

The Relevance of Safar Law for Women Without Mahram to Family Economic Independence in the Era of Society 5.0

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ABSTRACT

In the era of Society 5.0, women have many opportunities and facilities if they want to strengthen their family's economic independence. However, a law prohibits women from traveling without a mahram. Many hadith texts prohibit women from traveling without a mahram, which are contradictory and have multiple interpretations, making the law of women traveling different opinions. This article will analyze the law and whether it is still relevant if it is associated with the demands of economic independence in the era of Society 5.0 by using a qualitative descriptive method approach to produce a legal analysis and get a new conclusion. It can be concluded that the law regarding the prohibition of women traveling without a mahram is broadly divided into two, namely prohibiting absolutely and detailing the law in two circumstances, namely related to interests or needs and safety factors. Then, the many positive opportunities and conveniences in this Society 5.0 era make it easier for women to implement the law regarding the prohibition of traveling without a mahram and make it relevant even in this advanced era.

Keywords: Legal Relevance; Female Safar; Economic independence; Society 5.0 era.

INTRODUCTION

In principle, Islam does not differentiate against the position of women because the origin of human beings is the same (Asmuni, 2020). However, there are different things related to the legal rules of Safar for women that their mahram must accompany. Meanwhile, men do not have rules that regulate tarkait safar. Many kinds of literature discuss the law that women who perform safar must be accompanied by their mahrams. Almost all of the literature includes several hadiths as the basis for the law, but many of the texts of these hadiths seem to contradict each other and contradict each other (Mahmuddin et al., 2021).

Contradictory, contradictory hadiths, and multi-interpretation recitations make women's safar law different opinions. The argument that states that the hadith prohibits women from safar without maharam is quite clear enough to make the law absolutely haram for a woman without a mahram. However, Mrs. Taimiyyah argues that there are limits regarding mafsadah and maslahat, the haram of safar women without a mahram is in harmony with the existence of mafsadat if there is a stronger maslahat than safar women without a mahram are allowed (Halim, 1996). Reinforcing Ibn Taymiyyah's opinion, there is an opinion that the law of women performing safar without a mahram has *a will*. Textually, the law is not clearly stated, so the jurists mention it due to their ijtihad. One of the illahs mentioned is safety and atmosphere, and if you look at this *illah* and associate it with salvation and safar as it is today, the law will also change (Suhardi et al., 2020).

The maslahah required by Ibn Taymiyyah and the opinion of some jurists about the existence of safety and atmosphere can provide more space for the movement of women as part of world civilization (Triwacananingrum, 2019), one of the essential things in world civilization is the economy. Based on the study's results, as many as 81.20% of respondents agreed that women also have a role in the economy. (Amin & Adiansyah, 2020) Of course, the problem in terms of the economy is not a little about economic inequality.

The Central Statistics Agency (BPS) data shows that economic disparities remain. Inequality in Indonesia increased in March 2023 to a level of 0.388, up from the previous level at the end of September 2022 at the level of 0.381, which means that the inequality between rich and poor is getting wider. (Idy/pta, 2023) One of the things that can elaborate and suppress this problem is building economic independence from the lower level, namely family economic independence, where women play an essential role in this matter (Triwacananingrum, 2019).

Women in the current era can take a role and influence progress in the economic field. In addition to its central role in educating its children, girls can enter the public sphere, including in the era of the Industrial Revolution 4.0 (Utami, 2019). The era of the Industrial Revolution 4.0 is an era where we have to change our way of thinking in order to be able to follow a series of Internet of Things technologies (Utami, 2019), which functions to relate all computerized devices using certain technologies (Hendarsyah, 2019), marked by technological advances

in all lines of human life which in principle combine the digital, biological and physical worlds and then have an impact on changes in lifestyle and interaction between people. In this phase of the era, humans are guided to keep up with the rapid changes in the world so that the era of the Industrial Revolution 4.0 can be a positive opportunity (Utami, 2019). However, not long ago, we became familiar with the term Industrial Revolution era, which was introduced to the public in 2011 (Othman et al., 2016). Now, we are required to be able to move towards the era of society 5.0, which is marked by every activity carried out by humans, which is very dependent on technology (Othman et al., 2016). The difference between the Industrial Revolution 4.0 era and the Society 5.0 era is insignificant because the Industrial Revolution 4.0 era still exists today, and the Society 5.0 era continues the technology that existed in the Industrial Revolution Era 4.0 (Othman et al., 2016).

These two eras, both the era of the Industrial Revolution 4.0 and the era of Society 5.0, require all humans to be able to keep up with the world and the times that are changing very quickly, of course, it has a significant influence on the economic sector (Triwacananingrum, 2019). In the family economic sector, the main actors are certainly women in general, and women, in particular, can enter economic independence in the era of society 5.0.

In previous research, many have discussed the Law of Women's Safar. The research focuses on the aspect of hadith, such as in the article entitled Tracking Hadiths of Women Traveling Without a Mahram (Aziz & Dinata, 2021), The study focuses on the hadith, describing the hadith used as the legal basis for women traveling without a mahram. Research on the law of Safar women that focuses on the opinions of scholars, such as in the article entitled Safar law for women without mahram according to the views of scholars (Nazahah & Sahidin, 2021) The article focuses on differences of opinion among scholars regarding the law of Safar for women without a mahram; it is also explained that differences in scholars occur because of differences in understanding 'Allah his. Research on the law of safar women without a mahram that focuses on the perspective of Maqasid Syariah as in the article entitled Analysis of Safar Issues for Women Without Mahram from the Perspective of Maqasid Al-Shari'ah in the article focuses on discussing the concept of maqasid al-shariah associated with the legal basis for the prohibition of safar women without a mahram (Suhardi et al., 2020).

The problem in this article is to assess the role of women in independence in the era *of society 5.0* whether it can be the reason for maslahah as mentioned by Ibn Taymiyyah or the illah mentioned by jurisprudence experts, namely related to the change of times regarding security, can make the haram law of safar women without a mahram irrelevant. Regardless of opinions, even though the times are so modern, the text is still relevant to be practiced, which means that the law of safar women must be accompanied by a mahram is still relevant (Al-Būfī, 2016).

The analysis of the above problem aims to produce a new perspective on the law of safar women without mahram, how the view of Islamic law regarding the rule of law is associated with family economic independence, job opportunities,

economic mobility and participation in economic activities. Looking back at the relevance of applying the law to the balance of fulfillment of religious law and practical needs in the Society 5.0 era where technology and digitalization affect all aspects of life, including economic mobility.

The Legal Rule prohibiting women from safar without a mahram should not restrict women's movements and become a social obstacle to their self-development. Which, of course, is in its movement and social or economic activities that do not contradict Islamic law. However, looking at the current situation, many women do not notice this. The main reason is the lack of knowledge of the law or even the assumption that the rule is no longer relevant today. Women in this advanced era do not only stay at home, they do many activities that are carried out outside the home to meet their needs. Including carrying out trips, whether for education, worship or even work (Mufid, 2018).

METHODS

This article used a qualitative-descriptive type of research because it aims to understand, explore and describe the latest perspective on the law of women's safar without maharam in the era of Society 5.0. The data sources used are primary and secondary data, primary data is in the form of the Qur'an and Hadith, secondary data is obtained from articles, books, journals related to the discussion. Data collection is carried out by observation and documentation studies, namely by directly observing the situation and conditions with various social facts and then collecting and analyzing documents, such as articles, books, and reports related to safar law, women's economic independence and the society 5.0 era. The analysis in this article uses data reduction techniques, data analysis, conclusion drawing and verification.

RESULTS AND DISCUSSION

Legal Basis for Women to Travel Without a Mahram

In the theory of Ushul Fiqh, the most important sources of Islamic law are the Qur'an and Hadith. If these two texts proclaim the existence of a law, it can be a strong foundation in establishing the law. However, it still has the potential to cause differences of opinion because they differ in interpreting the context of the word. The legal basis for women to do safar without mahram can be found in the text of the Qur'an and Hadith. Regarding this ruling, Allah said in Q.S Al Ahzab/33: 33:

وَقَرْنَ فِي بُيُوتِكُنَّ وَلَا تَبَرَّجْنَ تَبَرُّجَ الْجَاهِلِيَّةِ الْأُولَىٰ وَأَقِمْنَ الصَّلَاةَ وَآتِينَ الزَّكَاةَ وَأَطِعْنَ
إِنَّمَا يُرِيدُ اللَّهُ لِيُذْهِبَ عَنْكُمُ الرِّجْسَ أَهْلَ الْبَيْتِ وَيُطَهِّرَكُمْ تَطْهِيرًا ۗ وَاللَّهُ وَرَسُولُهُ

"Stay in your houses and do not decorate (and behave) like the ignorant people of old. Observe prayers, pay zakat, and obey Allah and His

Messenger. Indeed, Allah only wants to remove sin from you, O ahlulbay, and cleanse you as cleanly as possible."

According to Quraish Shihab, the verse in Q.S. al-Ahzab (33): 33 only emphasizes that women are more focused on building their households. According to the interpretation of the tahlili of the Ministry of Religion of the Republic of Indonesia in this verse, Allah commands the wives of the Prophet to stay in their respective homes and not to go out unless there is a need. This commandment applies to the wives of the Prophet (peace be upon him). They are forbidden to show off their jewelry, and behave like the Jahiliah people of old before the time of the Prophet (Shihab, 2002).

One of the hadiths that shows the law prohibiting a woman from doing safar without a mahram is a hadith narrated by Imam Muslim. The Prophet said:

يَخْلُونَ رَجُلٌ بِامْرَأَةٍ عَنْ ابْنِ عَبَّاسٍ قَالَ : سَمِعْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَخْطُبُ يَقُولُ, لَا إِلَّا وَمَعَهَا ذُو مَحْرَمٍ وَلَا تُسَافِرُ الْمَرْأَةُ إِلَّا مَعَ ذِي مَحْرَمٍ, فَقَامَ رَجُلٌ فَقَالَ يَا رَسُولَ اللَّهِ إِنَّ امْرَأَتِي حَاجَةٌ وَإِنِّي اكْتَتَبْتُ فِي عَزْوَةِ كَذَا وَكَذَا, أَنْطَلِقُ فَحَجَّ مَعَ امْرَأَتِكَ

"From Ibn Abbas, he said, "I heard the Prophet (peace be upon him) saying: Do not make khalwat with a woman unless there is a mahram with him and do not let a woman travel unless there is a mahram with him. After the Prophet had said this, a man stood up and said: O Messenger of Allah, indeed my wife wanted to perform the Hajj and I have registered myself to participate in that and that battle. So the Prophet said: Go and perform the Hajj with your wife." (HR. Muslim)

Then in another redaction narrated by Imam Bukhari, the Prophet said:

حَدَّثَنَا آدَمُ, قَالَ : حَدَّثَنَا ابْنُ أَبِي ذَنْبٍ, قَالَ : حَدَّثَنَا سَعِيدُ الْمُقْبِرِيِّ, عَنْ أَبِيهِ, عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُمَا, قَالَ : قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : لَا يَحِلُّ لِمَرْأَةٍ تُوْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ أَنْ تُسَافِرَ مَسِيرَةَ يَوْمٍ وَلَيْلَةٍ لَيْسَ مَعَهَا حُرْمَةٌ

Meaning: It has said to us Adam, he said: It has said to us Ibn Abi Dzi'b, he said: It has said to us Sa'id al-Muqbary, from Abi Hurairah, He said: The Messenger of Allah said: It is not lawful for a woman who believes in Allah and the last day to travel for one day and one night without being accompanied by her mahram. (Bukhari, 1987)

Another editorial narrated by Imam Bukhari,

عن عدي بن حاتم قال : بَيْنَمَا أَنَا عِنْدَ النَّبِيِّ إِذَا آتَاهُ رَجُلٌ فَشَكَا إِلَيْهِ الْفَاقِهَ, ثُمَّ آتَاهُ آخَرَ فَشَكَا إِلَيْهِ فَطَعَّ السَّبِيلَ, فَقَالَ : يَا عَدِي هَلْ رَأَيْتَ الْحَيْرَةَ ؟ قُلْتُ : لَمْ أَرَاهَا وَقَدْ أُنْبِئْتُ عَنْهَا. قَالَ : فَإِنْ طَأَلَتْ بِكَ حَيَاةَ لَتْرِينَ الطَّعِينَةَ تَرْتَجِلُ مِنَ الْحَيْرَةِ حَتَّى تَطُوفَ بِالْكَعْبَةِ لَا تَخَافُ أَحَدًا إِلَّا اللَّهَ

From adi bi Hatim (ra) he said: When I was by the side of the Prophet (s.a.w) when a man came and complained to the Prophet about the poverty of his life and a man came who complained that his path was hindered, the Prophet (s.a.w) said: "O Adi, have you seen Hirah?" I replied: I have never seen it but I have heard the story about it. The Messenger of Allah (s.a.w) said: "If you live a long life, you will see a woman wandering from Hirah so that she will tawaf in the Kaaba without fear of anyone but Allah." (Bukhari, 1987)

Opinions of Scholars on the Law of Prohibition of Safar Women Without Mahram

The opinion of the scholars regarding the redaction of the above hadith generally contains the postulates about the obligation for women who travel to be accompanied by their mahram, whether it is traveling for Hajj or traveling for other interests. Although several hadith redactions detail the law, such as the limit of the day of doing, whether it is a day, a night, or three days. Al-Nawawi said the restriction was not intended on the outside, but meant all forms of travel. The scholars argue that the difference in redaction in the hadith is due to the form of an answer to the question of the companions. Therefore, the difference in answers is due to different questions.

Based on this, whether we can practice the hadith about a three-day or one-day trip overnight, then we practice absolute information. So through the word day and night, women are prohibited from traveling for 24 hours, even though the distance to the place visited does not take 24 hours. It can also be said that the difference in size is not what is meant so as long as a journey is called Safar (a distant journey), it must apply to the laws of the traveler. This conclusion was chosen by Islamic shaykh Ibn Taymiyah and a group of scholars. They argue that the law of the traveler is not bound by a day or two, more or less except by custom, as long as it is called safar, then the law of the traveler applies.

From several legal sources that have been mentioned and the description of the opinions of scholars regarding the meaning of the redaction of the hadith text, it can be concluded that the law regarding the prohibition of safar women without a mahram is broadly divided into two, namely absolute prohibition and detailing the law in two circumstances, namely related to interests or needs and safety factors. When referring to Madzhab Fiqh, scholars who prohibit them are Madzhab Hanafi and Madzhab Hambali. Meanwhile, those who detail the law are Madzhab Maliki and Madzhab Shafi'i.

Concept of Mahram

The word *mahram* comes from the pronunciation of harâm which means forbidden or forbidden and is ism maf'ûl, a form of the word harama (fi'il mâdhi), or it can also be harima and haruma, with the jama' of mahârim and has the meaning of mâ lâ yahillu intihâkuhâ, which is something that should not be violated. Mahrom in terms is all those who are haram to be married forever because of descent, milk

and marriage in Islamic law. In the Qur'ān, the law on *mahram* is mentioned in Surah an-Nisā verses 22 to 24. In general, verse 22 explains the haram of a child marrying his father's ex-wife and this is a bad practice carried out by the ignorant community. Then in verse 23 it is explained about women who are haram to marry and it is continued in verse 24 which still explains about women who are haram to marry.

From these three verses, it can be concluded that mahram is broadly divided into mahram muabbad and mahram muaqqat. Mahram muabbad means that the woman is haram to marry forever (permanently) regardless of the situation and condition, while mahram muaqqat is a woman who is haram to marry temporarily, that is, it is recognized that there is a reason if the cause is lost, then the haram is also lost.

Mahrams allowed to accompany in safar or travel are known as *muabbad* mahrams, which can be grouped based on three main factors: heredity, lactation, and marriage. First, mahram based on heredity factors includes seven categories of women who are haram to marry: (1) mothers, including grandmothers of mothers and fathers; (2) daughters, including granddaughters and so on; (3) siblings, whether biological or not; (4) paternal sisters, which includes all women who have a paternal relationship through the mother; (5) the mother's sister, with similar provisions; (6) daughters of brothers, whether biological or not; and (7) daughters of sisters, with similar provisions as before. Second, what is prohibited because breastfeeding includes mothers and cousins, where the position of breastfeeding mothers is equal to biological mothers and breastfeeding siblings are equal to siblings. Third, due to marriage, mahram includes the wife of the father (stepmother), the wife of the grandfather, and so on, the mother-in-law, the grandmother of the wife, and so on. In addition, this category includes stepchildren of wives who have been married and whose marriage is female and lower, as well as wives of biological children (sons-in-law) or grandsons (grandsons-in-law). With a clear understanding of the classification of mahram based on descent, lactation, and marriage, it is important to understand these boundaries in the context of religion and Islamic law to maintain the sanctity of interpersonal relationships in society.

Women's Economic Independence in the Society 5.0 Era

Economic independence for women is the most important thing in the smallest social order in a family, because women are the first to feel the impact if there is a national economic crisis, a lot and little of the husband's income or in the event of the termination of the husband's job. This is where the role of women in economic independence is needed, in addition to completing domestic tasks, women are also required to be able to manage finances in the household so that all family needs can be met (Handayani et al., 2020).

Based on the results of the study, 81.20% of respondents agreed that women not only have a role in family and household affairs, but can also be included in the

public sphere such as economics and politics (Amin & Adiansyah, 2020). Women's participation is very important in improving the quality of life in society; it can be seen that women have carried out their main duties as housewives. They are also very concerned about a group engaged in any field around their place of residence (Huda, 2013).

In the era of Society 5.0, every behavior in life is described with artificial intelligence which will be transformed with so much data through the internet, the transformation will be a new thing that will increase the ability of humans to get positive opportunities, including in the economic field. (Mumtaha & Khoiri, 2019) In the era of the Industrial Revolution 4.0 is marked by the development of technology to facilitate all human life activities, while in the era of Society 5.0 it is marked by various conveniences for humans in meeting their life needs (Mumtaha & Khoiri, 2019).

The Society Era is a project implemented by Japan to surpass the Industrial Revolution 4.0 (Goede, 2020), the emergence of this era can have a significant impact on all aspects of life, namely, economic, social, health, urban planning, transportation, agriculture, industry and education (Nurastuti, 2021). Five challenges must be faced: Cyber security, increasingly fierce competition, human resource development (HR), internet availability and regulations that have not kept up with the times. In facing these five challenges, of course, it will be successfully overcome if we can develop productivity, creativity, and innovation in their fields (Musta'in et al., 2022).

New values that must be used as a guideline in facing the Society 5.0 era are productivity, creativity and innovation. In terms of innovation, it will eliminate the gap in terms of gender, age and language. In the context of productivity and creativity, it can make good services and services tailored to various human needs, both individuals and groups. One of the forums that makes it easier to increase productivity, creativity and innovation is e-commerce and social media. At its peak, it was a period of reinvention of features from e-commerce technology and the internet connected to social media technology. Looking at the results of research conducted by mumtaha and khoiri, it shows that the female gender dominates in changing people's economic behavior using e-commerce (Hendarsyah, 2019).

Increasing productivity, creativity, and innovation in the Society 5.0 era by using *e-commerce* platforms and social media can help women who want to improve the economic level of their families further but minimize these activities carried out outside the home so that they can still carry out their roles as mothers and wives.

Analysis of the Relevance of Women's Safar Law Without Mahram to Family Economic Independence in the Society 5.0 Era

Quoting the words of Ibn Qayyim al Jauzi "Indeed, fatwa can change or differ due to changes or differences in time, place, circumstances or conditions and customs" but to implement this rule cannot be absolutely (Hendarsyah, 2019). In implementing the above rules, it is necessary to understand that Islamic law is grouped into static and dynamic legal elements. The static element means that the Islamic law cannot be changed, meaning that it is fixed in nature that has the characteristics of the law that has been determined and explained in the Qur'an and Hadith in a clear, definite and detailed manner and certainly the characteristics of Islamic law like this cannot be the object of *ijtihad*. Dynamic legal elements mean the law can change according to place, time, and circumstances. The characteristic that the law can be dynamic; first, Islamic law obtained or taken from *Dzanni's* postulates. Second, Islamic law resulting from *Ijtihad* (Ridwan, 2018).

The law of prohibition of safar for women without a mahram is seen from the opinion of absolute scholars such as the opinion of Madzhab Hanafi, Hambali and the opinion of the *da'if* of Imam Shafi'i (Suhardi et al., 2020), it can be understood that the opinion that the law follows the first Islamic legal theory, which is included in the category of Islamic law which is static because it has a vital source of law both in the text of the Qur'an and Hadith. Meanwhile, scholars who argue that the law against women who perform safar without a mahram needs to be detailed, namely whether the reason for urgent interest and the aspect of ensuring safety (Suhardi et al., 2020). This second opinion, although different, is still sourced from the hadith even though the hadith used is different. The hadith used by the second poet mentions *the law* even though it is not explicitly mentioned.

From the two opinions above, it can be concluded that the law regarding the prohibition of women from performing safar without a mahram is included in the static theory of Islamic law. However, it can get more space if you look at it in terms of the law. It is related to the role of women in family economic independence in the Society 5.0 era. where women have an essential role in stabilizing the family economy. There are so many conveniences and opportunities for women in the era of Society 5.0 by maximizing the use of e-commerce and social media as a forum to help support the family's economic level. Suppose you can use the opportunity and maximize e-commerce and social media use. In that case, women can minimize doing safari or traveling because it is enough from home to be able to do anything in the outside world.

Minimizing traveling means reducing because we will need to socialize to go out of the house or do activities related to economic interests. The prohibition regarding traveling is even if you are alone, but if a mahram accompanies you, we are free to travel anywhere. People who are included in the mahram category are also not only one person but many, if one of the mahrams is unable to accompany the traveler, then they can ask for an alternative person who is in the category of another mahram.

CONCLUSION

In conclusion, the law regarding the prohibition of women from performing safar without a mahram reflects scholars' opinion difference caused by the existence of contradictory, contradictory, and multi-interpretation hadiths. This law can be divided into absolute prohibition and specialization in situations of interest or safety. Opinions that affirm absolute prohibition, such as those of Madzhab Hanafi and Hambali as well as the da'if opinion of Imam Shafi'i, show that this is based on strong legal sources in the text of the Qur'an and Hadith, making it a static theory of Islamic law. Meanwhile, the view detailing the law focuses on the urgency of importance and security, although the interpretation of the hadith differs. In conclusion, this law is included in the static theory of Islamic law. However, it can be seen in terms of its legal principles, especially in the context of the economic role of women in the Society 5.0 era. Nowadays, technological advancements such as e-commerce and social media provide opportunities for women to improve their family economies without having to travel regulated by the law, thus making these laws relevant and well-enforceable. By taking advantage of this opportunity, women can carry out their roles as mothers and wives while increasing productivity, creativity, and innovation, minimizing the need for unnecessary safety or travel and still allowing for social interactions essential for daily life.

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