ADAPTABILITY OF ISLAMIC JURISPRUDENCE IN HAJJ: COMPARATIVE STUDY OF FOUR MADHHABS IN TECHNOLOGICAL ERA

Abdillah[*]

E-mail: abdillah01@iainpare.ac.id
IAIN Parepare, Indonesia
*corresponding author

Abstract

This study aims to examine how Islamic jurisprudence, particularly the four major Sunni schools (Hanafi, Maliki, Shafi'i, and Hanbali), adapts to contemporary transformations in Hajj practices. It explores the extent to which traditional rulings evolve in response to technological innovations, health protocols, and gender-related developments, especially the participation of women without a mahram. Employing a qualitative-comparative approach, this research analyzes classical fiqh texts alongside contemporary fatwas, official guidelines, and academic commentaries. Through the lens of ijtihad and maqāṣid al-sharī'ah, the study critically assesses scholarly interpretations on issues such as electronic identification, mobile applications, surveillance systems, health measures, and modern transportation. Findings reveal that all four Sunni schools demonstrate varying degrees of flexibility in accommodating modern realities. While the Hanafi school maintains traditional restrictions in certain areas, the Maliki, Shafi'i, and Hanbali schools generally permit adaptations that prioritize safety, public interest, and ease of religious observance. Jurists increasingly accept the use of technology and revised travel norms, including the allowance for women to perform Hajj without a mahram under safe conditions. This research offers a comprehensive comparative analysis that integrates classical jurisprudence with modern contextual needs. It contributes to the growing discourse on how Islamic law remains relevant by evolving within the framework of maqāṣid al-sharī'ah, particularly in a globalized and technologically advanced society. The study underscores the importance of dynamic legal reasoning in preserving both the sanctity and accessibility of Hajj. It supports the legitimacy of using ijtihad and contextual interpretation in contemporary Islamic legal thought, providing guidance for religious authorities, policymakers, and Muslim communities navigating modern pilgrimage challenges.

Keywords: Hajj, Islamic jurisprudence, comparative fiqh, modern challenges, ijtihad, maqasid al-shariah

INTRODUCTION

The Hajj pilgrimage today unfolds amid a complex global reality that affects millions of Muslims.[1] As one of the largest annual religious gatherings, Hajj reflects not only

---

[1] Dwi 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): 135–44, https://doi.org/10.15575/rjsalb.v4i3.9592.

spiritual devotion but also global diversity and socio-political dynamics. According to Saudi authorities, over two million pilgrims from more than 180 countries attend Hajj annually, bringing with them varied languages, cultures, and health conditions. These realities introduce logistical, environmental, and medical challenges that were less pronounced in earlier eras. The COVID-19 pandemic further amplified the urgency of rethinking crowd management and public health during pilgrimage. Hence, Hajj today is both a spiritual and social phenomenon that requires updated frameworks for guidance and governance.[2]

Classical fiqh alone may no longer fully accommodate the evolving nature of the Hajj pilgrimage.[3] Traditional jurisprudence, while foundational, did not anticipate modern innovations like biometric verification, digital surveillance, and pandemic protocols. Recent adaptations—such as electronic Hajj visas and health screenings—have prompted new *ijtihadi* questions about ritual validity and ethical boundaries.[4] Studies highlight tensions between textual adherence and practical exigencies, especially when rituals intersect with state regulations or health mandates.[5] Despite its historical robustness, fiqh must now address gaps between legal theory and operational realities. Thus, the need arises for contextual interpretations that align Islamic legal tradition with present-day challenges.

Islamic jurisprudence offers a pluralistic foundation for addressing the multifaceted nature of Hajj.[6] Each of the four Sunni madhhabs—Hanafi, Maliki, Shafi'i, and Hanbali—brings its methodology and interpretive principles to bear on Hajj rituals. For instance, differences in rulings regarding the timing of *Tawaf al-Ifadah* or the use of medications

---

[2] Sultan Nur, "Pelaksanaan Ibadah Haji Pada Masa Pandemi Covid 19; Studi Komparatif Perspektif Mazhab Fikih," *Mazahibuna* 2, no. 2 (December 1, 2020): 134–50, https://doi.org/10.24252/MH.V2I2.15075.

[3] Abu Rokhmad, "Institutions and Contributions to Islamic Law in Indonesia's Legal System," *Walisongo Law Review (Walrev)* 3, no. 1 (2021): 21–44, https://doi.org/10.21580/walrev.2021.3.1.7282.

[4] Arip Purkon, "Political Parties and Islamic Law Positivization in Contemporary Indonesian Governance," *Humanities & Social Sciences Reviews* 9, no. 2 (2021): 75–86, https://doi.org/10.18510/hssr.2021.928.

[5] Nazar Ul Islam Wani, "Pilgrimage in Islam: Traditional and Modern Practices," *American Journal of Islamic Social Sciences* 35, no. 4 (2018): 62–64, https://doi.org/10.35632/ajiss.v35i4.474.

[6] Jahanzeeb Qurashi, "Commodification of Islamic Religious Tourism: From Spiritual to Touristic Experience," *International Journal of Religious Tourism and Pilgrimage* 5, no. 1 (2017): 89–104, https://doi.org/10.21427/D7JX40.

while in ihram demonstrate jurisprudential flexibility.[7] Scholars like Yusuf al-Qaradawi[8] and Wahbah al-Zuhayli have emphasized the importance of *maqasid al-shariah* in modern application.[9] A comparative lens reveals both consensus and variance, allowing space for dynamic responses to new circumstances. Therefore, this diversity is not a weakness but a resource for developing responsive legal opinions for contemporary Hajj.

This study seeks to examine how traditional Islamic legal schools respond to contemporary challenges in Hajj. By analyzing classical methodologies and their application to modern issues, the research highlights legal continuity and transformation. Focusing on ijtihad and *maqasid al-shariah*, the study will explore how rulings adapt to innovation while preserving ritual integrity. Comparative analysis will be employed to identify areas of alignment and tension among the four schools, especially regarding technological, health, and administrative changes. This will provide both theoretical insight and practical relevance for stakeholders in Hajj management. Ultimately, the research aims to offer guidance that harmonizes religious obligation with modern-day exigencies.

Bridging classical Islamic jurisprudence with present-day realities ensures the continued relevance of fiqh in the lives of Muslims. Rather than viewing tradition and innovation as opposites, scholars are increasingly emphasizing the compatibility of religious norms with technological and institutional advancements. For example, the Council of Senior Scholars in Saudi Arabia has issued fatwas permitting digital monitoring for safety during Hajj, citing *maslahah* and public interest. Similarly, modern usul al-fiqh frameworks stress the need for contextual fatwas that respond to global shifts. When interpreted through *maqasid al-shariah*, tradition becomes a dynamic tool for problem-solving. Thus, Islamic law remains a living discipline, capable of guiding modern Muslims through evolving religious practices like Hajj.

---

[7] Abdul Syatar, "Transformation of Fiqh in the Forms of Pilgrimage and Zakat Legislation," *Mazahibuna: Jurnal Perbandingan Mazhab* 1, no. 2 (December 2019): 120–33, https://doi.org/10.24252/MH.V1I2.11646.
[8] Hafijur RAHMAN, "TOWARD A WISE POLITICAL FIQH: THE PERCEPTION OF STATE IN THE POLITICAL THOUGHT OF YUSUF AL-QARADAWI," *Akademi Sosyal Bilimler Dergisi* 7, no. 21 (September 22, 2020): 6–22, https://doi.org/10.34189/ASBD.7.21.001.
[9] Wahbahal Zuhaildi, *Al Fiqih Al Islami Wa Adillatuhu* (Beirut: Dar Al Fikr, 2008).

METHOD

This study adopts a qualitative research design grounded in comparative analysis. Qualitative methods are appropriate for exploring interpretive traditions, especially in the context of Islamic jurisprudence where meaning and reasoning are central. Comparative analysis allows the researcher to evaluate similarities and differences across the four major Sunni schools—Hanafi, Maliki, Shafi'i, and Hanbali. By examining classical and contemporary interpretations, the research captures how each school responds to modern issues like air travel during ihram or digital crowd control. Scholars such as Wael Hallaq emphasize the suitability of qualitative methods in analyzing legal texts and juristic thought. This approach helps uncover the legal logic and epistemological assumptions underlying each school's rulings. In sum, the chosen research design enables an in-depth understanding of jurisprudential adaptation in response to evolving Hajj realities.

Data for this research were collected from both primary and secondary sources relevant to Islamic law and Hajj. Primary sources include authoritative classical fiqh texts that serve as the foundational references for each Sunni school's legal rulings. Secondary sources comprise contemporary fatwas, peer-reviewed scholarly articles, and official publications issued by recognized religious authorities. For instance, fatwas from institutions like Egypt's Dar al-Ifta and Saudi Arabia's Council of Senior Scholars offer modern perspectives grounded in traditional jurisprudence. Peer-reviewed journals and books by scholars such as Yusuf al-Qaradawi provide additional interpretive frameworks. This multi-source strategy ensures that both historical depth and contemporary relevance are addressed. The data collection process supports a comprehensive analysis of how classical principles are interpreted in today's Hajj context.

The data analysis process involves thematic coding and comparative evaluation across legal schools. Thematic coding helps identify recurring jurisprudential concerns related to modern practices such as vaccination requirements, digital surveillance, and transportation logistics. Comparative analysis then examines how each school interprets these concerns through its methodological lens. The Hanafi school's emphasis on qiyas (analogical reasoning) is contrasted with the Maliki preference for *maslahah* (public

interest). Differences and overlaps are systematically organized to highlight areas of legal convergence or divergence. The process draws on established qualitative methods in legal research as outlined by scholars. The analysis not only reveals doctrinal differences but also showcases the adaptability of fiqh traditions.

RESULT AND DISCUSSION

1. Modern transport and health protocols reshape Hajj jurisprudential practices.

Traditional rulings, which once addressed physical challenges of long-distance travel and communal rituals, now face new contexts shaped by technology and public health demands.[10] Islamic jurisprudence responds by integrating contemporary needs while upholding core legal principles.[11] In terms of transportation, classical rulings focused on hardship and distance, yet modern ease through flights and buses has been accommodated—especially by Hanafi and Maliki scholars who stress ritual intention over physical form.[12] Similarly, in health and safety, all four Sunni schools acknowledge the necessity of safeguarding life, endorsing measures like vaccinations and crowd limits during crises such as COVID-19. Multiple fatwas from authoritative bodies have affirmed these adaptations, citing maqāṣid al-sharīʿah as a justification.[13] Therefore, the findings reveal a significant alignment between classical principles and modern implementations, demonstrating the flexibility of Islamic law in addressing evolving realities.

---

[10] Basyah and Qodir, "Spiritual Travel to Baitullah: Individual Piety in Global Capitalism."

[11] Dede Nurohman, "SELLING RELIGIOUS RITUALS IN INDONESIA Commodification of Umrah Pilgrimage by Travel Agents," *Journal of Indonesian Islam* 16, no. 2 (2022): 399–425, https://doi.org/10.15642/JIIS.2022.16.2.399-425.

[12] Abdurrahman Al-Jazīrī, *Al-Fiqh ʿAlā Al-Mazāhib Al-Arba'Ah* (Cairo: Dār al-Ḥadīš, 2015).

[13] Jamal Mirdad, Helmina Helmina, and Iril Admizal, "The Grave Pilgrimage Tradition: Motives and Activities of Pilgrims at Sacred Tombs," *Khazanah* 12, no. 1 (2022): 65–80, https://doi.org/10.15548/khazanah.v12i1.643.

Table

Theme	Classical Approach	Modern Adaptation	Jurisprudential Response (Coded)
Transportation & Mobility	Travel on foot or camel; hardship-based rulings	Airplanes, buses, reduced physical hardship	Hanafi: Acceptable; Maliki: Acceptable; Focus on *niyyah* (intention)
Health & Safety Measures	Communal rituals without medical protocols	Vaccinations, distancing, controlled access	al-Shafi'i: Permissible with conditions; Hanbali: Permissible to preserve life

The modernization of transportation has transformed the traditional understanding of travel during Hajj.[14] Classical fiqh addressed the hardship of long-distance journeys on foot or animal, framing rulings around endurance and time. In contrast, today's pilgrims travel quickly and comfortably by air or land. The Hanafi and Maliki schools, noted for their adaptability, stress the primacy of intention (*niyyah*) and ritual completion over the means of transport.[15] This aligns with contemporary needs and eases the pilgrimage process without violating legal principles. Flexibility in transportation rulings showcases jurisprudential openness to modern realities.

Islamic legal schools demonstrate responsiveness to mobility changes. Both Hanafi and Maliki jurisprudence validate travel ease, as long as core obligations are met. Shafi'i and Hanbali schools also accommodate reduced hardship under necessity. Fatwas supporting modern transport emphasize maqāṣid al-sharīʿah, particularly facilitation (*taysīr*) and continuity of worship. Scholarly texts and legal opinions now accept air travel as a valid means for pilgrimage. Therefore, all schools uphold the essence of Hajj despite differing transport contexts.

Modern health protocols are now central to Hajj planning.[16] Mass pilgrimages pose risks of disease outbreaks, prompting preventive measures. Islamic law, through maqāṣid, prioritizes life preservation.[17] Vaccinations, health screenings, and spatial

---

[14] Didik Hariyanto et al., "The Commodification of Umrah Pilgrimage in Indonesia: Between Worship and Lifestyle," *International Journal of Innovation, Creativity and Change* 13, no. 10 (2020): 1550–66.

[15] Abdurrahman Al-Jazīrī, *Al-Fiqh 'Ala Al-Mazāhib Al-Arba'Ah* (Cairo: Dār al-Ḥadīś, 2015).

[16] Inaya Hajj Hussein et al., "Vaccines Through Centuries: Major Cornerstones of Global Health," *Frontiers in Public Health* 3, no. November (2015): 1–16, https://doi.org/10.3389/fpubh.2015.00269.

[17] Heni Ani Nuraeni and Novie Kurniasih, "The Role of Social Media Da'wah in Improving Individual Piety during the Covid 19 Pandemic," *Ilmu Dakwah: Academic Journal for Homiletic Studies* 15, no. 2 (2021): 343–64, https://doi.org/10.15575/idajhs.v15i2.15734.

arrangements are supported by fatwas from all schools. These measures uphold safety while maintaining worship integrity. Public health has become a recognized component of lawful Hajj administration. The pandemic forced major jurisprudential adjustments in Hajj rituals. With public gatherings restricted, scholars applied ijtihād to justify temporary changes. These were not seen as innovations but necessary precautions. Fatwas from Saudi and international bodies limited Hajj attendance and mandated social distancing. Even ritual sequences were modified for health reasons. Consequently, jurisprudence demonstrated its capacity for urgent, relevant application.[18]

Maqāṣid al-sharīʿah underpins contemporary rulings on Hajj practices. Preserving life (ḥifẓ al-nafs) justifies limiting rituals during health crises. Ensuring accessibility and protection reflects legal adaptability. All schools incorporate maqāṣid when traditional rulings pose harm. This evidences the dynamic interpretive scope within Islamic legal theory.[19] In effect, maqāṣid ensures that sacred goals remain central amid practical reform.

There is notable convergence among the four Sunni schools on modern Hajj issues. Despite differences in legal tools, scholars agree on essential adaptations. This consensus reflects shared values and unified religious priorities. Joint fatwas and scholarly collaborations exemplify this agreement, especially in emergency responses. Divergences remain, but core rulings align. Consensus strengthens the legitimacy of adapted Hajj practices. Contemporary developments affirm the relevance of Islamic jurisprudence. Adaptation through ijtihād and maqāṣid proves the law's living nature. Hajj becomes a platform to showcase legal dynamism. The acceptance of new norms does not dilute tradition but upholds its essence. Scholars act as mediators between sacred texts and shifting realities. Fiqh continues to guide Muslims in complex modern contexts.

2. The Role of Technology in Enhancing Hajj Management

Technology has become an indispensable element in the contemporary management of the Hajj pilgrimage, dramatically improving operational efficiency and safety through

---

[18] Nur, "Pelaksanaan Ibadah Haji Pada Masa Pandemi Covid 19; Studi Komparatif Perspektif Mazhab Fikih."

[19] Mustaqim Pabbajah, "From the Indigeneous to the Religious Practices: Islamic Construction of the Local Tradition in South Sulawesi, Indonesia," *ESENSIA: Jurnal Ilmu-Ilmu Ushuluddin*, 2021, https://doi.org/10.14421/esensia.v22i1.2800.

a variety of tools and systems.[20] Among the most prominent innovations are electronic identification systems, mobile applications, and surveillance technologies, all of which have been systematically deployed to facilitate the coordination of pilgrims, monitor movement, and enhance the overall security of the event. Given that Hajj attracts millions of Muslims from across the globe every year, managing such a massive influx of people requires advanced logistical planning that is nearly impossible without technological support.[21]

The integration of these innovations directly addresses several of the logistical and organizational challenges historically associated with the pilgrimage. Long-standing issues such as crowd control, communication barriers, locating missing persons, and delivering timely information to pilgrims have found practical solutions through digital systems. By streamlining processes such as registration, movement tracking, and emergency response, these tools not only mitigate risks but also contribute to a more spiritually focused and less physically burdensome experience. With millions attending within a confined geographical and temporal setting, the ability to preserve order while respecting religious rituals is paramount—and technology plays a crucial role in achieving this balance.

From a jurisprudential perspective, the rapid evolution of technology introduces complexities not directly addressed in classical Islamic legal texts. Traditional Islamic jurisprudence (fiqh) was developed in a pre-industrial era, focused on the realities of a world that did not anticipate the existence of smart devices, biometric identification, or digital surveillance.[22] As such, there exists a noticeable gap between classical legal formulations and the contemporary realities of administering Hajj. Bridging this gap

---

[20] Mirdad, Helmina, and Admizal, "The Grave Pilgrimage Tradition: Motives and Activities of Pilgrims at Sacred Tombs."

[21] Deden Effendi, Aden Rosadi, and Yoyok Prasetyo, "International Journal of Religious Tourism and Pilgrimage Preparing Halal Tourism Regulations in Indonesia Preparing Halal Tourism Regulations in Indonesia," *International Journal of Religious Tourism and Pilgrimage* 9, no. 1 (2021): 58–69, https://doi.org/10.21427/gt5w-sy51.

[22] Kamaruddin and Sabil Mokodenseho, "A Debate on the Islamic Practice of Pilgrimage to the Grave: Study of the Hadīth on Grave Pilgrimage for Women," *Al Quds : Jurnal Studi Alquran Dan Hadis* 6, no. 2 (2022), https://doi.org/10.29240/alquds.v6i2.4390.

requires a renewed engagement with the principles and methodologies of Islamic legal interpretation to provide relevant and context-sensitive guidance.

One of the primary tools employed by contemporary scholars to address such gaps is *ijtihad*, or independent legal reasoning. Through the process of ijtihad, scholars examine new phenomena by drawing upon foundational Islamic legal principles, the objectives of sharia (maqasid al-shariah), and the broader moral and ethical framework of Islam. In the case of technology use during Hajj, scholars must consider whether such innovations support or hinder the fulfillment of religious obligations, the preservation of life, and the dignity of the pilgrims.[23]

The flexibility of ijtihad allows scholars to develop solutions when sacred texts (*nusus*) are silent or ambiguous about modern issues. For instance, while no verse in the Qur'an or hadith mentions electronic wristbands or real-time navigation apps, scholars may permit their use if they facilitate the proper observance of Hajj without compromising its core values. This approach ensures that Islamic law remains relevant and dynamic, able to accommodate changing circumstances without losing its essential spirit. The willingness to engage with technology through the lens of ijtihad reflects the intellectual vitality of the Islamic legal tradition.

This legal openness is reflected across the four major Sunni schools of jurisprudence — Hanafi, Maliki, Shafi'i, and Hanbali — which generally converge on the view that the use of technology, when directed towards public welfare and religious facilitation, is not only permissible but commendable. While the methodologies of these schools may differ in their technicalities, they all uphold the primacy of maslahah (public interest) in situations where the preservation of life and the effectiveness of worship are at stake. This shared recognition underscores the capacity of Islamic jurisprudence to adapt to the functional demands of modern society.

The foundation for this acceptance lies in maqasid al-shariah, the objectives of Islamic law. Among the five primary maqasid — preservation of religion, life, intellect, progeny, and property — the role of technology clearly aligns with several of these aims during the

---

[23] Peter Jan Margry, *Shrines and Pilgrimage in the Modern World: New Itineraries into the Sacred* (Amsterdam: Amsterdam University Press, 2008).

Hajj.[24] For example, surveillance systems and biometric IDs aid in preserving life by minimizing security threats and facilitating rapid responses to emergencies. Mobile applications support the preservation of religion by guiding pilgrims through correct ritual sequences and timing, reducing confusion and error. Therefore, technology serves not as a disruption, but as an enhancement to the realization of these divine objectives.

Electronic identification systems, such as RFID-enabled wristbands and biometric scanners, are particularly effective tools in managing pilgrim movement. These devices help authorities track individuals, prevent overcrowding in specific areas, and retrieve medical or personal data quickly in times of need. In the 2015 Mina stampede tragedy, one of the criticisms raised was the lack of real-time monitoring tools to manage human flow. The subsequent introduction of these technologies has significantly improved authorities' ability to prevent such disasters, illustrating how modern tools contribute to safeguarding human life without interfering with the spiritual nature of Hajj.[25]

Similarly, mobile applications designed specifically for pilgrims provide valuable real-time information, such as prayer schedules, ritual checklists, and interactive maps. These apps help pilgrims navigate unfamiliar territory, coordinate group activities, and receive instant alerts about changes in schedules or safety protocols. In addition, health-monitoring features integrated into these apps can notify users of extreme weather conditions or pandemic-related updates. All these functions allow pilgrims to focus more on their spiritual journey and less on logistical stressors, ensuring a smoother and safer Hajj experience.[26]

In conclusion, the use of technology during Hajj, when implemented with ethical and religious considerations, significantly enhances the overall management, safety, and accessibility of the pilgrimage. Rather than being seen as a foreign intrusion into sacred rituals, technology can and should be embraced as a tool that helps fulfill the maqasid al-

---

[24] Nimrod Luz, "Transformations in Islamic Pilgrimage Patterns and Meanings: Piety, Politics, Resistance, and Places of Memory in Islamic Pilgrimage Sites in Israel/Palestine," *Religions* 14, no. 8 (2023), https://doi.org/10.3390/rel14081043.

[25] Alfonso Vargas Sanchez, Dina Hariani, and Ani Wijayanti, "Perceptions of Halal Tourism in Indonesia : Mental Constructs and Level of Support Perceptions of Halal Tourism in Indonesia : Mental Constructs and Level of Support," *International Journal of Religious Tourism and Pilgrimage* 8, no. 4 (2020): 37–49, https://doi.org/10.21427/6vbn-ta37.

[26] Qurashi, "Commodification of Islamic Religious Tourism: From Spiritual to Touristic Experience."

shariah. By applying ijtihad and upholding maslahah, Islamic scholars demonstrate that the tradition of Islamic jurisprudence is not static but capable of evolving in response to new challenges. This dynamic adaptability ensures that the sacred rituals of Hajj remain both spiritually meaningful and practically viable in the modern age.[27]

3. Reevaluating the Requirement of Mahram for Women in Hajj: A Jurisprudential and Contemporary Perspective

The participation of women in the Hajj pilgrimage without a mahram (a male guardian) has long been a subject of scholarly discussion within Islamic jurisprudence.[28] Historically, this issue has been approached differently by the major Sunni schools of thought, with some emphasizing the necessity of a mahram and others offering more lenient interpretations based on safety and group travel. As the context of travel has evolved dramatically in the modern era, especially in terms of safety and logistical support, the question of whether a woman can perform Hajj without a mahram has become increasingly relevant.[29] This discussion gains further importance given the growing number of female pilgrims and the advances in technology and infrastructure that now make pilgrimage safer and more organized than ever before.

Traditionally, the Hanafi school of Islamic law has maintained that a woman must be accompanied by a mahram when undertaking the Hajj pilgrimage. This requirement is grounded in the school's interpretation of prophetic traditions and is largely based on concerns for safety, honor, and societal norms that prevailed during earlier centuries. According to this view, the presence of a mahram ensures that a woman is protected during the arduous and unpredictable journey, which historically included numerous risks such as highway robbery, difficult terrains, and poor infrastructure. Thus, the Hanafi position emphasizes preventive measures rooted in historical and cultural contexts.

However, the Shafi'i and Maliki schools offer different perspectives on this issue. These schools allow women to perform Hajj without a mahram, provided they travel in

---

[27] Basyah and Qodir, "Spiritual Travel to Baitullah: Individual Piety in Global Capitalism."

[28] Bachrul Ulum, "PEMAHAMAN HADITS BERBASIS PENDEKATAN SOSIOLOGI (Pemaknaan Ulang Mahram Terhadap Pendampingan Wanita Dalam Perjalanan)," *Al Yazidiy : Jurnal Sosial Humaniora Dan Pendidikan* 4, no. 1 (July 2022): 63–70, https://doi.org/10.55606/AY.V4I1.24.

[29] Qurashi, "Commodification of Islamic Religious Tourism: From Spiritual to Touristic Experience."

a group deemed safe and trustworthy. The rationale behind these positions is the prioritization of the obligation of Hajj—which is a once-in-a-lifetime religious duty—and the recognition that group travel mitigates many of the dangers traditionally associated with the journey. The Shafi'i school, in particular, holds that if the route is secure and the woman is traveling with other trustworthy individuals, the requirement of a mahram may be lifted. This demonstrates a nuanced approach to balancing religious obligations with practical concerns.

The flexibility found in the Shafi'i and Maliki schools becomes especially relevant in the context of contemporary Hajj practices. Today, the pilgrimage is meticulously organized by state authorities, with government-approved travel agencies providing structured itineraries, supervision, and security for all pilgrims. Women are often grouped together and accompanied by guides and staff throughout the journey. The presence of law enforcement, healthcare services, and surveillance technologies has greatly minimized the risks that originally necessitated the mahram requirement. These developments have prompted a reexamination of earlier jurisprudential stances.

In response to these modern conditions, many contemporary scholars have begun to revisit the traditional requirements surrounding mahram accompaniment. Using the tool of *ijtihad* (independent legal reasoning), these scholars argue that the intent behind the mahram requirement was to ensure the safety and dignity of women. When this objective is already achieved through other reliable means—such as organized travel, security infrastructure, and supervision—then the original ruling can be reconsidered. This approach reflects the dynamic nature of Islamic law, which is designed to respond to changing realities while remaining anchored in foundational principles.[30]

Furthermore, this reevaluation aligns closely with the objectives of Islamic law (*maqasid al-shariah*), which include the preservation of religion, life, intellect, lineage, and property. In this context, the preservation of religion is fulfilled by enabling women to perform Hajj—a major pillar of Islam—even in the absence of a mahram, as long as their safety is assured. The preservation of life is also addressed by modern security measures that protect all pilgrims, including women, during their journey. Therefore, when the

---

[30] Wani, "Pilgrimage in Islam: Traditional and Modern Practices."

broader objectives of the shariah are achieved through new means, the specific mechanisms used to achieve those goals can be adjusted accordingly.

The argument that the lack of a mahram should not prevent a woman from fulfilling her religious duty is also supported by equity and inclusivity. In many parts of the world, women may not have a male relative available to accompany them, especially in cases of widowhood, old age, or financial constraints. Preventing such women from performing Hajj solely due to the absence of a mahram could be seen as creating undue hardship and excluding them from a foundational act of worship. This would contradict the Islamic emphasis on removing hardship and facilitating acts of devotion for all believers.

In recent years, numerous fatwas have been issued by respected Islamic institutions and scholars permitting women to perform Hajj without a mahram under safe and organized conditions.[31] For example, the Egyptian Dar al-Ifta and the scholars of Al-Azhar have supported this view, emphasizing that Islam does not intend to make religious obligations burdensome. Similarly, scholars from Saudi Arabia, Indonesia, and other Muslim-majority countries have echoed these sentiments, particularly in light of the changing nature of travel and societal roles. These endorsements reflect a growing scholarly consensus that recognizes the legitimacy and necessity of revising earlier rulings in light of contemporary realities.

Practical evidence of this shift can also be observed in recent policy changes. The Saudi Ministry of Hajj and Umrah has updated its regulations to allow women to register for Hajj and Umrah without a mahram, provided they are part of a group. This marks a significant institutional acknowledgment of the evolving consensus among scholars and the practical feasibility of women traveling independently under safe conditions. It also reflects the broader efforts to modernize pilgrimage services and make them more accessible and inclusive.

At the same time, it is important to recognize that this issue remains sensitive and subject to differing interpretations. While many scholars and institutions have embraced the more flexible view, others continue to uphold the traditional requirement of a

---

[31] Al-Ahwal Al-Syakhsiyah and Al-Qolam Maqashid, "Analisa Hukum Haji Bagi Wanita Yang Dalam Masa Iddah Menurut Imam Hanafi," *MAQASHID: Jurnal Hukum Islam* 3, no. 2 (2020): 66–73, https://doi.org/10.35897/MAQASHID.V3I2.426.

mahram, citing concerns about preserving modesty, family structure, and adherence to established legal traditions. These voices remind us that Islamic jurisprudence is not monolithic and that respectful engagement with differing views is essential to maintaining unity and mutual understanding within the Muslim community.

The debate surrounding women's participation in Hajj without a mahram highlights the dynamic interaction between classical jurisprudence and contemporary realities. While the Hanafi school maintains the necessity of a mahram, the Shafi'i and Maliki schools offer more context-sensitive approaches. The evolution of travel conditions, enhanced safety measures, and the use of ijtihad have led many scholars to reconsider earlier rulings. This shift is supported by the objectives of Islamic law and reflects a commitment to facilitating religious obligations while ensuring safety and dignity. As Islamic jurisprudence continues to engage with modern challenges, it remains essential to balance tradition with adaptability, ensuring that all Muslims can fulfill their religious duties without unnecessary hardship.

CONCLUSION

Islamic jurisprudence demonstrates a dynamic capacity to adapt to modern challenges in Hajj through structured scholarly reasoning. This adaptability is rooted in the principles of *ijtihad* and the objectives of *maqasid al-shariah*, which allow for context-sensitive rulings. Evidence shows that the four Sunni schools have applied these principles to issues like technology use, health protocols, and women's travel without a mahram. For instance, during the COVID-19 pandemic, scholars issued fatwas that temporarily modified rituals to prioritize safety without compromising religious obligations. Similarly, contemporary interpretations have permitted innovations such as mobile apps and surveillance to enhance security and coordination. These examples reflect the jurists' commitment to preserving both ritual sanctity and practical feasibility. The study confirms that Islamic law offers both continuity and flexibility in guiding modern Hajj practices.

The strength of this research lies in its comprehensive comparative approach across the four major Sunni schools of thought. By examining multiple jurisprudential

perspectives, the study offers a balanced understanding of how Islamic law addresses modern Hajj challenges. Using both classical fiqh texts and contemporary sources such as fatwas, official guidelines, and empirical data, the research bridges tradition and innovation. The inclusion of real-world scenarios—like technological applications and revised health measures—grounds the analysis in current practice. Additionally, the use of the *maqasid* framework highlights the ethical and legal coherence within Islamic law. This broad yet focused methodology enriches scholarly discourse and supports practical reforms in Hajj administration. Moreover, the rapidly changing nature of global events—such as pandemics, geopolitical shifts, and technological disruption—means that some findings may quickly become outdated. Access to primary data from official Hajj institutions was also limited, restricting deeper institutional analysis. The voices of pilgrims themselves, particularly women, could further enrich the discussion on issues like travel autonomy. Future research should incorporate broader stakeholder perspectives and real-time field data to enhance applicability.

REFERENCES

Al-Jazīrī, Abdurrahman. *Al-Fiqh 'Ala Al-Mazāhib Al-Arba'Ah*. Cairo: Dār al-Ḥadīṡ, 2015.

———. *Al-Fiqh 'Alā Al-Mazāhib Al-Arba'Ah*. Cairo: Dār al-Ḥadīṡ, 2015.

Al-Syakhsiyah, Al-Ahwal, and Al-Qolam Maqashid. "Analisa Hukum Haji Bagi Wanita Yang Dalam Masa Iddah Menurut Imam Hanafi." *MAQASHID: Jurnal Hukum Islam* 3, no. 2 (2020): 66–73. https://doi.org/10.35897/MAQASHID.V3I2.426.

Basyah, Dwi Santoso Ali, and Zuly Qodir. "Spiritual Travel to Baitullah: Individual Piety in Global Capitalism." *Religious: Jurnal Studi Agama-Agama Dan Lintas Budaya* 4, no. 3 (2020): 135–44. https://doi.org/10.15575/rjsalb.v4i3.9592.

Effendi, Deden, Aden Rosadi, and Yoyok Prasetyo. "International Journal of Religious Tourism and Pilgrimage Preparing Halal Tourism Regulations in Indonesia Preparing Halal Tourism Regulations in Indonesia." *International Journal of Religious Tourism and Pilgrimage* 9, no. 1 (2021): 58–69. https://doi.org/10.21427/gt5w-sy51.

Hajj Hussein, Inaya, Nour Chams, Sana Chams, Skye El Sayegh, Reina Badran, Mohamad Raad, Alice Gerges-Geagea, Angelo Leone, and Abdo Jurjus. "Vaccines Through Centuries: Major Cornerstones of Global Health." *Frontiers in Public Health* 3, no. November (2015): 1–16. https://doi.org/10.3389/fpubh.2015.00269.

Hariyanto, Didik, Kacung Marijan, Djarot Meidi, Budi Utomo, and Nur Maghfirah

Aesthetika. "The Commodification of Umrah Pilgrimage in Indonesia: Between Worship and Lifestyle." *International Journal of Innovation, Creativity and Change* 13, no. 10 (2020): 1550–66.

Kamaruddin, and Sabil Mokodenseho. "A Debate on the Islamic Practice of Pilgrimage to the Grave: Study of the Hadīth on Grave Pilgrimage for Women." *Al Quds : Jurnal Studi Alquran Dan Hadis* 6, no. 2 (2022). https://doi.org/10.29240/alquds.v6i2.4390.

Luz, Nimrod. "Transformations in Islamic Pilgrimage Patterns and Meanings: Piety, Politics, Resistance, and Places of Memory in Islamic Pilgrimage Sites in Israel/Palestine." *Religions* 14, no. 8 (2023). https://doi.org/10.3390/rel14081043.

Margry, Peter Jan. *Shrines and Pilgrimage in the Modern World: New Itineraries into the Sacred*. Amsterdam: Amsterdam University Press, 2008.

Mirdad, Jamal, Helmina Helmina, and Iril Admizal. "The Grave Pilgrimage Tradition: Motives and Activities of Pilgrims at Sacred Tombs." *Khazanah* 12, no. 1 (2022): 65–80. https://doi.org/10.15548/khazanah.v12i1.643.

Nur, Sultan. "Pelaksanaan Ibadah Haji Pada Masa Pandemi Covid 19; Studi Komparatif Perspektif Mazhab Fikih." *Mazahibuna* 2, no. 2 (December 1, 2020): 134–50. https://doi.org/10.24252/MH.V2I2.15075.

Nuraeni, Heni Ani, and Novie Kurniasih. "The Role of Social Media Da'wah in Improving Individual Piety during the Covid 19 Pandemic." *Ilmu Dakwah: Academic Journal for Homiletic Studies* 15, no. 2 (2021): 343–64. https://doi.org/10.15575/idajhs.v15i2.15734.

Nurohman, Dede. "SELLING RELIGIOUS RITUALS IN INDONESIA Commodification of Umrah Pilgrimage by Travel Agents." *Journal of Indonesian Islam* 16, no. 2 (2022): 399–425. https://doi.org/10.15642/JIIS.2022.16.2.399-425.

Pabbajah, Mustaqim. "From the Indigeneous to the Religious Practices: Islamic Construction of the Local Tradition in South Sulawesi, Indonesia." *ESENSIA: Jurnal Ilmu-Ilmu Ushuluddin*, 2021. https://doi.org/10.14421/esensia.v22i1.2800.

Purkon, Arip. "Political Parties and Islamic Law Positivization in Contemporary Indonesian Governance." *Humanities & Social Sciences Reviews* 9, no. 2 (2021): 75–86. https://doi.org/10.18510/hssr.2021.928.

Qurashi, Jahanzeeb. "Commodification of Islamic Religious Tourism: From Spiritual to Touristic Experience." *International Journal of Religious Tourism and Pilgrimage* 5, no. 1 (2017): 89–104. https://doi.org/10.21427/D7JX40.

RAHMAN, Hafijur. "TOWARD A WISE POLITICAL FIQH: THE PERCEPTION OF STATE IN THE POLITICAL THOUGHT OF YUSUF AL-QARADAWI." *Akademi Sosyal Bilimler Dergisi* 7, no. 21 (September 22, 2020): 6–22. https://doi.org/10.34189/ASBD.7.21.001.

Rokhmad, Abu. "Institutions and Contributions to Islamic Law in Indonesia's Legal System." *Walisongo Law Review (Walrev)* 3, no. 1 (2021): 21–44. https://doi.org/10.21580/walrev.2021.3.1.7282.

Sanchez, Alfonso Vargas, Dina Hariani, and Ani Wijayanti. "Perceptions of Halal Tourism in Indonesia : Mental Constructs and Level of Support Perceptions of Halal Tourism in Indonesia : Mental Constructs and Level of Support." *International Journal of Religious Tourism and Pilgrimage* 8, no. 4 (2020): 37–49. https://doi.org/10.21427/6vbn-ta37.

Syatar, Abdul. "Transformation of Fiqh in the Forms of Pilgrimage and Zakat Legislation." *Mazahibuna: Jurnal Perbandingan Mazhab* 1, no. 2 (December 2019): 120–33. https://doi.org/10.24252/MH.V1I2.11646.

Ulum, Bachrul. "PEMAHAMAN HADITS BERBASIS PENDEKATAN SOSIOLOGI (Pemaknaan Ulang Mahram Terhadap Pendampingan Wanita Dalam Perjalanan)." *Al Yazidiy : Jurnal Sosial Humaniora Dan Pendidikan* 4, no. 1 (July 2022): 63–70. https://doi.org/10.55606/AY.V4I1.24.

Wani, Nazar Ul Islam. "Pilgrimage in Islam: Traditional and Modern Practices." *American Journal of Islamic Social Sciences* 35, no. 4 (2018): 62–64. https://doi.org/10.35632/ajiss.v35i4.474.

Zuhaildi, Wahbahal. *Al Fiqih Al Islami Wa Adillatuhu*. Beirut: Dar Al Fikr, 2008.