

The Influence Of Social Changes On The Islamic Legal Ruling Concerning Travelling Women

Siti Fatimah Salleh*, Engku Muhammad Tajuddin Engku Ali & Tengku Fatimah Muliana Tengku Muda¹

¹Faculty of Islamic Contemporary Studies, Universiti Sultan Zainal Abidin, Gong Badak, 21300 Kuala Terengganu, Malaysia.
Email: sitifatimah@unisza.edu.my

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Abstract

A society's changing social life occurs due to changing times that triggers a variety of social change factors. Considering the social change that is taking place, issues pertaining to the needs of a Muslim woman to travel in order to fulfill the demands of religious worship (*ibadat*) and worldly matters (*muamalat*) should be analyzed according to the pre-condition of having an unmarriageable kin (*mahram*) to accompany a travelling woman. This article focuses on the discussion on the status of the original legal ruling (*hukm*) on travelling women who must be escorted by their *mahram* and its significant relationship with social changes. The methodology employed in this article is library research with references from the scriptures on Islamic heritage (*al-Turath*) and contemporary references of Islamic jurisprudence, narrations of the Prophet PBUH and relevant sources in the field of social science. The basis for considering the factors of social change is by analyzing the legal reason (*'illah*) and purpose (*maqasid*) of the *Shariah* in setting *mahram* condition for every activity of a travelling woman; hence proving that the *Shariah* law is always relevant and flexible at all times and places.

Keywords: Social Change, Travelling Women, Working Women, Legal Ruling on Travelling Women

Introduction

Presently the scope of discussion on the issues of women travelling without their unmarriageable kin (*mahram*) not only discusses the legal ruling (*hukm*) of women travelling to perform *Haj* and *umrah*. In fact, it has gone beyond the reality of woman's life since antiquity. One significant feature of travelling in the past was the mode of transportation itself. A limited form of transportation surrounded the social living condition by then, like using animals as a mode of transportation to move from one place to another since air transport was not yet in existence. It also served as a mechanism for communication between one group of people and another in society. Changes in time have changed the society's way of life. Other than contemporary women travelling to fulfill the demands of religious worship

(*ibadah*) which is obligatory on them, there arise other issues faced by women, such as fulfilling the present demands of women.

The objective of this article is to analyse the influence of social changes on the legal ruling concerning women travelling without their *mahram* in the present context. Based on a number of past studies that had discussed issues of Islamic jurisprudence (*fiqh*) related to women, there was none that debated or studied the issues of women travelling without their *mahram* and related the analysis according to the perspective of social change. Among the studies were writings by Yusuf Al-Qardawi (2000), Abd Karim Zaydan (2004) and Siti Fatimah Salleh (2014).

Studies by local Muslim scholars on the subjects of financial obligations of husband under the Islamic law can be traced as early as 1948 owing to the work of Ahmad Ibrahim, Raihanah Abdullah (1993), Azizah Mohd (2010); judicial divorce for failure to maintain (Ahmad Ibrahim, 1978), Raihanah Abdullah (1997), as well as *fasakh* for cruelty by Afridah Abas et. al (2012). In view of that, it is the purpose of this article to provide a juristic discourse on the inevitable effect of non-maintenance to the wives' emotional well-being. The article suggests that failure of the husband to support and provide maintenance to their spouses as 'silent abuse' among Muslim married couples. To date, where women are most likely to be a career woman, it is submitted that non-maintenance which causes an abuse is mostly not due to the inability of the wife to support herself, rather, it forms as emotional abuse where the wife feel deserted, lonely and ashamed of being ignored and denied by their spouse.

Social Change

Social change is a process that occurs based on a time sequence, which involves the roles and institutions in the social system. The changes that are referred to could lead to the destruction or the growth of the social system. This has an implication on the changes of the social and behavioural relationship in the society. Therefore the society should envisage making adaptations on how they carry out activities and interactions in their daily life since the values of social changes consist of the changes in the social structure and organizational system in a society. Some examples are the changes to the number of student intake in universities, changes in the death rate in a country and changes to the role of women in an institution in Malaysia. Changes from social life aspects indicate changes in the social structure, organization or system that is related to daily life, which are the social and cultural values of society. Hence social change could be summarized as basic change that occurs in the social structure, system and organization. Therefore when change occurs on these three social aspects, these show that social change has taken place (Rohana Yusof, 2006).

Characteristics And Factors Of Social Change

In determining whether a society has gone through a social change, several important aspects about change needed to be understood, such as the characteristics and factors involved. The forms of change are only those that involve immense changes occurring in society and not the trivial ones. Hence there are several characteristics of social change discussed by the sociologist, among them are social change is universal but varies, it is not planned, it is controversial and its period and effects differ (Rohana Yusof, 2006; Siti Fatimah Salleh, 2012). Generally, a new finding in a society could bring about change in that particular society. In this regards, a social change may occur due to several factors; among them are the cultural

process, social structure, ideas, natural surroundings, people, leadership, law, innovation and technology (Al-Tanubi, n.d.; Rohana Yusof, 2006).

Factors Of Social Change In The Travelling Women Issue

At present, the issue of modern women travelling other than for performing pilgrimage of *Haj* and *Umrah* without their unmarriageable kin (*mahram*) has triggered several other issues related to travelling, such as women travelling to gather knowledge, for work, to attend conference or seminars, workshops, forums, lectures or charity missions. The circumstance that necessitates travelling is due to the change patterns in society's social life. Women's higher academic qualification has thrust their ability to be involved in the career world at par with men. The demand for a comfortable career has coerced them to fulfill the needs of the career service.

The transitional process in the evolution of transportation currently taking place is beyond imagination of the past because transportation at that time depended totally on livestock such as donkeys, camels, horses or cattle. This was followed by changes in the sea and land transportation vehicles. The current changes are due more to innovations in science and technology. These days, far off places are reachable in a day's travel time, which usually connects two continents or two countries. The social change factor in this issue is caused by the innovation in science and technology as well as the changes in social lifestyle that has other implications related to the demands for a woman to travel without their *mahram*.

The present reality of contemporary women is the burden they carry in the form of new kind of responsibility when they involve themselves in a career. Women are forced to travel alone and their *mahram* faces difficulties in applying the demand of the narration of the Prophet PBUH (*hadith*) on travelling women, which stipulates that the women's *mahram* must accompany them during a journey. This constraint is evident as the *mahram's* freedom to accompany the woman is limited because of the latter's own work burden, which is subjected to working procedures and ethics. Besides that, another situation arises if the demand of the *hadith* is applied whereby the *mahram* has to accompany a woman in the presence of a third party at that time. The fulfillment of this demand becomes almost impossible considering the society's current change in the lifestyle. The need of a woman to travel can be demonstrated by the 2013 statistics provided by the Ministry Women, Family and Society in Malaysia. According to the statistic, the total number of women labour force in 2013 was recorded at 4,630,000. This figure shows that the involvement of women in various labour force which would surely have an impact on the changes in society's lifestyle. When referring to the statistics, the involvement of women in careers is seen from various dimensions. Studies have found that the involvement mentioned earlier refers to the involvement in the various industrial fields such as agriculture, mining and quarrying; manufacturing; food service; administrative service and other service activities (www.kpwkm.gov.my, 2014).

Islamic Jurisprudence And The Issue Of Travelling Women

In principle, Islam forbids women travelling alone without being accompanied by their spouses or *mahram*. The prohibition is based on the application of a famous *hadith* related to this issue. Among the *hadith* that mentions this prohibition are:

أَنَّ أَبَا هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا يَجِلُّ لِامْرَأَةٍ مُسْلِمَةٍ تُسَافِرُ مَسِيرَةَ لَيْلَةٍ إِلَّا وَمَعَهَا رَجُلٌ ذُو حُرْمَةٍ مِنْهَا

'It is narrated by Abu Hurayrah that the Prophet (PBUH) said: A Muslim woman must not make a one-night journey unless she is accompanied by a man who is within the prohibited degrees' (Abu Dawud, Sulayman Ibn al-Ash'ath, 2004).

The text of the *hadith* in the prohibition context differs in its legal excerpts (*nas*), among others were:

عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: " لَا يَجِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ أَنْ تُسَافِرَ سَفَرًا يَكُونُ ثَلَاثَةَ أَيَّامٍ فَصَاعِدًا إِلَّا وَمَعَهَا أَبُوهَا أَوْ ابْنُهَا أَوْ زَوْجُهَا أَوْ أَخُوهَا أَوْ ذُو مَحْرَمٍ مِنْهَا

Abi Sa'id al-Khudri is reported as saying, that the Prophet (PBUH) said: A woman who believes in Allah and the Last Day must not make a journey of more than three days unless she is accompanied by her father or her brother or her husband or her son or her relative who is within the prohibited degree' (Al-Nisaburi, Abi al-Husayn Muslim bin al-Hajjaj, 1999).

Based on the above *hadith*, the legal ruling related to the prohibition of travelling women differs to one another. However, contextually it is oriented towards prohibiting women travelling without their *mahram*. Hence the *hadith* with the legal ruling forms as an argument for those who are committed with the view of forbidding women from travelling alone.

Religious scholars from the past had focused on prohibiting women from travelling with the intention of fulfilling the compulsory demand of performing the Haj. According to the majority of the Hanafi jurists, it is not compulsory for unmarried woman who do not have a *mahram* to perform the Haj. When carefully studying their opinion, it was found that the Hanafis viewed that it was not compulsory for unmarried woman to perform the Haj because of the surrounding circumstances at that time which required the ability of a woman to travel on animal-driven transportation as well as security issues of travelling without her spouse or *mahram* (Al-Kasani, 2000; Bashinfar, Sa'id bin Abd al-Qadir Salim, 2006). The Malikis on the other hand allowed a woman to perform the Haj in an entourage of other women if she did not have any *mahram* or if her *mahram* is not able to accompany her for Haj (Malik bin Anas, 2004; Bashinfar, 2006). Meanwhile, the Shafiis were of the same opinion with the Malikis which allowed a woman travelling to perform the Haj with an entourage of trustworthy (*thiqah*) women (Al-Bajuri 1996; Ibn Qudamah, 2004; Ibn Hazm, n.d.; Bashinfar, 2006). The Hanbalis shared the same opinion with the Hanafis whereby women travelling to perform Haj must be accompanied by their spouse of *mahram* because those accompanying are duty bound to protect the women at all times (Ibn Qudamah, 2004; Bashinfar, 2006).

An Analysis Of The Legal Rulings On The Issue Of Travelling Women Based On Social Change

When evaluating and analyzing the pattern for determining the legal ruling that was decided during the time of the Prophet PBUH compared to the era of the companions and the *mujtahid*, it can be seen that there were differences or changes to certain particular legal rulings. This is evident when the prohibition of women travelling without their spouse or *mahram* accompanying them had changed from a firm legal ruling during the time of the Prophet PBUH. Whereas during the time of the companions there were slight changes, as evidenced in the *hadith*:

حَدَّثَنَا إِبْرَاهِيمُ عَنْ أَبِيهِ عَنْ جَدِّهِ: أَدَانَ عُمَرُ رَضِيَ اللَّهُ عَنْهُ لِأَزْوَاجِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي آخِرِ حَجَّةٍ حَجَّهَا، فَبَعَثَ مَعَهُنَّ عُثْمَانَ بْنَ عَفَّانَ وَعَبْدَ الرَّحْمَنِ

Ibrahim narrated from his father, that his grandfather narrated that Umar in his last Haj allowed the wives of the Prophet PBUH to perform Haj and he sent with them Uthman bin Affan and Abdul Rahman bin Auf as escorts (Al-Bukhari, 1999).

This *hadith* shows that Aishah and several of the Prophet's wives had travelled from Madinah to Makkah without being accompanied by their *mahram*. It is based on this incident that the religious scholars and the *mujtahid* issued a legal ruling regarding a particular issue by taking into consideration the surrounding factors at that time. During the companion's time, life within a society was formed according to and based on Islamic values and moral norms. The assimilation of revered Islamic values had enlightened the living atmosphere in a society. This was proven when the cases of camels without owners were increasing by that time without anyone disturbing the camels. During the Prophet's time the camels were free to roam until someone claimed them. This legal ruling had continued until the reign of Abu Bakr and Umar. It however changed when Uthman bin Affan introduced his approach of selling the camels and keeping the receipts until the owner came to collect it. Whereas during the time of Ali bin Talib, the camels were placed in a stable and were given food at the cost of the *Baitulmal* until they were claimed by the owner. This shows that Islamic teaching has designed and educated the society to become civilized and morally equipped humans, especially when referring to the non-disturbance of the camels. It can be inferred from the issue of camels without owners that there were changes in the mind set of Muslims that ensured safety in the surroundings as well as there were also changes to the legal ruling in stages (Zaydan, 1998). Changes to the legal ruling had evidently taken place considering the cultural factors that had assimilated into Islamic moral values. The action taken by Sayyidina Umar did not receive any objections from other companions although it was contrary to the religious excerpt (*nas*).

On the issue of a woman travelling alone, there is another religious excerpt narrated by al-Bukhari that has become a topic of discussion among Islamic academicians, which is the *hadith*:

عَنْ عَدِيِّ بْنِ حَاتِمٍ مَرْفُوعًا أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: فَإِنْ طَالَتْ بِكَ حَيَاةٌ لَتَرَيْنَ الطَّعِيبَةَ تَرْتَجِلُ مِنَ الْحَيْرَةِ حَتَّى تَطُوفَ بِالْكَعْبَةِ لَا تَخَافُ أَحَدًا إِلَّا اللَّهَ.

It is narrated by 'Adiy bin Hatim that the Prophet PBUH said: If if you live a long life you will see a woman travelling from Hirah (Iraq) to perform tawaf (in Mecca) fearing no one except Allah (Al-Bukhari, n.d.)

The context of this religious excerpt was adapted from numerous dimensions. Firstly it shows that the Prophet PBUH had foreseen that in time to come there would be a woman travelling without her spouse or *mahram* accompanying her. Secondly it shows that there would come a time when the greatness of Islam creeps into all corners of nature and peace would prevail. Based on the context of this *hadith*, it could be assumed that the prohibition of travelling women without their spouse or *mahram* was decided by the Prophet PBUH due to the surrounding circumstances at that particular time that did not guarantee the safety of women who were threatened by innumerable types of crime. This is since the Shariah is intended to serve the best interest of mankind as a whole and at all time, not the interest of a particular

racial or social group. The concept of best interest encompasses the spiritual and mental well-being of all people in the present and the future. Apart from seeking the best interests of mankind as a whole, Islamic law is directed towards avoidance of harm (Muliana & Mohd, 2015). In relation to this, Islamic law entails for blocking a lawful action because it could lead to unlawful actions which is administered in the principle of *sad al-dharai'* or blocking the means (Auda, 2008). However, pertaining to the issue of travelling woman, Auda reinstated that a woman travelling by herself could lead to probable harm in some situations, but could definitely be harmless or even beneficial for people in other situations (Auda, 2008).

Therefore, an analysis should be done concerning the lives of those affected by social circumstances dominated by elements of social change such as science, technology and legislation that involves mandatory adherence to rules or procedures. Consequently, a career woman as for example is forced to travelling alone in order to fulfill the demands or needs stipulated by an agency or their employer. Likewise, a woman seeking knowledge would experience the same situation since certain fields of knowledge are found abroad that requires travelling. Where most modern women today are educated and employed side by side men, the present needs make it more difficult for women to travel accompanied by their spouses or *mahram*.

In view of the current changes in social life, the religious scholars such as among the Shafiis had allowed women to travel without their *mahram* or other trustworthy women. This fatwa is not only aimed at women who wish to carry out compulsory religious rites such as performing the *Haj*, but it could also be applied to all types of travelling besides compulsory travelling (Al-Qardawi, 2000).

Contemporary *fiqh* scholars such as Al-Qardawi had made a general review on women travelling without their *mahram*. He had evaluated the *hadith* that prohibits travelling by identifying the purpose (*maqasid*) of the legal ruling through legal reasoning (*'illah*) behind the prohibition. Al-Qardawi's view on the issue of travelling women is based on the reason for the prohibition, which is a concern for women travelling alone without their spouse or *mahram* during an era where animals such as donkeys or camels were the only mode of transportation. Travelling during that era also entailed crossing vast uninhabited deserts unlike what one finds today. Thus without such legal ruling surely there would be personal attacks and violations on women beyond anyone's control. The world today witnesses that travelling does not anymore depended on animal driven carriages or long and lonely passageways, on the contrary, people these days travel using land, sea and air transportation that involves hundreds of passengers. The reason for fear and anxiety concerning women's safety is no more a serious issue faced by a woman travelling alone. Al-Qardawi's view on women travelling alone without being accompanied by their spouse or *mahram* or trustworthy women had taken into consideration the current safe and guaranteed mode of transportation as well as the expansion of Islam that has forged peace and harmony (Al-Qardawi, 2000). His fatwa aimed at all forms of travelling and is a current legal ruling (*fatwa*) that has not been adduced by former religious scholars. Where the scenario in Malaysia is concerned as for example, the street crime rate in the federal capital showed a drastic decline of 37.7 % in 2015 compared to 2014. The same pattern of declining crime rate is reflected in the Performance Management and Delivery Unit findings in its crime rate index which is one of the National Key result Areas (NKRA). Since the beginning of the transformation journey

under the Government Transformation Programme (GTP) in 2009, the recorder NKRA crime index came down by 40% over the last five years. The declining rate of the crime in Malaysia may not be indicative of other countries in the world. Relatively, it should be emphasized that in deciding whether harm shall be incurred where a woman travelling alone, variations in economic, political, social and environmental circumstances should be taken into consideration instead of applying a constant and rigid rule.

There are also current *fatwas* on women travelling to acquire knowledge, which says that it is permissible for a woman to travel to peaceful countries in order to acquire knowledge, provided that the woman abide by the Islamic ethics. In principle, a woman cannot travel alone without a *mahram* for more than a distance so as to admit *qasar* prayer. Hence the reality of the travelling situation in the past is different from the present. Air transportation via the airplane is akin to small village travelling in peace filled with men, women and children. The universities pose a similar situation where female student are placed separately in a hostel or dormitory and in some universities special transportation is provided for them, which shows that there exists an atmosphere of peace and safety.

It should be noted that the fatwa above stresses that it is better if a woman travel with her *mahram*. However, if there is difficulty for the spouse or the *mahram* to accompany her then it is permissible for a woman to travel using transportation that has many other passengers where the passageways is not uninhibited or where she would not be left alone with a man unrelated to her. In addition to that, the journey should in normal situation be a peaceful one for her (www.awqaf.ae, 2014).

'Abdul Karim Zaydan was of the opinion that it is permissible for a woman to travel without a *mahram* for the purpose of obtaining knowledge. However, a woman who wishes to travel abroad alone should ensure the safety and peaceful condition of the country and to refer to the related embassy or ministry in an effort to sustain the Islamic values which is protection over women's safety as well as self-dignity (Zaydan, 2004).

Although travelling alone shall be challenging for a woman, their involvement in the career world would also indirectly benefit them with the learning process such as by attending meeting, courses, trainings, presentations, research, supervising, religious missions or others. The foundation for the permissibility is the level of safety during the journey and of the destination. Besides that, a woman who travels on a mission to acquire knowledge needs to consider the following conditions (Zaydan, 2004):

First: The objective of travelling is due to the utmost urgency (*darurah*), fulfilling the needs of permitted by the Shariah, or attaining public interest (*maslahah*) that would prevail out of the travel;

Second: Incapable of importing certain experts who are needed to learn a particular field of expertise even at the expense of a high cost;

Third: If there exists any debilitating reason that prohibits a woman from seeking knowledge abroad alone, then she must be accompanied by her *mahram* such as the father, siblings or her spouse, if she is married. According to 'Abd Karim Zaydan, it does not suffice to travel with trustworthy women as this exception to the rule of travelling alone for a woman is applicable during the *Haj* only, and the entourage of women are considered replacement for the

mahram or the spouse. The justification is that the permissibility to travel with trustworthy women is a right exercised during the performance of *Haj* only, which is a religious worship and an obligation required of a person (*fardu 'ain*) and the period is dissimilar to that of seeking knowledge.

These stipulated conditions were suggested by the religious scholars through a refined and deduced religious opinion (*ijtihad*), which was not interpreted from any religious excerpt. This *ijtihad* is inclined to uphold the religious excerpt in the context of the permissibility of women seeking knowledge without considering that fact that a woman has to travel after she receive or possesses the knowledge. The effect of changing educational culture of the present women compared to the women in the past has caused profound social changes in the society. The issue of compelling circumstances that made women travel after completing their academic endeavour was not raised by religious scholars of the past.

The change in the religious ruling from prohibition to permissible is due to the impact of the social change as well as the customary law (*'uruf*). This is in concordance with the methods of Islamic jurisprudence (*fiqh*) that supports the occurrence of changes in religious ruling when there are changes in time and place. This theory is very practical and applicable in the issue of travelling women. The change in religious ruling does not mean that the religious ruling should comply with the social changes or should advocate all sorts of changes. However these changes to religious ruling are due to the critical analysis and evaluation of religious rulings on new situations, which occur due to social changes in society that produce different religious rulings. Since the religious ruling is categorized under the heading of 'worldly, social or commercial matters' (*mu'amalat*) which is conceptualized based on the theory that "the original religious ruling on worldly matters needs to be evaluated based on the intention and contents, not on the utterance or its form" which is "العبرة في التصرفات للمقاصد والمعاني لا للألفاظ" and "والمباني". This differs with the concept in some religious ruling regarding religious worship, whereby some of it could be analyzed based on its legal reasoning (*'illah*), while others are purely in the form of rituals based on divine command (*ta'abbudi*), which do not require a scrutiny of its meaning and intentions (Al-Sa'di, 'Abd Malik Abd al-Rahman, 2008). When the focus is on religious ruling pertaining to social or commercial matters, the religious ruling can be changed and the relevant religious opinions could be refined and deduced. In reality, if every travelling woman needs to be accompanied and monitored by her *mahram* or spouse it would create a difficulty for all parties concerned. This complication exists due to the application of the original religious ruling on travelling women whereby it is almost impossible for a *mahram*, whether it is the father, the male siblings or the spouse to accompany the woman at all times and to every destination. This is due to limitations on time and finances faced by the *mahram* or spouse who at the same time has responsibilities towards the family or employer that needs to be fulfilled. For example, when a responsible *mahram* or father has to accompany a woman who intends to pursue knowledge and at the same time, the *mahram* has other responsibilities at the workplace. Certainly in such a situation three circumstances prevail at one time, which is the obligation of the father to find the sustenance for the family, the obligation of the father to accompany his travelling daughter and if he has two daughters, then there would be two separate directions to pursue which eventually leads to a situation of turmoil and confusion. The basic Islamic principle would be to rid the turmoil and confusion, which is "رفع الحرج". The stability of Islamic religious ruling is a reality that is seen from the public interest (*maslahah*) and harmful (*mafsadah*) aspect in a particular religious

ruling, hence the permissibility of travelling without a *mahram* would change to the original religious ruling if the reason for the prohibition was identified.

Moreover, the travelling mentioned by the Prophet PBUH in the *hadith* shows that Islam holds a high regard of a woman's dignity and it assures the safety of woman in all aspects. Without the Islamic values that pose protection over women, surely a harmonious situation could not be achieved considering the social life of the current world coupled with the human mind. Therefore, if there were no peace and safety is not guaranteed, it would be mandatory to hold on the original principle regarding the religious ruling on travelling woman, whereby the travelling woman is to be accompanied by the spouse or her *mahram*. The change in the religious ruling from ultimate prohibition to permissible is due to the essence of the *hadith*, which refers to the fundamental or the legal reasoning for the prohibition, such as peacefulness and safety that have become the evaluating standard for the religious ruling. When the reason for the prohibition is not evaluated, it does not mean that the religious ruling has ignored the religious excerpt but it is actually in accordance with the *hadith* and its demands, such as the changes in the religious ruling that occurred during the time of the companions regarding camels without owners. The religious excerpt for both situations had emphasized the intention of determining religious ruling based on the *Shariah*.

Conclusion

Based on several findings from the research, a number of conclusions could be made on the influence of social changes on the issue of travelling women. Among these conclusions are:

- i. Social changes could be summarized as basic changes to the social structure, social system and the social organization. Some of the characteristics and factors of social changes discussed by the sociologists are that social change should be universal but has variations, it is unplanned, controversial, and its period and effects differ. Meanwhile, among the factors that influence social change are the cultural process, social structure, ideas, natural surroundings, the people, leadership, legislation and innovations in technology.
- ii. There is a change in the woman's travelling pattern in the past whereby they travelled to fulfil compulsory or optional religious worship such as the *Haj* or *umrah*. At present, the patterns of travel had shifted towards women travelling to seek knowledge, careers, research, or even for charity missions. All these types of travelling are caused by the changing patterns of social life. Woman's academic qualifications and a demand for a career have thrust them into the world of careers alongside their male counterparts.
- iii. The shift in the transportation mechanism dominated by innovations in science and technology has influenced the change in the original religious ruling that requires a woman who intends to travel to be accompanied by her *mahram*. The prohibition of women in the past to travel alone was justified due to the circumstances that exposed them to danger and threats to their dignity and property.
- iv. The basis of the argument on the stipulated condition of a *mahram* accompanying a woman on every journey was analyzed according to the purpose (*maqasid*) and the *hadith* was not evaluated in a formal manner. It needs to be interpreted by identifying the reason for the prohibition and the surrounding circumstances at that time, which became a significant justification for a re-analysis of the religious ruling concerning travelling women. In the present circumstances, although women's travelling with *mahram* is always the priority, a woman could travel without her *mahram* if there is an assurance that the journey and the

destination would be peaceful and safe. If this is not the case, then the original religious ruling should be observed.

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