essence of *sharia*. Contemporary scholars do not invalidate the Prophet's *hadith*; rather, they place the *hadith* in its sociological context, so that Islamic law remains relevant as a blessing for the universe. Thus, the ability of *safar* without *mahram* in the modern era is not a form of religious liberalization, but the application of the rules of *fiqh* that the law revolves with his *'illah*; if the worry disappears and security is guaranteed, then the prohibition is lifted (Amin et al., 2024).

The results of the study show that there is a difference of opinion between *Salafi* (classical) scholars and contemporary scholars: the ability of women to travel alone in conditions safe from *fitnah* has been based on the opinion of some *Salafi* scholars, especially those from the *Maliki* School. One of the scholars who held this view was Imam al-Baji in his work *al-Muntaqa*, who allowed women to travel without a *mahram* if there was no fear of *fitnah* on the trip and if she was in a safe group (Hamdani, 2021). This opinion shows that the law is lenient, taking into account the security context and social situation.

However, in searches of other schools such as *Hanafi*, *Shafi'i*, and *Hanbali*, there is no opinion that explicitly allows this in a similar situation for *sunnah* or *mubah* travel. The majority of scholars from these schools still require a *mahram* to accompany women who want to travel, especially if the journey exceeds the *masafah al-qasr* (distance of *safar*), based on the general prohibition in the *hadith*. On the grounds of maintaining honor and preventing *fitnah*, the *Hanafi* school is particularly strict regarding the three-day journey (Baykal, 2023).

Thus, it can be concluded that although in general the majority of classical scholars tend to require the existence of a *mahram*, there are exceptions in the views of certain scholars, such as Imam al-Baji, who open up the space for *ijtihad* to consider security aspects and the social context in determining the law of the ability of women without a *mahram* (Amatillah, 2025).

قال الباجي وجهه ما ثبت للربائب من العداوة وقلة المراعاة والإشفاق والحرص على طيب الذكر، قال : وهذا في حال الانفراد والعدد اليسير . أما القوافل العظيمة والطرق العامرة المأمونة فهي مثل البلاد والأمن يحصل لها دون نساء وذوي محرم وروي ذلك عن الأوزاعي انتهى . ولم يذكر الجمهور هذا القيد عملاً بإطلاق الحديث وهو الراجح . ( شرح الزرقاني على موطا الامام مالك ص 434 ج 2 )

This study found that Imam al-Baji, a great scholar of the *Maliki* school, held a fairly progressive view of women's ability to travel without a *mahram* under certain conditions. Initially, he explained the rules that apply to stepchildren or those in vulnerable positions, who are often in risky situations due to hostility, a lack of supervision, and a lack of affection and protection from the men around them (Mashile et al., 2022). Under such conditions, the law on traveling alone became stricter to protect women from potential danger.

However, Imam al-Baji's views did not stop there. He emphasised that the provision applies only if women travel alone or in small groups that are vulnerable to harassment. If the situation is different, namely women travel in large groups (caravans), through crowded, inhabited, and safe streets, then the law changes. In such conditions, as stated by Imam al-Baji in his commentary *al-Muntaqa*, the conditions of the trip are considered equivalent to living in a safe country (*ka al-iqamah fi al-bilad al-aminah*), so that women are allowed to travel without being accompanied by other women or *mahrms*, as long as safety can be guaranteed (Al Etoum et al., 2024)

This view confirms that the presence of a *mahram* is not an absolute requirement (*syarth ta'abbudi*) but depends on the situation and the level of security available (*syarth wasili*). Imam al-Baji's approach reflects the flexibility of Islamic law in responding to changing times and social conditions, providing a classical precedent for contemporary rulings on modern travel safety (Ahmad & Zulkiffle, 2023; Husain et al., 2024).

قال : والمتعقب على الباجي يرى جواز سفر المرأة وحدها في الأمن وسيرها في جملة القافلة ( مرعاة المفاتيح شرح مشكاة المصابيح ( 8 / 337 )

This study also found that Imam al-Baji's views do not stand alone. Several scholars after him followed his view, allowing women to travel alone as long as it is safe. An important note is that security here is not only personal but also influenced by the context of a trip with several caravans or groups (Rosas-Lopez et al., 2023). In other words, even though a *mahram* does not accompany a woman, her travel in a crowded, organized, and safe environment is still considered legal and permissible.

This view holds that the safety aspect takes precedence over the need for a *mahram*, provided the woman is not in a dangerous condition. This approach provides ample space for *ijtihad* in addressing the needs of modern times, where women are freer and safer when traveling. This difference can be due to the interpretation of the '*illah* (legal reason) behind the prohibition, where scholars weigh the specific safety of the route against the general command of the *mahram* (Nazri et al., 2025). These *hadiths*, which specify various durations (one, two, or three days), were narrated by companions such as Abu Sa'id al-Khudri, Abu Hurairah, Ibn Abbas, and Ibn Umar is reported to have issued these warnings as a protective measure (*sadd al-dzari'ah*) to ensure the sanctity and safety of women during the perilous journeys of that era (Hafis et al., 2024). The Prophet (peace and blessings of Allaah be upon him) said:

لا يحل لامرأة تؤمن بالله واليوم الآخر أن تسافر الا مع ذي محرم

"A woman who believes in Allah swt, and the Last Day is not allowed to travel except with her *mahram*."

There are many editorial differences among *hadiths* regarding women's *safar* (journey), with varying descriptions of the time or distance involved, as discussed earlier. According to al-Qaradhawi's view, this is due to the variety of questions asked of the Prophet (saw) and to variations in the context of those questions. Therefore, the answers given also vary depending on the context and the object of the question. However, some of these *hadiths* do not explicitly specify the type of *safar* that is forbidden for women to undertake alone. Therefore, this includes all types of *safar*, both obligatory and *sunnah* (Collins et al., 2021).

According to the Wahbah Zuhaly group, *mahram* can be replaced with a group of women or men like the KBHI Institution applied in Indonesia. This group also argues that women who are in the period of *iddah talaq* are valid for their *haji* but are considered sin. According to Malikiyah, the requirements for women are enough with only one woman as a friend who is trusted by her morals and religion, or a man who is good in religion. While Shafi'iyah does not justify having only one woman as a friend, it must be with several people who are good in religion. This, between Malikiyah and Shafi'iyah scholars, is a difference of opinion regarding the replacement of *mahram*. Shafi'i does not allow substituting a *mahram* for a woman with only one woman, but Malikiyah allows it (Hasyim, 2024).

## CONCLUSION

This research has succeeded in revealing that the difference in views between *Salaf* and contemporary scholars regarding the law of *safar* for women without a *mahram* is actually rooted in differences in the identification of *'illah* (the cause of the law). The most important finding is that the prohibition is not *ta'abbudi* (absolute ritual) but *mu'allal* (based on a logical reason), which focuses on protecting women's honour. The lesson to be learned is that Islam is a universal religion that prioritizes benefits over textual rigidity. When modern means of transportation and public security systems have provided security guarantees equal to, or even exceeding, those of *mahrams* in the past, the law is elastic and adaptive. An important lesson for society is the need to shift from individual physical surveillance (*mahram*) to a collective security system that enables women to participate in public spaces safely and with dignity.

The main strength of this research lies in its scholarly contribution to bridging the epistemological gap between classical fiqh literature, such as the thought of Imam al-Baji from the Maliki school, and the contemporary discourse of Yusuf al-Qaradawi. By situating this issue within the framework of *Maqashid al-Shariah*, this paper offers a moderate legal synthesis that neither ignores the hadith's postulates nor the reality of women's mobility in the global era. However, this study has limitations: it focuses solely on textual sources (library research) and does not include empirical data on women's perceptions of security in the field. Therefore, future research needs to adopt a more in-depth approach to the sociology of law, such as case studies on travel policies for women in various Muslim countries or on the effectiveness of modern legal protection systems as a substitute for the protective function of the *mahram* within the nation-state.

## ACKNOWLEDGMENT

I would like to express my deepest gratitude to my supervisors and peers for their invaluable guidance throughout this research. Special thanks to the scholars whose diverse perspectives on *safar* provided the foundation for this comparative analysis. Finally, I am grateful to my family for their unwavering support and encouragement in completing this study.

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