



From Text to Policy: Contextualizing the *Maḥram* Ḥadīth for Women Pilgrims within Indonesian Ḥajj Management

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Abstract

This study aims to recontextualize the ḥadīth concerning the requirement of a *maḥram* for women performing the ḥajj by analyzing its relevance within contemporary Indonesian conditions. Using a qualitative approach that combines textual analysis of ḥadīth sources with socio-legal perspectives, the research examines how classical interpretations may be integrated with modern gender-sensitive jurisprudence and pilgrimage governance. The findings indicate that the essence of the *maḥram* requirement lies in safeguarding women's security, which in the Indonesian context is realized through institutional mechanisms such as the group pilgrimage system (*kloter*), supervisory structures, and the increasing involvement of female officers. This demonstrates a shift from a strictly biological understanding of the *maḥram* toward a structural-symbolic model of protection embedded in ḥajj management. The study's originality lies in bridging classical ḥadīth interpretation with contemporary policy frameworks, offering a gender-responsive reading that aligns with *maqāṣid al-sharī'ah*, particularly *ḥifẓ al-nafs* (protection of life) and *ḥifẓ al-'ird* (protection of dignity). The implications extend to both scholarship and practice: enriching the discourse on women's fiqh in modern contexts while providing policymakers with recommendations for designing inclusive, secure, and equitable ḥajj services that respond to the evolving needs of female pilgrims.

Keywords: *Maḥram* Ḥadīth, Women's Pilgrimage, Ḥajj Management in Indonesia, *Maqāṣid al-Sharī'ah*, Gender-Responsive Policy

Abstrak

Penelitian ini bertujuan untuk merekontekstualisasi hadis tentang keharusan mahram bagi perempuan yang menunaikan ibadah haji dengan menganalisis relevansinya dalam kondisi kontemporer di Indonesia. Dengan menggunakan pendekatan kualitatif yang memadukan analisis tekstual terhadap sumber hadis dengan perspektif sosial-hukum, penelitian ini mengkaji bagaimana interpretasi klasik dapat diintegrasikan dengan yurisprudensi sensitif gender dan tata kelola penyelenggaraan haji modern. Temuan penelitian menunjukkan bahwa esensi dari keharusan mahram terletak pada perlindungan keamanan perempuan, yang dalam konteks Indonesia diwujudkan melalui mekanisme kelembagaan seperti sistem kelompok terbang (kloter), struktur pengawasan, serta keterlibatan petugas perempuan yang semakin meningkat. Hal ini menegaskan adanya pergeseran pemahaman dari mahram sebagai pendamping biologis menuju model struktural-simbolik perlindungan yang terintegrasi dalam manajemen haji. Keaslian penelitian ini terletak pada upayanya menjembatani interpretasi hadis klasik dengan kerangka kebijakan kontemporer, sehingga menghasilkan pembacaan yang responsif gender dan selaras dengan maqāṣid al-syarī'ah, khususnya ḥifẓ al-nafs (perlindungan jiwa) dan ḥifẓ al-'ird (perlindungan kehormatan). Implikasi penelitian ini bersifat teoretis dan praktis: secara akademik memperkaya wacana fikih perempuan dalam konteks modern, sementara secara praktis memberikan rekomendasi kepada pembuat kebijakan untuk merancang layanan haji yang inklusif, aman, dan berkeadilan, serta mampu menjawab kebutuhan jamaah perempuan yang terus berkembang.

Kata Kunci: *Hadis Mahram, Haji Perempuan, Manajemen Haji Indonesia, Maqāṣid al-Syarī'ah, Kebijakan Responsif Gender*

Introduction

Hajj and 'Umrah are acts of worship endowed with profound spiritual value and represent the pinnacle of longing for every Muslim worldwide, particularly in Indonesia, which has the largest Muslim population.¹ Over the past few decades, Indonesian society has witnessed a significant increase in the desire to perform Hajj and 'Umrah.² This phenomenon is reflected in the increasingly long waiting lists for regular Hajj and the growing number of 'Umrah pilgrims each year.³ According to data from the Ministry of Religious Affairs of the Republic of Indonesia, the waiting

¹Arip Purkon, "Political Parties and Islamic Law Positivation in Contemporary Indonesian Governance," *Humanities & Social Sciences Reviews* 9, no. 2 (2021), p. 75–86.

²Ahmad Ismail, Salahuddin Nur, and Muhamimin Alfadil S, "Umrah COD and Its Legal Standing in Islamic Law : Navigating Contractual Innovation in Contemporary Worship Economy," *PAREWA SARAQ : Journal of Islamic Law and Fatwa Review* 3, no. 2 (2024), p. 107–18.

³Syamsu Madyan, Habid Abyad, and Imam Wahyudi Karimullah, "The Modern Pilgrimage of Umrah : The Convergence of Spiritual Devotion and Pop-Consumer Culture in Indonesia The Modern Pilgrimage of Umrah : The Convergence of Spiritual Devotion and Pop-Consumer Culture in Indonesia," *International Journal of Religious Tourism and Pilgrimage Volume* 13, no. 2 (2025).

period for Hajj pilgrims ranges from 20 to 80 years, depending on the province of registration.⁴ This rising interest is driven not only by religious devotion but also by a heightened awareness of the importance of fulfilling the fifth pillar of Islam, alongside improved access to transportation and travel services.⁵

An interesting aspect of this development is the higher prevalence of female pilgrims compared to their male counterparts. Official data from the Ministry of Religious Affairs shows that in recent years women have constituted more than 55.6% of the total number of Hajj pilgrims.⁶ Nevertheless, many women undertake this pilgrimage without the accompaniment of a spouse or *maḥram*. This reality has generated theological discourse, particularly in relation to the Prophetic ḥadīth that prohibits women from undertaking long journeys without a *maḥram*.⁷ The ḥadīth has become a fundamental reference in the jurisprudential debate on the validity of women's pilgrimage and serves as a normative basis for policies regarding female pilgrims' departure.⁸ Yet, social realities indicate that many women continue to embark on Hajj or 'Umrah, influenced by socio-economic conditions, family status, or limited understanding of religious injunctions.⁹

In addition, cases of sexual harassment against female pilgrims remain a serious issue in the field. This problem is exacerbated by the gap in services provided to female pilgrims, as religious guides are still predominantly male. For instance, in West Java Province in 2019, of the 172 appointed Hajj officers, only 7 were women.¹⁰ The shortage of female guides has resulted in the lack of gender-sensitive approaches in Hajj and 'Umrah services, leaving many of women's specific needs inadequately addressed.¹¹

Several previous studies have attempted to reinterpret the ḥadīth on the requirement of a *maḥram*, particularly in the context of women's Hajj.¹² For example, Syarial Dedi explored Imām al-Shāfi'ī's perspective, arguing that the

⁴Kementrian Agama RI, "Daftar Tunggu Jemaah Haji Indonesia Menurut Usia," 2022.

⁵Abu Rokhmad, "Institutions and Contributions to Islamic Law in Indonesia's Legal System," *Walisongo Law Review (Walrev)* 3, no. 1 (2021), p. 21–44.

⁶Adha Anggraini, "Gender Mainstreaming, Transformasi Penyelenggaraan Haji," Kementrian Agama RI, 2024.

⁷Syarial Dedi and Sri Yuniarti, "Imam Ash-Shafi'i's Opinion on Hajj without a Mahram and Its Relevance to the Present Day," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 2 (2023), p. 535–52.

⁸Dedi and Yuniarti.

⁹Roswati Nurdin and H. Rajab, "The Practice of Hajj Substitution in Indonesia: The Search for Legal Certainty through Usul Al-Fiqh Approach," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 20, no. 2 (2020), p. 217–29.

¹⁰Awanda Faidatin, Lily, Maryono, and Ashari Mujamil, "Peran Tim Pembimbing Ibadah Haji Indonesia Perempuan Dalam Manajemen Pelayanan Haji (Studi Di Kantor Wilayah Kementerian Agama Provinsi Jawa Tengah)," *Jurnal MD: Jurnal Manajemen Dakwah* 9, no. 1 (2023), p. 103–30.

¹¹Akhmad Anwar Dani and Ahmadi Ahmadi, "Peran Perempuan Dalam Penyelenggaraan Haji Dan Umrah (Studi Atas Peran Nyai Halimatus Sa'diah Di Kabupaten Sumenep)," *PALASTREN Jurnal Studi Gender* 12, no. 1 (2019), p. 127–58.

¹²Ulfah Alfiyanti, Achmad Firdaus, and Dede Abdul Fatah, "Hajj Financial Management in the Maqāṣid Shari'ah Perspective," *Al-Ahkam* 29, no. 2 (2019), p. 203–32.

ḥadīth should be understood with the underlying rationale (*illah*) of ensuring women's safety.¹³ Holilur Rohman further emphasized that this understanding could be operationalized through mechanisms of individual and collective protection, as well as through stricter legislation regulating spiritual journeys.¹⁴ Meanwhile, Nur Ikhlas and Ahmad Hifni examined the ḥadīth using anthropological and sociological approaches, suggesting that the prohibition was temporary and shaped by the class structure and gender subordination in Arabian society at the time.¹⁵ These efforts aim to respond to evolving social realities. Other studies have also highlighted the urgency of increasing the quota for female religious guides in line with the rising number of female pilgrims.¹⁶ Nonetheless, such studies largely remain at the theoretical level and have yet to be systematically translated into Hajj and 'Umrah management policies in Indonesia.¹⁷ This study, therefore, seeks to contextualize the ḥadīth on women's Hajj without a *mahram* by reinterpreting it constructively, shifting the focus from individual safety to institutional and managerial guarantees.

Against this background, this study formulates three main research questions. First, how can the ḥadīth on the requirement of a *mahram* for women be contextualized in contemporary Hajj practices? Second, what is the relationship between gender issues and the enhancement of Hajj and 'Umrah services for women? Third, what strategies and concrete steps can the government take to implement the principle of *mahram* presence as part of a fair and gender-responsive service management system?

Accordingly, this research does not merely aim to deconstruct classical understandings of the ḥadīth on *mahram* presence but also seeks to ground it within an inclusive and equitable framework of Hajj and 'Umrah service management. In this sense, the concept of *mahram* is not only understood as physical accompaniment but also as a symbol of assurance for safety, comfort, and service optimization for female pilgrims at the institutional level. The study aspires to contribute both academically and practically by providing policy recommendations for the government and relevant stakeholders to strengthen the quality of gender-responsive Hajj and 'Umrah services.

¹³Dedi and Yuniarti, "Imam Ash-Shafi'i's Opinion on Hajj without a Mahram and Its Relevance to the Present Day."

¹⁴Holilur Rohman, "Reaktualisasi Konsep Mahram dalam Hadis Tentang Perjalanan Wanita Perspektif Maqasid Al-Shari'ah," *AL-HUKAMA* 8, no. 2 (2018), p. 379–400.

¹⁵Nur Ikhlas and Ahmad Hifni, 'Reinterpretasi Hadis Perempuan Di Ruang Publik Perspektif Feminisme Sosialis', *Jurnal Ulunnuha*, 11.1 (2022), p. 49–65; See More, Desy Kristiane and Muhammad Syarief Hidayatullah, 'The Relevance of Safar Law for Women Without Mahram to Family Economic Independence in the Era of Society 5.0', *Al-Mujtahid: Journal of Islamic Family Law*, 4.1 (2024), p. 23.

¹⁶Younes Ouchelh, "Institutionalizing Female Religious Activity : The Case of Murshidat in Morocco Younes Ouchelh," *American Journal of Multidisciplinary Research & Development (AJMRD)* 06, no. 03 (2024), p. 20–41.

¹⁷Nazar Ul Islam Wani, "Pilgrimage in Islam: Traditional and Modern Practices," *American Journal of Islamic Social Sciences* 35, no. 4 (2018), p. 62–64.

This study employs a qualitative approach, specifically library research, with a descriptive-analytical orientation. This approach is chosen because the research primarily focuses on analyzing the contextual interpretation of the ḥadīth concerning *maḥram* in women's Hajj, while integrating it with gender perspectives and Hajj management regulations in Indonesia. It also allows for the exploration of the ḥadīth texts within their historical, social, and contemporary legal frameworks.¹⁸

The primary data sources include classical ḥadīth compilations, particularly *Kutub al-Tis'ah*, with emphasis on traditions concerning women traveling without a *maḥram*. Complementary sources include commentaries (*sharḥ*) on these ḥadīth, jurisprudential works from the four schools of law, and thematic exegesis related to pilgrimage verses. Secondary data are drawn from scholarly journals, policy reports from the Ministry of Religious Affairs, official Hajj and 'Umrah regulations, and contemporary publications on Islamic and gender studies.¹⁹ The analysis method combines content analysis of the ḥadīth texts with a contextual approach that considers historical, sociological, and *maqāṣid al-sharī'ah* dimensions.²⁰ In addition, hermeneutical methods are employed to reinterpret the ḥadīth, alongside public policy analysis to assess its application within Indonesia's Hajj management system, both in governmental and private travel institutions. Through this methodology, the study aims to produce an integrative understanding that bridges ḥadīth texts with contemporary realities, while contributing to the formulation of Hajj policies that are more inclusive, gender-just, and aligned with the spirit of protecting female pilgrims.

Ḥadīth on Hajj and 'Umrah for Women without a *Maḥram*: Between Personal Obligation and Institutional Management

The discourse concerning women traveling without a *maḥram* remains a relevant and enduring subject of scholarly inquiry.²¹ Historical, social, and cultural transformations appear to “necessitate” renewed reinterpretations of the hadiths prohibiting women from traveling without a *maḥram*, including in the context of Hajj and 'Umrah.²² Accordingly, this study examines the hadith on women performing these rituals without a *maḥram*.

a. Text of the Hadith

حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ، حَدَّثَنَا سَفْيَانُ، عَنْ عَمْرٍو، عَنْ أَبِي مَعْبُدٍ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا، أَنَّهُ: سَمِعَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، يَقُولُ: «لَا يَخْلُونَ رَجُلٌ بِامْرَأَةٍ، وَلَا تُسَافِرَنَّ امْرَأَةٌ إِلَّا وَمَعَهَا مُحْرَمٌ»، فَقَامَ رَجُلٌ فَقَالَ: يَا

¹⁸P. Ishwara Bhat, “Qualitative Legal Research: A Methodological Discourse,” in *Idea and Methods of Legal Research* (Oxford: Oxford University Press, 2020), p. 359–382.

¹⁹Aniek Rahmania et al., “The Movement of Muhammadiyah Women: Religious Values, Culture, and Gender Equality,” *Jurnal Ilmiah Peuradeun* 13, no. 1 (2025), p. 669–94.

²⁰Kornelius Benuf and Muhamad Azhar, “Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer,” *Gema Keadilan* 7, no. 1 (2020), p. 20–33.

²¹Dedi and Yuniarti, “Imam Ash-Shafi'i's Opinion on Hajj without a Mahram and Its Relevance to the Present Day.”

²²Musda Asmara et al., “Trendy Veil: Law, Function, and Its Stigma on Muslim Society,” *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (2023), p. 245–57.

رَسُولَ اللَّهِ، اُكْتُبْتُ فِي غَزْوَةِ كَذَا وَكَذَا، وَخَرَجْتُ امْرَأَتِي حَاجَةً، قَالَ: «اَذْهَبْ فَحُجَّ مَعَ امْرَأَتِكَ»²³ (رواه البخاري)

Translation:

Qutaibah ibn Sa'īd narrated to us, Sufyān narrated to us from 'Amr from Abū Ma'bad from Ibn 'Abbās (may Allah be pleased with them) that he heard the Prophet (peace be upon him) say: "No man should be alone with a woman, and no woman should travel except with a *maḥram*." Then a man stood up and said: "O Messenger of Allah, I have enlisted myself in such-and-such a battle, while my wife has set out for Hajj." The Prophet replied: "Go and perform Hajj with your wife." (Narrated by al-Bukhārī).

b. Authentication (*Takhrīj*) of the Hadith

Tracing the hadith through the *Kutub al-Tis'ah* (the nine canonical collections), the following records were found:

1. *Musnad Aḥmad*: two chains narrated from Ibn 'Abbās.
2. *Ṣaḥīḥ al-Bukhārī*: one chain narrated from Ibn 'Abbās.
3. *Ṣaḥīḥ Muslim*: three chains narrated from Ibn 'Abbās.
4. *Sunan Ibn Mājah*: one chain narrated from Ibn 'Abbās.

Thus, the hadith on women performing Hajj and 'Umrah without a *maḥram* is documented in the *Kutub al-Tis'ah* through seven transmission routes, all narrated from Ibn 'Abbās. Given its inclusion in *Ṣaḥīḥ al-Bukhārī*, the hadith is classified as *ṣaḥīḥ*. Although it also appears in other works beyond al-Bukhārī and Muslim, the narrations still meet the criteria of authenticity according to their standards.²⁴

c. Commentary (*Sharḥ*) on the Hadith

In general, the hadith underscores the necessity of a *maḥram* accompanying a woman undertaking Hajj. The narrative context illustrates this: when a Companion had enlisted for battle while his wife²⁵ intended to perform Hajj without a *maḥram*, the Prophet instructed him to abandon the military expedition and accompany his wife instead.²⁶ Classical scholars differed on the scope of this ruling. Abū Ḥanīfah, al-Nakha'ī, al-Ḥasan al-Baṣrī, al-Thawrī, and al-A'mash argued that a *maḥram* was obligatory for journeys of three days or more.²⁷ In contrast, Badr al-Dīn al-'Aynī interpreted the hadith more broadly, applying it to all forms of travel undertaken by

²³Muḥammad bin Ismā'āl Al-Bukhārī, *Ṣaḥīḥ Al-Bukhārī*, I (Kairo: Dar al-Thuq al-Najah, 2012), p. 54.

²⁴Aḥmad Bin Hanbal, "Musnad Ahmad Bin Hanbal," *Beirut: Muassasah Al-Risaalah* 3 (2001): 387.

²⁵Tarmizi M. Jakfar and Arifah Fitria, "Understanding Multiple Interpretations on the Hadith That Husbands Allow Wives to Have Outdoor Activities: A Study of Islamic Law Perspectives," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 1 (2021), p. 210.

²⁶Al-Ḥusain Ibn Maḥmūd Ibn Al-Ḥasan, *Al-Mafāṭīḥ Fī Syarḥ Al-Maṣābīḥ* (Kuwait: Dār al-Nawādir, 2012), p. 258.

²⁷Abū 'Umar Yūsuf ibn 'Abdillāh ibn 'Abd al-Barr Al-Namirī, *Al-Istīzkār* (Beirut: Dār al-Kutub al-'Ilmiyah, 2000), p. 413.

women.²⁸ Al-Nawawī similarly held a general view that women are prohibited from traveling without a *maḥram*—whether for Hajj or other purposes.²⁹

Among the four Sunni madhhabs, differences emerge: Ḥanafī scholars stipulate that a woman must be accompanied by a mature, trustworthy *maḥram* unless her journey to Makkah is shorter than three days. Mālikī scholars require a *maḥram* for Hajj but permit exceptions for a woman’s first obligatory Hajj if she travels with a trustworthy group (*rufqah ma’ mūnah*).³⁰ Shāfi’ī scholars allow women to travel for Hajj with their husband, a *maḥram*, or a group of reliable women; failing that, a woman may still go if the route is safe.³¹ Ḥanbalī scholars generally view a husband or *maḥram* as a prerequisite for a woman’s Hajj obligation, though some hold it as merely recommended or conditionally required. The dialogical tone of the hadith reflects the Prophet’s engagement with the socio-historical realities of his community. At the time, frequent wars left women vulnerable when traveling alone, making the presence of a *maḥram* essential for security. Hence, the hadith’s underlying objective (*maqṣad*) is the protection and safety of women during travel.³² In the contemporary Indonesian Hajj system, this function is institutionally assumed by the *kloter* (Hajj group units), which provide religious guidance, healthcare, and security. These mechanisms collectively ensure women’s safety, effectively fulfilling the protective role historically assigned to a husband or *maḥram*.

A close examination of the Prophet’s (peace be upon him) statement in this hadith reveals its dialogical character, reflecting his position as a source of guidance for his community in addressing the problems they encountered.³³ The Prophet adjusted his responses according to the socio-historical circumstances in which his society lived. Hence, a comprehensive understanding of this hadith requires a socio-historical approach.³⁴

²⁸Badr al-Dīn al-‘Ainī Al-Ḥanafī, *‘Umdah Al-Qārī Fī Syarḥ Ṣaḥīḥ Al-Bukhārī, Juz 11* (Beirut: Multaqā Ahl al-Ḥadīṣ, 2006), p. 146.

²⁹Ahmad Ibnu ‘Āli Ibnu Hajar Al-Asqalānī, *Fath Al-Bārī Syarḥ Ṣaḥīḥ Al-Bukhārī, II* (Cairo: Dar Al Kutub Al ‘Ilmiyah, 2010), p. 505.

³⁰Munawir Sajali, “The Use of Lafaz Amar on Ijtihad Madhhab towards the Effect of the Salat Law (Study of Ushul Fiqh),” *Britain International of Humanities and Social Sciences (BioHS) Journal* 3, no. 1 (2020), p. 203–16.

³¹Wahyu Akbar et al., “Reposition of Ihdad Women’s Multi-Career Perspective: Philosophical, Historical, Juridical, and Sociological Studies,” *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (2024), p. 372.

³²Wahbah Az-Zuhaili, *Fiqih Islam Wa Adillatuhu*, 9th ed. (jakarta: Gema Insani, 2011), 403-406.

³³Cecep Soleh Kurniawan, Hafini Mahmud, and Hajah Mas Nooraini Binti Haji Mohiddin, “Integrating Maqāṣ Id Al- Sharī’ah and Sustainable Development Goals in Strengthening Waqf-Based Healthcare Initiatives in Muslim Communities Voluntary Financial Transactions Is a Widely Adopted Practice since Ancient Times,” *Mazahibuna: Jurnal Perbandingan Mazhab* 7, no. 2 (2025), p. 119–37.

³⁴Abdul Syatar and Arif Rahman, “Transformation of Fiqh in the Forms of Pilgrimage and Zakat Legislation,” *Mazahibuna* 1, no. 2 (2019).

The social context of the Prophet's time must be traced in order to understand why he strongly emphasized the necessity of a *mahram* accompanying a woman during her Hajj journey. From the hadith, it can be inferred that the community was at the height of constant warfare, which demanded the involvement of men, particularly husbands, while their wives desired to perform Hajj. This situation exposed women to significant risks when traveling without a husband or *mahram*, leaving them vulnerable throughout their journey.

Thus, the substance of the hadith lies in ensuring women's safety during Hajj. At that time, the husband or *mahram* served as a mechanism for providing security due to the unstable conditions of war. In contexts where security is guaranteed and crime rates are low, the presence of a husband or *mahram* is no longer considered a strict requirement, as stability itself fulfills the intended purpose—safeguarding women on their pilgrimage.

In the Indonesian Hajj system, the function of the husband or *mahram* mentioned in the hadith is institutionally substituted by the *kloter* (Hajj group units). These groups include various teams responsible for operational services, religious guidance, and healthcare for all pilgrims in their cluster.³⁵ Among them are the Indonesian Hajj Guidance Team (*TPHI*), Indonesian Hajj Health Team (*TKHI*), Indonesian Hajj Ritual Guidance Team (*TPIHI*), as well as the Regional Hajj Officers (*TPHD*) and Regional Hajj Health Officers (*TKHD*).³⁶ The coordination of these integrated teams fulfills the role of the husband or *mahram* in the hadith by ensuring women's safety during Hajj, even in the absence of their husbands or male guardians.³⁷

d. Fiqh al-Hadīth

Islam honors every aspect and stage of human life as subjects of divine law (*sharī'ah*).³⁸ From the unborn child in the womb, to infancy, childhood, the stage of discernment (*mumayyiz*),³⁹ puberty (*bulūgh*),⁴⁰ and adulthood, all are considered within the framework of legal responsibility. Women, in particular, receive special consideration in matters of worship and legal obligations. For example, in marriage

³⁵Ilyas Supena, "Konstruksi Epistemologi Fikih Pandemik: Analisis Fatwa-Fatwa MUI," *Al-Manahij: Jurnal Kajian Hukum Islam* 15, no. 1 (2021), p. 121–36.

³⁶Faidatin, Lily, Maryono, and Mujamil, "Peran Tim Pembimbing Ibadah Haji Indonesia Perempuan Dalam Manajemen Pelayanan Haji (Studi Di Kantor Wilayah Kementerian Agama Provinsi Jawa Tengah)."

³⁷Qomarul Huda and Ilham Dwitama Haeba, "Haji, Istita'ah, and Waiting List Regulation in Indonesia," *Al-'Adalah* 18, no. 2 (2021), p. 193–212.

³⁸Moh Khasan, "From Textuality To Universality The Evolution of Hirābah Crimes in Islamic Jurisprudence," *Al-Jami'ah: Journal of Islamic Studies* 59, no. 1 (2021), p. 1–32.

³⁹Ramdani Wahyu Sururie et al., "Co-Parenting Model in Resolving Child Custody Disputes in Urban Muslim Families," *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 9, no. 1 (2024), p. 250–68.

⁴⁰Aayesha Rafiq, "Role of Guardian in Muslim Woman's Marriage: A Study in the Light of Religious Texts," *IJSET-International Journal of Innovative Science, Engineering & Technology* 2, no. 4 (2015), p. 1254–61.

law, the obligation of *mahr* (dower) symbolizes respect and honor for women.⁴¹ Furthermore, in filial duty, the Prophet (peace be upon him) emphasized the precedence of the mother over the father, as narrated by Abū Hurayrah:

عَنْ أَبِي هُرَيْرَةَ قَالَ جَاءَ رَجُلٌ إِلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ مَنْ أَحَقُّ النَّاسِ بِخُسْنِ صَحَابَتِي قَالَ أُمُّكَ قَالَ ثُمَّ مَنْ قَالَ ثُمَّ أُمُّكَ قَالَ ثُمَّ مَنْ قَالَ ثُمَّ أَبُوكَ.⁴²

“A man came to the Messenger of Allah and asked, ‘Who is most deserving of my good companionship?’ He replied, ‘Your mother.’ The man asked, ‘Then who?’ He said, ‘Your mother.’ The man asked again, ‘Then who?’ He said, ‘Your mother.’ The man asked once more, ‘Then who?’ He said, ‘Your father.’”

If men were inherently prioritized in all aspects over women, the Prophet would have mentioned the father first.⁴³ This underscores the high status of women in Islam and highlights that their rights and considerations are distinct and, in some cases, even superior to those of men.

The consensus of scholars affirms that the obligation of Hajj is based on the generality of the Qur’ānic expression “for whoever is able to find a way thereto” (Q. Al ‘Imrān 3:97) and the hadith “Islam is built upon five pillars”. These texts do not exclude women; hence, Hajj remains obligatory upon both men and women once they reach the status of *mukallaf* (legally responsible).⁴⁴

Nevertheless, differences in conditions exist between men and women regarding Hajj requirements. One key distinction is found in the hadith narrated by Ibn ‘Abbās:

حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ، حَدَّثَنَا سَفْيَانُ، عَنْ عَمْرٍو، عَنْ أَبِي مَعْبُدٍ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا، أَنَّهُ سَمِعَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، يَقُولُ: «لَا يَخْلُونَ رَجُلٌ بِامْرَأَةٍ، وَلَا تُسَافِرَنَّ امْرَأَةٌ إِلَّا وَمَعَهَا مُحْرَمٌ»، فَقَامَ رَجُلٌ فَقَالَ: يَا رَسُولَ اللَّهِ، أَكُنْتُ بِنْتُ فِي غَزْوَةٍ كَذَا وَكَذَا، وَخَرَجْتَ امْرَأَتِي حَاجَةً، قَالَ: «أَذْهَبَ فَحُجَّ مَعَ امْرَأَتِكَ»⁴⁵ (رواه البخاري)

Translation:

“No man should be alone with a woman, and no woman should travel except with a mahram.” A man said: “O Messenger of Allah, I have registered for such-and-such an expedition, while my wife has gone out for Hajj.” He replied: “Go and perform Hajj with your wife.” (Reported by al-Bukhārī).

⁴¹Efrinaldi et al., “Urf Review Of The Practice Of Gold Marriage Mahar In The Community Of Tanjung Senang District Bandar Lampung,” *Al-Istinbath: Jurnal Hukum Islam* 7, no. 1 (2022), p. 287–310.

⁴²Muslim

⁴³Eko Zulfikar, Aftonur Rosyad, and Nur Afiyah, “Women ’ s Aurat in t He Qur ’ an Surah Al -Ahzab Verse 59 : Discourse Relevance of the Veil in the Indonesian Context,” *Jurnal Studi Al-Qur’an* 18, no. 2 (2022), p. 283–98.

⁴⁴Ansori, “Position of Fatwa in Islamic Law: The Effectiveness of MUI, NU, and Muhammadiyah Fatwas,” *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 22, no. 1 (2022), p. 53–71.

⁴⁵Muḥammad bin Ismā‘īl Al-Bukhārī, *Ṣaḥīḥ Al-Bukhārī* (Beirut: Tuq al-Najah, 2001)., p. 159.

In this narration, the Prophet ordered the Companion to prioritize accompanying his wife for Hajj over participating in battle. This indicates that ensuring the security of one's wife or family during Hajj a journey requiring considerable time and endurance was more important than joining a military campaign, despite warfare being considered a supreme form of *jihād* at the time.⁴⁶

For the jurists (*fuqahā'*), the central issue is women's security in performing Hajj. This concern varies across time depending on the prevailing security systems and regulations of the host country. Security is thus fundamental for women's Hajj, as it constitutes part of the "ability" condition (*istiṭā'ah*) applied to both men and women.⁴⁷

The presence of a *maḥram* has historically been one means of ensuring this security. The juristic debate centers on whether it is an absolute requirement. Two main positions emerged: The Shāfi'ī and Mālikī Schools: They argue that a *maḥram* is not a strict requirement.⁴⁸ Women may perform Hajj with a trustworthy group, and the Mālikī school even allows travel with reliable companions who ensure safety.⁴⁹ Their reasoning rests on the general Qur'ānic command of Hajj without specification of a *maḥram*, and on the hadith foretelling a woman traveling safely from al-Ḥīrah to the Ka'bah without fear except of Allah. The Ḥanafī and Ḥanbalī Schools: They hold that a *maḥram* is a necessary condition for a woman's Hajj, citing hadiths that explicitly prohibit women from traveling alone. Among them are the reports of Ibn 'Umar: "*A woman should not travel for three days except with a maḥram,*" and another narration: "*A woman should not perform Hajj except with her husband.*"⁵⁰

From a contemporary perspective, the first view appears more relevant, given the robust security infrastructure in place today, the systematic organization of Hajj, and the oversight of Indonesian and Saudi authorities. These arrangements effectively ensure women's safety without requiring the physical presence of a husband or *maḥram*.⁵¹

A second context arises concerning women in 'iddah (waiting period due to divorce or widowhood). There is consensus among scholars that women in 'iddah are not permitted to leave their homes to perform Hajj, based on Qur'ān 65:1 ("*Do not expel them from their houses, nor should they leave...*"). Wahbah al-Zuhaylī

⁴⁶Ansari, "Transnational Fatwas on Jihad in Indonesia," *Ahkam: Jurnal Ilmu Syariah* 14, no. 1 (2014), p. 1–12.

⁴⁷Nasrul Arul Arul, "Majelis Ulama Indonesia (MUI); Studi Atas Penggunaan Metodologi Qiyas Sebagai Upaya Penetapan Hukum Islam Di Indonesia," *Al-Fikra: Jurnal Ilmiah Keislaman* 16, no. 2 (2017), p. 332.

⁴⁸Abdurrahman Al-Jazīrī, *Al-Fiqh 'Alā Al-Mazāhib Al-Arba'ah* (Cairo: Dār al-Ḥadīṣ, 2015), p. 698.

⁴⁹Agus Hermanto, "Islam, Poligami Dan Perlindungan Kaum Perempuan," *Kalam: Jurnal Studi Agama Dan Pemikiran Islam* 9, no. 1 (2015), p. 165–86.

⁵⁰Wahbah al-Zuhailī, *Mausu'ah al-Fiqh al-Islami wa al-Qadhaya al-Mu'ashirah*, Juz 3, h.102.

⁵¹Ikhlas and Hifni, "Reinterpretasi Hadis Perempuan Di Ruang Publik Perspektif Feminisme Sosialis."

explains that while Hajj may be postponed to subsequent years, *‘iddah* must be observed immediately and within its prescribed timeframe.⁵²

Implementation of the Hadith on Women’s Hajj and ‘Umrah without a *Mahram* in the Management of Hajj and ‘Umrah in Indonesia

The implementation of the hadith regarding the requirement of a *mahram* for women traveling, particularly in the context of Hajj, has undergone a significant transformation within the management of Hajj and ‘Umrah in Indonesia.⁵³ This transformation has been carried out in response to changes in social conditions, security arrangements, and modern Hajj services, as well as the increasing participation of women in Hajj and ‘Umrah, who now constitute more than 55.6% of the total pilgrims.⁵⁴ This shift indicates that Islamic legal norms are capable of adaptive interpretation when faced with structural and demographic realities, such as the feminization of the Hajj.⁵⁵

In contemporary Hajj management especially as administered by the Ministry of Religious Affairs of the Republic of Indonesia the principle of “the *mahram* as guardian of safety” is no longer implemented literally through the physical presence of a husband or biological *mahram*.⁵⁶ Instead, it is realized through institutional and managerial systems designed to guarantee security, comfort, and protection for female pilgrims. This aligns with the contextual reading of the hadith of Ibn ‘Abbās narrated by al-Bukhārī, which emphasizes the substance of ensuring women’s safety during travel.⁵⁷ The authors interpret this as evidence of a shift from a personalistic to a systemic understanding of protection, demonstrating that the essence of the hadith lies not in its form but in its underlying moral objective ensuring safety and dignity.

One form of this implementation is the establishment of the *Kelompok Terbang* (Flight Group/Cluster, *Kloter*) system, which consists of various service teams: the Indonesian Hajj Guidance Team (TPHI), the Indonesian Hajj Health Team (TKHI), the Indonesian Hajj Ritual Guidance Team (TPIHI), as well as Regional Hajj Officers (TPHD). Each team plays a specific role in safeguarding the safety, health,

⁵²Wahbah al-Zuhailī, *Mausu’ah al-Fiqh al-Islami wa al-Qadhaya al-Mu’ashirah*, Juz 3, h.102.

⁵³Dwi Santoso Ali Basyah and Zuly Qodir, “Spiritual Travel to Baitullah: Individual Piety in Global Capitalism,” *Religious: Jurnal Studi Agama-Agama Dan Lintas Budaya* 4, no. 3 (2020), p. 135–44.

⁵⁴Eni Latifah, “Pilgrimage Tradition in Javanese Society from the Perspective of Max Scheler’s Philosophy of Value,” *An-Nur Jurnal Studi Islam* 15, no. 1 (2023), p. 153–75.

⁵⁵Muhammad Rasyid et al., “Science And Its Role In Changes In Islamic Legal Thought (An Analysis Of Changes In The Fatwa Of The Indonesian Ulema Council Due To Recent Scientific Findings),” *Syariah: Jurnal Hukum Dan Pemikiran* 23, no. 2 (2024), p. 120–37.

⁵⁶Rohman, “Reaktualisasi Konsep Mahram Dalam Hadis Tentang Perjalanan Wanita Perspektif Maqasid Al-Shari’ah.”

⁵⁷Kristiane and Hidayatullah, “The Relevance of Safar Law for Women Without Mahram to Family Economic Independence in the Era of Society 5.0.”

and smooth execution of pilgrims' rites. Within this structure, the presence of female officers though still limited has become an important representation of the need for gender-sensitive approaches in Hajj services.⁵⁸ This institutional innovation effectively serves as a 'collective *mahram*,' ensuring that women are protected through an integrated system rather than individual dependency, which is more relevant in the modern travel context.

From the policy perspective, while the Saudi government continues to enforce strict regulations concerning *mahram*, the Indonesian government has consistently lobbied for female pilgrims to be allowed to perform Hajj under institutional protection and managerial regulations as a substitute for the presence of a *mahram*. This lobbying has been accommodated by the Saudi authorities, allowing women to perform Hajj and 'Umrah provided they travel with accredited travel agencies that can guarantee their safety. This policy is supported by the *ijtihad* of contemporary scholars, including those of the Shāfi'ī and Mālikī schools, who permit women to undertake Hajj without a *mahram* as long as security is assured.⁵⁹ The author argues that this approach reflects Indonesia's dynamic religious diplomacy and contextual *ijtihad*—a pragmatic balance between maintaining Sharī'ah principles and addressing practical realities of global mobility and gender equality.

On the ground, the implementation of the hadith is also evident in policies such as gender-based accommodation arrangements, special escorts for vulnerable pilgrims (including elderly women), and the involvement of female religious guides. Although still limited, increasing the quota of female officers has become an important agenda in addressing structural imbalances in services that have tended to be gender-biased.⁶⁰ This indicates an evolving awareness that women's religious experiences require not only safety but also emotional and spiritual support that is best provided by other women an insight that enriches the meaning of protection within Sharī'ah.⁶¹

The reinterpretation of this hadith within Indonesia's Hajj policies demonstrates that the principles of Sharī'ah can be dynamically actualized within the framework of modern institutional systems. This is consistent with the objectives of Islamic law⁶² (*maqāṣid al-sharī'ah*), particularly *ḥifẓ al-naḥs* (protection of life) and

⁵⁸Ananda Citra Apriliana Sari, "Analisa Hukum Haji Bagi Wanita Yang Dalam Masa Iddah Menurut Imam Hanafi," *MAQASHID: Jurnal Hukum Islam* 3, no. 2 (2020), p. 66–73.

⁵⁹Ahmad Jawahirul Maknun and Auliya Ghazna Nizami, "Konsep Mahram Bagi Haji Wanita Perspektif Fikih Syafi'i Dan Regulasi Pemerintah Arab Saudi," *Komparatif: Jurnal Perbandingan Hukum Dan Pemikiran Islam* 2, no. 2 (2022), p. 90–103.

⁶⁰J. M. Muslimin et al., "Sextortion, Gender, and Digital Crime: A Socio-Legal Comparison between Positive and Islamic Law," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 19, no. 2 (2024), p. 53–77.

⁶¹Syaikhu Syaikhu, "Istitha'ah Dalam Haji (Studi Tematik Tafsir Ahkam Surah Ali Imran Ayat. 97)," *El-Mashlahah* 10, no. 1 (2020), p. 15–30.

⁶²Mursyid Djawas et al., "Islamic Law," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 1 (2022), p. 139–55.

ḥifz al-‘ird (protection of dignity), both of which can be achieved through planned, inclusive,⁶³ and protection-oriented service management for vulnerable groups.⁶⁴ This reinterpretation is not a departure from tradition but an extension of it translating the spirit of the hadith into the language of modern governance and public safety.⁶⁵

Thus, the implementation of the hadith on the necessity of a *maḥram* in Indonesia’s Hajj management has shifted from a normative-literal paradigm to a contextual-structural approach that is more functional and applicable. This shows that hadith is not only a normative guide but can also be actualized into public policy responsive to social change and the needs of pilgrims, particularly women.⁶⁶ From a methodological perspective, this also proves that *maqāṣid*-based reasoning offers a sustainable framework for interpreting textual injunctions in light of contemporary contexts without undermining their original ethical intent.

In practice, the implementation of this hadith may be reflected in several concrete governmental actions:

1. Guaranteeing Security as a Primary Principle

The government and private travel agencies should place the security of female pilgrims at the center of hadith implementation. Here, the *maḥram* is understood not merely as a biological figure but as an institutional structure that ensures systemic safety—through the formation of *kloter*, escort officers, and secure routes and schedules. Its institutionalization transforms the moral responsibility of protection into a shared bureaucratic duty, reflecting how Shari‘ah values can be operationalized in state governance.

2. Recruitment and Strengthening of Female Hajj Officers

A concrete form of implementing the *maḥram* principle in women’s Hajj management is through the recruitment of female officers, whether as ritual guides, medical staff, or security personnel. The presence of female officers is essential to guarantee the comfort and safety of female pilgrims and to ensure more empathetic and responsive approaches to their specific needs.

The Ministry of Religious Affairs could set a minimum quota for female officers in each *kloter*—for instance, one female officer per 45 to 50 female pilgrims. This arrangement ensures proportional interaction and direct assistance in addressing real needs in the field. Likewise, private Hajj and ‘Umrah travel agencies should be required to include at least one female companion for groups consisting of women.

⁶³Asa’ari Asa’ari et al., “Urgensi Pemahaman Terhadap Maqashid Al-Syari’ah Dan Perubahan Sosial Dalam Istibath Al-Ahkam,” *De Jure: Jurnal Hukum Dan Syari’ah* 13, no. 2 (2021), p. 222–39.

⁶⁴Syahrul Nizam and Mulham Jaki Asti, “Is There Any Rukhṣah in Performing Praying During Covid-19? Maqashid Sharia Analysis,” *Mazahibuna* 3, no. 1 (2021), p. 98–117.

⁶⁵KN Shofyan Hasan Yusida Fitriyati, Duski Ibrahim, Firman Muntaqo, “Justice in Religious Court Decisions through the Lens of Maqashid Al-Shariah,” *Nurani: Jurnal Kajian Syari’ah Dan Masyarakat* 25, no. 1 (2025).

⁶⁶Dedi and Yuniarti, “Imam Ash-Shafi’i’s Opinion on Hajj without a Mahram and Its Relevance to the Present Day.”

Such companions are not only logistical supporters but also serve as spiritual and social facilitators, helping to create a safe, comfortable, and dignified pilgrimage experience. The author believes that this not only fulfills operational needs but also symbolizes the inclusion of women as active protectors, not merely protected subjects, within Islamic praxis.

3. Establishment of a Women Pilgrims' Protection Unit (*Unit Perlindungan Jamaah Perempuan*, UPJP)

As a strategic measure to strengthen the protection of female pilgrims, the government could establish a Women Pilgrims' Protection Unit under the Directorate General of Hajj and 'Umrah Affairs. This unit would be tasked specifically with handling issues related to safety, comfort, and fairness in services for women during the Hajj and 'Umrah. UPJP would be responsible for developing standard operating procedures for women's protection, monitoring field practices, and responding promptly and professionally to complaints. Such an initiative would institutionalize gender justice within the Hajj bureaucracy, thereby embodying the *maqāṣid* principle of *ḥifẓ al-ʿird* in administrative practice.

In parallel, private Hajj and 'Umrah travel agencies should be required to provide rapid complaint mechanisms and emergency response systems for female pilgrims—such as a 24-hour hotline or the deployment of dedicated female volunteers ready to assist in emergencies. Through such approaches, the values of the hadith concerning women's protection can be concretely realized within the institutional and operational systems of Hajj management in a more inclusive and humane manner.

Conclusion

This study concludes that the requirement of a *maḥram* in the ḥadīth concerning women's pilgrimage journeys should be understood contextually rather than merely in a normative-literal sense, as the essence of the prophetic instruction emphasizes women's safety and protection during the ḥajj. In accordance with the research objective to analyze the implementation and reinterpretation of the *maḥram* concept in Indonesia's Hajj management—the findings reveal that this principle has evolved from a biological requirement into an institutional and managerial framework that ensures women's welfare through the organization of flight groups (*kloter*), integrated supervision systems, and the involvement of female officers. This conclusion aligns with the qualitative and contextual methods employed in the study, which combine textual analysis of ḥadīth with observation of contemporary pilgrimage policy. Viewed through the lens of *maqāṣid al-sharī'ah*, the reinterpretation demonstrates that the ultimate purpose of the *maḥram* requirement is the realization of *ḥifẓ al-naḥs* (protection of life) and *ḥifẓ al-ʿird* (protection of dignity), both of which can be achieved through institutionalized safety systems. The study's strength lies in bridging classical ḥadīth discourse with modern policy practices, contributing academically to women's *fiqh* and practically to the development of gender-responsive pilgrimage governance. Nonetheless, the research

is limited to the Indonesian context and remains largely qualitative, lacking empirical data on women's lived experiences during pilgrimage. Future studies should thus integrate comparative and empirical approaches to provide broader insights for global Hajj management that harmonize the normative spirit of Islamic law with contemporary social realities.

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