
**Maslahah Mursalah: Analysis of the Legitimacy of a Woman Traveling
Without a Mahram in the Contemporary Era**

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Abstract

The modern demand for women to migrate for various reasons without a mahram, combined with the need for research on this issue, makes it necessary to examine. Consider that there is a hadith explaining the rule that women must travel with their mahram. This study will analyze *maṣlaḥah mursalah* regarding women's ability to migrate without a mahram, using literature review methods and the basic theory of *maṣlaḥah mursalah* researched from several books and journals. The research concluded that, in the context of *maṣlaḥah mursalah*, permitting women to migrate without a mahram is more beneficial because of certain positive impacts and potential negative impacts, along with other security measures besides the mahram that can ensure women's safety.

Keywords: Woman to migrate; Without a mahram; *Maslahah mursalah*

Abstrak

Tuntutan perempuan untuk merantau di era kontemporer dengan berbagai alasan tanpa didampingi mahram membuat perlu adanya kajian tentang kebolehan hal tersebut. Karena menimbang terdapat hadis yang menjelaskan aturan bahwa perempuan harus melakukan perjalanan bersama mahramnya. Sehingga kajian ini akan mendeskripsikan tentang analisis *maṣlaḥah mursalah* tentang kebolehan perempuan merantau tanpa mahram menggunakan metode penelitian kajian pustaka dengan teori dasar *maṣlaḥah mursalah* yang diteliti

dari beberapa kitab, buku dan jurnal. Penelitian ini mendapatkan kesimpulan bahwa secara kajian *maṣlaḥah mursalah*, perempuan merantau tanpa mahram diperbolehkan. Sebab lebih maslahat berdasarkan pertimbangan dampak positif yang pasti didapat dan dampak negatif yang hanya bersifat potensial di samping adanya pengamanan selain mahram yang dapat menjaga keamanan perempuan.

Kata Kunci: perempuan merantau, tanpa mahram, *maṣlaḥah mursalah*

Introduction

Islam is a religion that upholds the honor and dignity of women. Every aspect of sharia related to women is intended to provide respect and justice to women whose rights have been ignored. During the pre-Islamic era, women's rights were not only neglected but also diminished. In fact, women's roles in life were seen only as complements to men, who contributed nothing on their own. It is no surprise that, in that era, many baby girls were buried alive because it was considered a disgrace. Women were only allowed to support male family members and were denied opportunities for education, careers, and other rights, as societal expectations confined them to depend solely on men.

Additionally, women do not have the right to property or even to control their own desires. Before marriage, women are controlled by their fathers; after marriage, control is handed over to their husbands. Women have no legal right to property because, according to the beliefs of pre-Islamic people, property is a right that must be granted to men. This belief not only makes women feel shackled and deprived of their freedom but also subjects them to persecution and oppression. However, with the arrival of the Islamic teachings through the Prophet (saw), efforts to fight for justice for women began. Women started to gain their right to inheritance, had the right to choose their life partners, and also gained rights to swear and testify, among other rights that placed women in an equal and honorable position with men.

When Islam arrived, women were also honored as revered figures. This is evident from how the Prophet mentioned the status of mothers being three levels above fathers when asked by friends about who deserves the most respect and admiration. As HR. Ahmad No. 8344:

حَدَّثَنَا هَاشِمٌ، حَدَّثَنَا مُحَمَّدٌ، عَنْ عَبْدِ اللَّهِ بْنِ شُبْرَمَةَ، عَنْ أَبِي زُرْعَةَ بْنِ عَمْرٍو، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَجُلٌ: يَا رَسُولَ اللَّهِ، أَيُّ النَّاسِ أَحَقُّ مِنِّي بِحُسْنِ الصُّحْبَةِ؟ قَالَ: أُمُّكَ قَالَ: ثُمَّ مَنْ؟ قَالَ: ثُمَّ أُمُّكَ قَالَ: ثُمَّ مَنْ؟ قَالَ: ثُمَّ مَنْ؟ قَالَ: ثُمَّ أَبُوكَ

“Hasyim narrated to us, Muhammad narrated to us, from Abdullah bin Syubrumah, from Abu Zur'ah bin 'Amr, from Abu Hurairah, who said,

someone asked the Messenger of Allah, “O Messenger of Allah, who is the person most deserving of my good treatment?” The Messenger of Allah said, ‘Your mother.’ The man asked again, ‘Then who?’ The Messenger of Allah replied, ‘Your mother.’ The man asked again, ‘Then who?’ The Messenger of Allah replied, ‘Your mother.’ The man asked again, ‘Then who?’ The Messenger of Allah said, ‘Then your father.’¹”

In addition, the Prophet also hinted at the glory of women through his words stating that the best man is the best to his wife. As HR. Ibn Majjah No. 1977:

حَدَّثَنَا أَبُو بَكْرِ بْنُ خَلْفٍ وَمُحَمَّدُ بْنُ يَحْيَى، قَالَا: حَدَّثَنَا أَبُو عَاصِمٍ، عَنْ جَعْفَرِ بْنِ يَحْيَى بْنِ ثَوْبَانَ، عَنْ عَمِّهِ عُمَارَةَ بْنِ ثَوْبَانَ، عَنْ عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: خَيْرُكُمْ خَيْرُكُمْ لِأَهْلِهِ، وَأَنَا خَيْرُكُمْ لِأَهْلِي

“Abu Bisyr Bakr bin Kholaf and Muhammad bin Yahya narrated to us, both of whom said, Abu 'Ashim told us from Ibn Abbas, from the Prophet (peace be upon him), he said, 'The best man among you is the best to his family (his wife), while I am the best to my wife’²”.

These are just a few examples of the Islamic spirit in honoring and respecting women, sending a message to men to treat them well. In addition, Islam not only gives orders to honor and respect women. It also provides several rules aimed at maintaining the honor and glory of women. One of these rules is to order women to travel long distances accompanied by a mahram. As HR. S. S. 4615:

حَدَّثَنَا يَحْيَى، عَنْ عُبَيْدِ اللَّهِ، حَدَّثَنِي نَافِعٌ، عَنْ ابْنِ عُمَرَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: " لَا تُسَافِرِ الْمَرْأَةُ ثَلَاثًا إِلَّا، وَمَعَهَا ذُو مَحْرَمٍ

“Yahya narrated to us, from Ubaidillah, telah menceritakan kepada kami Nafi’ dari Ibn Umar, dari Nabi saw, ‘narrated to us Nafi’ from Ibn Umar, from the Prophet (peace be upon him), 'A woman should not travel for 3 days without being accompanied by her mahram’³.”

The prohibition of women from traveling without a mahram is inseparable from the historical and social conditions of the community during the time of the Prophet (saw). This hadith is considered very relevant to the conditions in the time of the Prophet who did not allow women to travel

¹ Ahmad Ibn Hambal, “Musnad Al-Imam Ahmad Bin Hanbal” (Muassisah al-Risalah, 2001).

² Ibn Majjah, “Sunan Ibn Majjah” (Dar Ihya’ al-Kutub al-’Arabiyyah, 2009), 636.

³ Ibn Hambal, “Musnad Al-Imam Ahmad Bin Hanbal.”

without a mahram. How could it not, in the time of the Prophet, the means of transportation used were still in the form of camels without any security such as road CCTV and others that could monitor security on the road, so that the appearance of this hadith is considered a preventive step from the Prophet who is worried about women if they have to travel long distances alone⁴.

This perspective, which links the rule that women traveling long distances must be accompanied by their mahram to the socio-cultural conditions of the Prophet's time, suggests that this rule might only be temporary. The implication is that such a rule is no longer relevant to modern life.

Because in the contemporary era, technology is developing. The development and advancement of technology make every activity easy, and give birth to a positive impact with the emergence of various innovations to carry out human activities⁵. Among them is the introduction of CCTV that can monitor human movements and location features on gadgets to detect the whereabouts of gadget owners. This kind of technology can be used as one of the monitoring tools to maintain women's safety.

Moreover, in the contemporary era, women already have more space to be able to develop their potential. Starting from education to career⁶. This is none other than the emergence of the awareness that women are the first teachers for their children. So that women must also have broader insight and thinking by being highly educated and socializing with many people in order to produce better generations⁷.

Because of this, many women decide to migrate even without a mahram for various reasons. Whether it's for studying, working or others, therefore, considering the many needs of women to travel long distances and the security of the contemporary era that is increasingly guaranteed, in this study, the author will analyze the ability of women to migrate without mahram through the analysis of *maṣlaḥah mursalah*.

Especially in understanding Sharia texts, it is actually inseparable from 2 elements, namely the element of *ta'abbudi* and the element of *ta'aqquli*. The element of *ta'abbudi* requires Muslims to take actions without tapi. However,

⁴ Ghuftron Hamzah, "Reinterpretasi Hadis Larangan Perempuan Berpergian Tanpa Mahram Dan Larangan Melukis (Pendekatan Sosio-Historis Dan Antropologis)," *JASNA : Journal For Aswaja Studies* 1, no. 1 (2021): 25–36, <https://doi.org/10.34001/jasna.v1i1.944>.

⁵ Muh David Balya Al, "Kemajuan Teknologi Dan Pola Hidup Manusia Dalam Perspektif Sosial Budaya," *TUTURAN: Jurnal Ilmu Komunikasi, Sosial Dan Humaniora* 1, no. 3 (2023): 26–53, <https://doi.org/10.47861/tuturan.v1i3.272>.

⁶ W Elvian and D Irawan, "Pentingnya Pendidikan Tinggi Bagi Perempuan Dalam Islam," *Social, Educational, Learning and Language ...*, no. April (2023): 67–80.

⁷ Nur Asiyah and Sulaiman Ibrahim, "Pendidikan Dan Gender Dalam Perspektif Islam," *Jurnal Ilmiah AL-Jauhari: Jurnal Studi Islam Dan Interdisipliner* 6, no. 1 (2021): 50–65, <https://doi.org/10.30603/jiaj.v6i1.1953>.

in addition, there is an element *of ta'aqquli* that can contextualize Sharia texts so that Islamic law becomes more responsive to the times⁸. This includes the prohibition of traveling alone during the time of the Prophet and the demand to travel alone in the contemporary era.

Previously, research had been carried out on the reactualization of the concept of mahram in the hadith about women's journey from the perspective of maqāṣid al-shariah, with the conclusion that the inclusion of mahram for women who travel long distances is a testament so that women are safe and protected. So that the obligation of mahram is contextual in nature that can be replaced with anything that can protect and protect women⁹.

Other research has also explained the reinterpretation of the hadith prohibiting women from traveling without a mahram with the finding that the hadith against the prohibition exists to maintain women's safety. Meanwhile, if the security has been obtained, then it is okay for women to travel without a mahram¹⁰.

Meanwhile, the author will conduct a follow-up study by focusing on the ability of women to migrate through the analysis of maṣlaḥah mursalah. This study is important to analyze the benefits that arise when women migrate so that it is allowed. Because the essence of Islamic teachings is to attract benefits that are in line with Islamic teachings for humans.

In this study, the author will use a qualitative research method with a normative type of research that will be analyzed through *library research*. The research is carried out by reading, collecting, calibrating and analyzing data obtained from several sources. Among them come from books, books and journals that describe the reality of women's lives in the contemporary era in addition to describing how the law of women migrating in the contemporary era is allowed through the main approach, namely the analysis of *the theory of maṣlaḥah mursalah*.

Theory of Maṣlaḥah Mursalah

Islamic Sharia was formed to create benefits for humans. Whether in the form of benefits, avoiding harm or eliminating damage. So that every law formed in Islam certainly contains the value of benefits created from these

⁸ Abd Basir and Fitriyani Fitriyani, "Hukum Islam: Dialektika Konsep Ta'abbudi Dan Ta'aqquli," *Jurnal Ilmiah AL-Jauhari: Jurnal Studi Islam Dan Interdisipliner* 7, no. 1 (2022): 27–38, <https://doi.org/10.30603/jiaj.v7i1.2546>.

⁹ Holilur Rohman, "Reaktualisasi Konsep Mahram Dalam Hadis Tentang Perjalanan Wanita Perspektif Maqasid Al-Shariah," *AL-HUKAMA The Indonesian Journal of Islamic Family Law* 08 (2018).

¹⁰ Hamzah, "Reinterpretasi Hadis Larangan Perempuan Bepergian Tanpa Mahram Dan Larangan Melukis (Pendekatan Sosio-Historis Dan Antropologis)."

several things¹¹.

Maṣlahah or in Indonesian referred to as *maslahat*, comes from the Arabic مَصْلَح which means good, beneficial. Meanwhile, in terms of *maṣlahah* or *maslahat* is an effort to get benefits and avoid *mudharat* as expressed by Imam Ghazali¹².

However, not everything that humans consider good in a matter is considered as the benefit desired by the *shari'a*. Because the *maslahat* referred to here is a good *maslahat* according to reason and in line with the purpose of *shari'a* in establishing a law known as *maqāṣid al-Shari'ah* which includes *ḥifz al-dīn* (safeguarding religion), *ḥifz al-naḥs* (safeguarding the soul), *ḥifz al-'aql* (safeguarding reason), *ḥifz al-nasl* (safeguarding offspring) and *ḥifz al-māl* (safeguarding property).¹³.

So, in terms of the relevance of the benefits to the law, the benefits are divided into 3 types. Namely *maṣlahah mu'tabarah* (the benefits that are taken into account by the *shari'a*, either directly or indirectly), *maṣlahah mulghah* (the benefits that are not taken into account by the *shari'a*) and *the maṣlahah mursalah* (the benefits that do not have any information from the *shari'a*, both those that take into account and those that ignore).¹⁴.

Based on this classification, it can be seen that sometimes a benefit is clearly considered in the Islamic law. For example, the prohibition of drinking *khamr* as stated in the Qur'an. Al-Maidah [5]: 90. This *haram* arises because it considers the intoxicating elements contained in *khamr* that can damage the intellect. So that drinking *khamr* is categorized as *haram* for the sake of maintaining the benefit of human reason. This kind of *maslahat* is called *maṣlahah mu'tabarah*¹⁵.

Sometimes a *maslahat* is expressly ignored by the *shari'a*. As done by a Spanish jurisprudence expert who stipulated the law for dignitaries who have sexual intercourse during the day in the month of Ramadan with the punishment of fasting for 2 months in a row because it is considered to have a more deterrent effect. However, this is not in accordance with the order of *kafarat* stipulated in Islamic law, namely freeing slaves, fasting for 2 months in a row or giving food to 60 poor people. This *maslahat* is called *maṣlahah*

¹¹ Afifuddin Muhajir, *Taysir Al-Wushul Ila 'Ilm Al-Ushul* (Jakarta: LTN NU, 2024).

¹² Moh Usman, "Maslahah Mursalah Sebagai Metode Istinbath Hukum Perspektif Al-Thufi Dan Al-Qaradhawi," *Al-Mashlahah: Jurnal Hukum Islam Dan Pranata Sosial Islam* 8, no. 1 (2020): 82–98.

¹³ Amir Syarifuddin, *Ushul Fiqh Jilid 2* (Jakarta: Kencana Prenada Media Group, 2011).

¹⁴ Lahaji Lahaji and Sulaiman Ibrahim, "Fiqh Perempuan Keindonesiaan," *Al-Bayyinah; Vol 3, No 1 (2019)DO - 10.35673/Al-Bayyinah.V3i1.127*, July 31, 2019, <https://jurnal.iain-bone.ac.id/index.php/albayyinah/article/view/127>.

¹⁵ Syarifuddin, *Ushul Fiqh Jilid 2*.

mulghah because it is good according to reason but not in accordance with the provisions that have been set by the shari'¹⁶.

While *maṣlaḥah mursalah* is a type of maslahat that does not have any information from the shari' that affirms or rejects. According to many scholars, this type of maslahat can be used as a method of digging up the law when there is no text of the Quran, hadith or ijma' that explains the problem at hand. Besides, it is not possible to make an analogy (*qiyas*) because there is no evidence that can be analogized¹⁷.

Because *maṣlaḥah mursalah* is considered as one of the alternatives that can be used to answer contemporary problems that are not found in the nas or ijma'. With the record, these benefits are good benefits according to human reason and do not contradict the intention of shari'a in establishing a law¹⁸.

Because of this, in establishing the law through *maṣlaḥah mursalah*, it is necessary to meet several conditions as a form of prudence in deciding cases and avoiding the speculative influence of humans based only on lust. The conditions for the application of *maṣlaḥah mursalah* are mentioned by al-Syathibi by reducing the views of Imam Malik with the following conclusions: First, the benefits considered in establishing a law must be rational and relevant to the case that occurs.

Second, these benefits must be able to maintain the principles in life in the form of goodness and benefits, and be able to eliminate difficulties and harms. Third, the benefits in question must be in line with *maqāṣid al-Sharia'h* (legislative intention) and must not contradict the postulates of sharia, which are qat'i.¹⁹

Thus, when there is a case that will be analyzed through *maṣlaḥah mursalah*, it is necessary to pay careful attention to whether the maslahat caused is really objective so that it is relevant to the reality that occurs and there should also be no contradiction between the law formed through *maṣlaḥah mursalah* and the principles that exist in the law formed through nas or ijma'.

The Necessity of Women Traveling Accompanied by a Mahram

As a form of protection for women, the Prophet gave advice that women should not travel, especially long journeys without being accompanied by a mahram. The words of the Prophet (saw) on this matter were narrated by many

¹⁶ Usman, "Maslahah Mursalah Sebagai Metode Istinbath Hukum Perspektif Al-Thufi Dan Al-Qaradhawi."

¹⁷ Muhajir, *Taysir Al-Wushul Ila 'Ilm Al-Ushul*.

¹⁸ Wahyu Abdul Jafar, "Keragka Istinbath Maslahah Mursalah Sebagai Alternatif Problem Solving Dalam Hukum Islam," *Jurnal Hukum* 13, no. 1 (2016): 97.

¹⁹ Mohammad Rusfi, "Validitas Maslahat Al-Mursalah Sebagai Sumber Hukum," *Al-Adalah* XII (2014): 63–74.

narrators through different sanad routes. So there are several versions of the advice of the Prophet even though they have the same meaning. Among them are the following:

First, HR. Ahmad No. 4615. Prohibition of women traveling without a mahram for 3 days:

حَدَّثَنَا يَحْيَى، عَنْ عُبَيْدِ اللَّهِ، حَدَّثَنِي نَافِعٌ، عَنْ ابْنِ عُمَرَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: " لَا تُسَافِرِ الْمَرْأَةُ ثَلَاثًا إِلَّا، وَمَعَهَا ذُو مَحْرَمٍ

"Yahya, from Ubaidillah, narrated to us Nafi' from Ibn Umar, from the Prophet PBUH, 'A woman should not travel for 3 days without being accompanied by her mahram.'²⁰

Second, HR. Ibn Khuzaimah No. 2522. Prohibition of women traveling without a mahram for 2 days:

حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى، حَدَّثَنَا مُحَمَّدُ بْنُ الْمُبَارَكِ، حَدَّثَنَا صَدَقَةُ يَعْنِي ابْنَ خَالِدٍ، عَنْ يَزِيدَ بْنِ أَبِي مَرْيَمَ، عَنْ قَزْعَةَ بِنِ يَحْيَى، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو بْنِ الْعَاصِ، عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لَا تُسَافِرُ الْمَرْأَةُ يَوْمَيْنِ إِلَّا مَعَ زَوْجِهَا أَوْ ذِي مَحْرَمٍ

"Muhammad bin Yahya narrated to us, narrated to us Muhammad bin Mubarak, narrated to us Ibn Kholid from Yazid Abu Maryam from Qaz'ah bin Yahya, from Abdullah bin 'Amr bin 'Aş, from the Messenger of Allah (peace and blessings of Allaah be upon him), he said, a woman should not travel for 2 days except with her husband or her mahram."²¹

Third, HR. al-Tirmizi No. 1169. Prohibition of women traveling without a mahram for a day and a night:

وَرُوِيَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ قَالَ: «لَا تُسَافِرُ الْمَرْأَةُ مَسِيرَةَ يَوْمٍ وَلَيْلَةٍ إِلَّا مَعَ ذِي مَحْرَمٍ

"It is narrated from the Prophet (peace be upon him) that he said, a woman should not travel for a day and a night except with her mahram."²²

These three hadiths literally show that when traveling long distances or for a long period of time, women should be accompanied by their mahram²³.

The mahram referred to in these hadiths is the male mahram of a woman

²⁰ Ahmad Ibn Hambal, "Musnad Al-Imam Ahmad Bin Hambal" (Muassisah al-Risalah, 2001), 231.

²¹ Ibn Khuzaimah, *Sahih Ibn Khuzaimah*, 4th ed. (Beirut: al-Maktab al-Islami, 2009).

²² Al-Tirmizi, *Sunan Al-Tirmizi*, 2nd ed. (Mesir: Syirkah Maktabah wa Mathba'ah Mustafa al-Baby al-Halaby, 1975).

²³ Inayah Nazahah and Amir Sahidin, "The Law of Women's Safar Without Mahram According to the View of the Scholars," *Jurnal Penelitian Medan Agama* 12, no. 1 (2022): 82–89.

who travels. Such as husband, biological father, father-in-law, stepfather, grandfather and so on, sons, grandchildren and so on, brothers both biological and father, mother or breastfeeder, nephews, and uncles²⁴.

However, this hadith is considered as a hadith whose meaning can be contextualized. This is motivated by the claim that the appearance of this hadith is intended to protect women's safety. Because at that time, women will be safer if they travel with their mahram. Meanwhile, today, women's safety can still be guaranteed even though a mahram does not accompany them because of the existence of modern facilities that are able to maintain women's safety²⁵.

Especially in the contemporary era, public spaces are wide open to provide opportunities for women to express themselves in various lines of life. Starting from career, education or social life²⁶. So that the contextualization of the hadith prohibiting traveling alone is urgent because of the demands of the times and developing circumstances.

The Reality of Women's Life in the Contemporary Era

In this modern era, especially during the 20th century, the issue of gender equality has gained more prominence since it first emerged in 1977, led by a group of London activists advocating for women's rights oppressed by patriarchal culture. Women are beginning to have the courage to voice their rights and demonstrate their potential, which has led to their roles no longer being underestimated. Women are gradually able to occupy positions equal to men in various sectors of life, starting from education and the workforce to leadership roles.

Women in the contemporary era are no longer figures who only play a role in household affairs, but also play a role in building society through education and so on. This reality can be seen from the number of women who also participate in various activities outside the home. Both as participants in organizations and academics. Women have also begun to be given space to participate in broadcasting Islamic teachings either directly in an association or on social media²⁷.

So that the existence of women is no longer a figure who is engaged in the affairs of mattresses, wells, and kitchens, but women can also be found at

²⁴ Rohman, "Reaktualisasi Konsep Mahram Dalam Hadis Tentang Perjalanan Wanita Perspektif Maqasid Al-Shariah."

²⁵ Rohman.

²⁶ Mutiara Cahya Noviani and Azis Muslim, "Wanita Karir: Analisis QS. Al-Ahzab: 33 Berbasis Teori Double Movement," *Jurnal Ilmiah AL-Jauhari: Jurnal Studi Islam Dan Interdisipliner* VIII, no. I (2023): 1–19, <https://doi.org/10.30603/jiaj.v8i1.3374>.

²⁷ Syamsul Rizal, "Peran Perempuan Dalam Dakwah," *Dakwatul Islam* 5, no. 1 (2021): 60–66, <https://doi.org/10.46781/dakwatulislam.v5i1.221>.

school, at work, in the office and in other places of life activities according to the interests and talents of the woman.²⁸

The issue of equal roles also encourages women to be able to do many positive things. For example, women are allowed to enter the world of work because it is undeniable that the time limit with men does not last forever. So women should also have their skills so that they are not too dependent on men to meet their needs. Likewise, in terms of education, women are also given space for high schools to open up their horizons and shape women's skills so that they can be empowered²⁹.

This phenomenon makes women sometimes also required to travel long distances and even migrate to meet their needs in terms of education or to develop women's potential. One of these demands arises because of the awareness of women as the next generation of printers. This opens up women's thinking to become more empowered in order to produce the best generation³⁰.

Maṣlahah Mursalah's Analysis of Women Who Migrate Without a Mahram

In the contemporary era, we meet many women who have migrated far and wide from their mahram. On the one hand, they migrate to meet needs such as education and work to make ends meet³¹. However, on the other hand, if you refer to the provisions of the sharia that require women to travel must be accompanied by a mahram, there will be difficulties due to reasons of cost, time and so on that do not allow women to travel long distances with mahram. So an approach is needed that can be a solution to this problem.

Therefore, in this case, *maṣlahah mursalah* then becomes an approach to analyze what maslahat and mafsadat are caused when women migrate without a mahram. In addition, it also reviewed the value behind the hadith that prohibits women from traveling alone.

In the hadith about the prohibition of women to travel long distances without a mahram, it is the Prophet's step in maintaining the safety of women. This shows that the common point of the ban is the lack of security if women travel long distances alone. Mafhum, when it is safe for women to travel without a mahram, it is still allowed³².

²⁸ Sulaiman Ibrahim, "Hukum Domestikasi Dan Kepemimpinan Perempuan Dalam Keluarga," *Al-Ulum* 13, no. 2 (2013): 215–44.

²⁹ Lutfiana Nisarohmah and Dadang Darmawan, "Analisis Kesenjangan Gender Dalam Bidang Pekerjaan Pada Era Kontemporer," *Gunung Djati Conference Series* 8 (2022): 113–20.

³⁰ Elvianry and Irawan, "Pentingnya Pendidikan Tinggi Bagi Perempuan Dalam Islam."

³¹ Asiyah and Ibrahim, "Pendidikan Dan Gender Dalam Perspektif Islam."

³² Hamzah, "Reinterpretasi Hadis Larangan Perempuan Bepergian Tanpa Mahram Dan

This hadith is aimed at women who want to travel long distances absolutely without mentioning the reason that requires the woman to travel. Although from this hadith some scholars are of the opinion that when performing the hajj, women must also be accompanied by their mahram³³.

Meanwhile, in terms of migrating, although the essence is the same as a long journey, actually migrating has a different basic connotation. Because the meaning of migrating is to seek life³⁴. Where when migrating, a person actually does a temporary domicile in someone else's place which is usually motivated by economic reasons to find a job and educational reasons.

So the author will explain some benefits that can be taken into consideration in establishing the law of migration for women without mahram. Among these benefits are the following:

First, get a better economy. Women who migrate for economic reasons are usually done to meet the needs of their families which then require them to do work while migrating far from their families or mahram³⁵.

Second, get better education and insights. The demands of the times that demand the creation of a generation that is able to survive and compete in the era of slander and hoaxes due to the current of globalization that creates positive and negative impacts, requires women to be more educated and insightful. This aims to create a better generation. Because women are the first teachers for their children. So that by migrating, women can get education in a place that they think provides the best knowledge³⁶.

Third, forming women to be able to think more broadly. When migrating, women will be faced with socio-cultural realities that may be different from their culture. This makes women more broad-minded because they meet many people as friends to exchange ideas. By migrating, women can also be more moderate because it intersects with the habits of the local community³⁷.

Some of these benefits show that when women migrate, they will have a positive impact in various areas of life. Such as economy, education and socio-culture.

Nevertheless, it is undeniable that there is a potential negative impact when women migrate. Such as beheadings, harassment and so on so that

Larangan Melukis (Pendekatan Sosio-Historis Dan Antropologis)).”

³³ Al-Tirmizi, *Sunan Al-Tirmizi*.

³⁴ “Kamus Besar Bahasa Indonesia (KBBI) Edisi VI,” 2023.

³⁵ Hendri Saleh, “Hukum Wanita Bekerja Di Luar Negeri Dalam Perspektif Hukum Islam,” *Jurnal Maqosid* 10, no. 02 (2022): 33–49.

³⁶ Asiyah and Ibrahim, “Pendidikan Dan Gender Dalam Perspektif Islam.”

³⁷ Nova Marselina Sitompul, Roida Nababan, and Ria Juliana Siregar, “Dampak Positif Mahasiswa Fakultas Hukum Universitas HKBP Nomensen Medan Dalam Mengikuti Program Pertukaran Mahasiswa Merdeka { PMM 4 } Inbound Di Universitas Sam Ratulangi Manado” 4 (2024): 11301–17.

security is still needed that can guarantee women when traveling.

Because the hadith is contextual about the need for a female mahram when traveling, the security provided to women can be obtained in other ways such as the existence of a women's protection mechanism. Among them is the establishment of laws and public policies that can protect women³⁸. In addition, technological advances can also be used to maintain women's safety by activating location features, installing CCTV and so on to protect women.

Considering the certainty of the benefits and potential of this mafsadat, it was then determined that women were allowed to migrate without being accompanied by a mahram. Because based on the considerations that have been explained, the goal of women migrating attracts many positive impacts that are beneficial to these women and even to the general public.

Meanwhile, mafsadat or the negative impact caused by allowing women to migrate without mahram is only potential in addition to the formation of regulations or policies and the existence of facilities that ensure women's safety.

Conclusion

Maṣlahah mursalah is one of the alternatives that can be used to answer the problems of the contemporary era that are not explicitly answered in the text of the Quran, hadith or ijma'. One of them is the issue of women who migrate without a mahram. In the hadith, it is stated that women are not allowed to travel without being accompanied by a mahram. This rule emerged as a form of Islamic protection for women.

Meanwhile, in the contemporary era, there are many things that require women to migrate without a mahram, such as to pursue education and improve the economy. This then has a positive impact on women both in terms of economy, education and socio-culture. Meanwhile, the negative impact caused is only potential. Plus there are rules, policies and facilities that maintain women's safety. So allowing women to migrate without mahram for positive reasons is considered more beneficial than prohibiting for reasons that are still potential. In addition, the essence desired to maintain women's safety has been achieved.

³⁸ Rohman, "Reaktualisasi Konsep Mahram Dalam Hadis Tentang Perjalanan Wanita Perspektif Maqasid Al-Shariah."

Bibliography

- Al-Tirmizi. *Sunan Al-Tirmizi*. 2nd ed. Mesir: Syirkah Maktabah wa Mathba'ah Mustafa al-Baby al-Halaby, 1975.
- Asiyah, Nur, and Sulaiman Ibrahim. "Pendidikan Dan Gender Dalam Perspektif Islam." *Jurnal Ilmiah AL-Jauhari: Jurnal Studi Islam Dan Interdisipliner* 6, no. 1 (2021): 50–65. <https://doi.org/10.30603/jiaj.v6i1.1953>.
- Basir, Abd, and Fitriyani Fitriyani. "Hukum Islam: Dialektika Konsep Ta'abbudi Dan Ta'aqquli." *Jurnal Ilmiah AL-Jauhari: Jurnal Studi Islam Dan Interdisipliner* 7, no. 1 (2022): 27–38. <https://doi.org/10.30603/jiaj.v7i1.2546>.
- Cahya Noviani, Mutiara, and Azis Muslim. "Wanita Karir: Analisis QS. Al-Ahzab: 33 Berbasis Teori Double Movement." *Jurnal Ilmiah AL-Jauhari: Jurnal Studi Islam Dan Interdisipliner* VIII, no. I (2023): 1–19. <https://doi.org/10.30603/jiaj.v8i1.3374>.
- Elvariany, W, and D Irawan. "Pentingnya Pendidikan Tinggi Bagi Perempuan Dalam Islam." *Social, Educational, Learning and Language ...*, no. April (2023): 67–80.
- Hamzah, Ghufon. "Reinterpretasi Hadis Larangan Perempuan Berpergian Tanpa Mahram Dan Larangan Melukis (Pendekatan Sosio-Historis Dan Antropologis)." *JASNA : Journal For Aswaja Studies* 1, no. 1 (2021): 25–36. <https://doi.org/10.34001/jasna.v1i1.944>.
- Hanapi, Agustin. "Peran Perempuan Dalam Islam." *Gender Equality: Internasional Journal of Child and Gender Studies* 1, no. 1 (2015): 15–26.
- Hidayah, Nur. *Meretas Belenggu Patriarki Dengan Berpendidikan*. Sukabumi: CV Jejak, 2023.
- Ibn Hambal, Ahmad. "Musnad Al-Imam Ahmad Bin Hambal," 231. Muassisah al-Risalah, 2001.
- . "Musnad Al-Imam Ahmad Bin Hanbal." Muassisah al-Risalah, 2001.
- Ibrahim, Sulaiman. "Hukum Domestikasi Dan Kepemimpinan Perempuan Dalam Keluarga." *Al-Ulum* 13, no. 2 (2013): 215–44.
- Ibrahim, Sulaiman, and Khaerul Asfar. "The Position of Women in the Dynamics of Modern Tafsir: Study of Tafsir Al-Tahrir Wa Al-Tanwir by Muhammad Tahir Ibn'Ashur." *Jurnal Ilmiah AL-Jauhari: Jurnal Studi Islam Dan Interdisipliner* 8, no. 2 (2023): 259–72.
- Jafar, Wahyu Abdul. "Keragka Istinbath Masalah Mursalah Sebagai Alternatif Problem Solving Dalam Hukum Islam." *Jurnal Hukum* 13, no. 1 (2016): 97.
- "Kamus Besar Bahasa Indonesia (KBBI) Edisi VI," 2023.
- Khuzaimah, Ibn. *Sahih Ibn Khuzaimah*. 4th ed. Beirut: al-Maktab al-Islami,

- 2009.
- Lahaji, Lahaji, and Sulaiman Ibrahim. "Fiqh Perempuan Keindonesiaan." *Al-Bayyinah; Vol 3, No 1 (2019)* DO - 10.35673/Al-Bayyinah.V3i1.127 , July 31, 2019. <https://jurnal.iain-bone.ac.id/index.php/albayyinah/article/view/127>.
- Majjah, Ibn. "Sunan Ibn Majjah," 636. Dar Ihya' al-Kutub al-'Arabiyyah, 2009.
- Muh David Balya Al. "Kemajuan Teknologi Dan Pola Hidup Manusia Dalam Perspektif Sosial Budaya." *TUTURAN: Jurnal Ilmu Komunikasi, Sosial Dan Humaniora* 1, no. 3 (2023): 26–53. <https://doi.org/10.47861/tuturan.v1i3.272>.
- Muhajir, Afifuddin. *Taysir Al-Wushul Ila 'Ilm Al-Ushul*. Jakarta: LTN NU, 2024.
- Nazahah, Inayah, and Amir Sahidin. "The Law of Women's Safar Without Mahram According to the View of the Scholars." *Jurnal Penelitian Medan Agama* 12, no. 1 (2022): 82–89.
- Nisarohmah, Lutfiana, and Dadang Darmawan. "Analisis Kesenjangan Gender Dalam Bidang Pekerjaan Pada Era Kontemporer." *Gunung Djati Conference Series* 8 (2022): 113–20.
- Rohman, Holilur. "Reaktualisasi Konsep Mahram Dalam Hadis Tentang Perjalanan Wanita Perspektif Maqasid Al-Shariah." *AL-HUKAMA The Indonesian Journal of Islamic Family Law* 08 (2018).
- Rusfi, Mohammad. "Validitas Maslahat Al-Mursalah Sebagai Sumber Hukum." *Al-'Adalah* XII (2014): 63–74.
- Saleh, Hendri. "Hukum Wanita Bekerja Di Luar Negeri Dalam Perspektif Hukum Islam." *Jurnal Maqosid* 10, no. 02 (2022): 33–49.
- Sitompul, Nova Marselina, Roida Nababan, and Ria Juliana Siregar. "Dampak Positif Mahasiswa Fakultas Hukum Universitas HKBP Nommensen Medan Dalam Mengikuti Program Pertukaran Mahasiswa Merdeka { PMM 4 } Inbound Di Universitas Sam Ratulangi Manado" 4 (2024): 11301–17.
- Sitorus, Handro Kurnia, Nabilla Mahrani, Muhammad Yasir, Arifin Putra, and Setiawati Siregar. "Budaya Patriarki Di Indonesia Dalam Perspektif Hukum Keluarga Islam Pendahuluan" 2, no. 2 (2024): 374–91.
- Syahrizan, Muhammad, and Asfar Hamidi Siregar. "Budaya Patriarki Dalam Rumah Tangga Menurut Perspektif Hukum Islam." *Bertuah : Journal of Shariah and Islamic Economics* 5, no. 1 (2024): 118–31.
- Syamsul Rizal. "Peran Perempuan Dalam Dakwah." *Dakwatul Islam* 5, no. 1 (2021): 60–66. <https://doi.org/10.46781/dakwatulislam.v5i1.221>.
- Syarifuddin, Amir. *Ushul Fiqh Jilid 2*. Jakarta: Kencana Prenada Media Group, 2011.
- Usman, Moh. "Masalah Mursalah Sebagai Metode Istinbath Hukum

Perspektif Al-Thufi Dan Al-Qaradhawi.” *Al-Mashlahah: Jurnal Hukum Islam Dan Pranata Sosial Islam* 8, no. 1 (2020): 82–98.

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