

The Dynamics of Backpacker Umrah within the Framework of *Maqashid Asy-Syariah* and Sociology of Law

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Abstract: *The backpacker umrah phenomenon reflects the community's aspiration to perform worship in a more flexible and economical manner, yet it simultaneously generates serious concerns from both positive law and shari'ah perspectives, as it is conducted outside the framework of official state mechanisms. This study analyzes backpacker Umrah from the perspective of Maqashid al-Shariah and legal sociology and offers ideal regulations that protect pilgrims. This research is an empirical legal study that uses primary data from a Google Form questionnaire to analyze the reasons and objectives of pilgrims performing Umrah as backpackers, supported by legal materials in the form of statutory regulations. The research findings demonstrate that the phenomenon of backpacker umrah embodies broader social dynamics and represents community responses to economic constraints and technological developments, as pilgrims increasingly opt for a more flexible and affordable mode of worship. In the perspective of legal sociology and maqashid asy-syariah, this practice demonstrates a culturally legitimate social construction, but it creates tension with formal regulations, particularly in aspects of security, legal protection, and compliance with legislation. Although it provides benefits to some segments of society, backpacker umrah still carries potential harms that need to be addressed proportionally. Based on the findings of this study, it is recommended that regulations governing hajj and umrah be more effectively organized to prevent long queues for pilgrims, and that specific provisions addressing backpacker umrah be formulated to ensure legal protection, along with guarantees of safety and comfort for those undertaking the pilgrimage independently.*

Introduction

Umrah is a significant form of worship in Islam that is frequently referenced as "the minor pilgrimage" (Setiawan & Soewarno, 2024). Technically, umrah involves a series of rituals performed in the holy city of Mecca, specifically at the Masjidil Haram. This worship includes three main pillars: *ihram*, *tawaf*, and *sa'i*, ending with *tahallul* (N. Huda, 2016). Linguistically, umrah means "visitation" or "to visit" a populated place. In the context of worship, umrah means visiting Baitullah (Ka'bah) to perform certain rituals. In terms of terminology, umrah is a worship performed with the intention of drawing closer to Allah, which includes *tawaf* (circumambulating the Ka'bah), *sa'i* (running between the hills of Safa and Marwah), and *tahallul*

(cutting a portion of hair) after completing tawaf and sa'i (Adnan & Ahmed, 2024). The command to perform umrah is found in the Qur'an, specifically in Surah Al-Baqarah, Verse 196, which states:

"وَأَتِمُّوا الْحَجَّ وَالْعُمْرَةَ لِلَّهِ"

"And complete the pilgrimage and the umrah for Allah..."

To be obligated and qualified to perform Umrah, an individual must fulfill several criteria centering on status and capability. These criteria include adherence to Islam, attainment of the age of religious responsibility (puberty), mental competence (sound mind), and free status. Critically, the individual must also demonstrate financial solvency and the physical capacity for travel to Mecca, with women having the specific requirement of being escorted by a mahram (Maram et al., 2024). Referring to the requirements for umrah, it can be concluded that umrah requires a person to have financial and transportation capabilities as one of the conditions to perform umrah. However, in 2025, the phenomenon of umrah backpackers has become common. Backpacker umrah is a concept of umrah pilgrimage travel conducted independently by pilgrims without using travel agency services. Unlike regular Umrah, which offers complete packages (such as flight tickets, visas, hotels, and transportation), backpacker Umrah requires pilgrims to plan and manage all aspects of the trip themselves, including visa processing and accommodation booking (Pitaya et al., 2021).

One of the main attractions of backpacker umrah is the lower cost compared to umrah packages from travel agencies. By planning the trip themselves, pilgrims can save on accommodation, transportation, and food costs. Pilgrims have the freedom to determine their departure schedule and length of stay in the Holy Land, allowing for adjustments to personal needs. Performing Umrah independently provides the opportunity to interact directly with local residents and pilgrims from various countries, making the spiritual experience more profound (Nuraini et al., 2025). Although backpacker umrah offers many advantages, some risks need to be considered. Pilgrims must have a good understanding of the umrah worship procedures and travel arrangements. Additionally, the absence of guidance from a travel agent can complicate the process, particularly concerning transportation and accommodation (Kristiane & Nadia, 2024). Backpacker Umrah is becoming increasingly popular among the younger generation as an alternative for worshipping with lower costs and a more personal experience. However, it is important for prospective pilgrims to fully understand the responsibilities that come with undertaking this journey independently.

The backpacker Umrah model transcends mere trend status in Indonesia; it has evolved into a community necessity, primarily driven by the exceptionally prolonged waiting periods for the mandatory Hajj. Given that Hajj queues across various Indonesian regions extend from 16 to 30 years, many prospective pilgrims view the more accessible Umrah as a crucial and immediate spiritual substitute. (Huda & Haeba, 2021; Kompas.com, 2025). For many Muslims, the dream of visiting the Holy Land of Mecca becomes a lifelong goal (Wahyudhi et al., 2024). This is what makes umrah backpacking popular

with the public, particularly for those who want to visit the holy land more economically and efficiently (Palangkey et al., 2021).

The phenomenon of backpacker umrah is a global occurrence that actually takes place in various countries. This is similar to the experience in Europe, where umrah backpackers from Europe refer to the pilgrimage journey of umrah carried out independently, without using the services of official travel agents. Pilgrims arrange all their travel needs themselves, from visa processing, flight tickets, accommodation, to transportation and logistics while in Saudi Arabia (Kalender & Tari Kasnakoglu, 2022). This concept is becoming increasingly popular among the European Muslim diaspora due to its flexibility and potential cost savings (Rogozen-Soltar, 2022). The Muslim community in the United States also has quite a few people who perform Umrah in a backpacker style or independently (Shakona et al., 2015). This is supported by the Saudi Arabian government's policy, which now allows performing Umrah using tourist visas or electronic visas, without the need to go through official travel agents. With the ease of the visa system and access to applications like Nusuk, pilgrims from the United States can arrange their own travel, accommodation, and logistics while in Saudi Arabia.

Backpacker Umrah, although offering lower costs and flexibility, carries a number of significant risks (Atikah et al., 2022). One of the biggest risks is the difficulty in meeting document requirements, including the processing of umrah visas. Without assistance from official travel organizers, pilgrims may have difficulty obtaining the necessary visa to depart. The risk of losing luggage is higher when traveling independently. If theft or loss of belongings occurs at the airport, travelers must handle it themselves without professional support, which can be very troublesome. Without protection from a travel agent, pilgrims who fall ill or have an accident may not receive adequate assistance. This also includes the risk of not having access to health insurance while abroad. Given the cumulative risks associated with the non-conventional model, prospective pilgrims are strongly advised to exercise due diligence in their preparation. It is essential for individuals to thoroughly evaluate the decision to undertake a backpacker Umrah and ensure they possess a robust operational plan coupled with a comprehensive understanding of the processes and potential logistical challenges encountered during such a pilgrimage.

From the perspective of Islamic law, the phenomenon of backpacker umrah can be examined through the lens of *maqashid asy-syariah* and a sociological legal perspective. *Maqashid asy-syariah* involves the wisdom that guides shari'a, focusing on considerations that promote overall benefit (Muntaqo et al., 2025). It serves as a foundation for evaluating actions based on Islamic law, providing a basis for everyday human behavior (Azzahra et al., 2024). It upholds the five essential objectives (*al-daruriyyat al-khams*): the protection of religion, life, intellect, lineage, and property (Sanuri et al., 2025). The contemporary development of *maqashid asy-syariah* also encompasses principles such as individual relationships, human dignity, human rights, justice, and universality (Fuqoha et al., 2024).

Research on umrah backpacking or independent umrah has essentially been conducted by several previous studies, including: first, research by Kristiane and Nadia (2024), whose novelty lies in the aspect that independent

or backpacking umrah requires clear legal protection to ensure legal certainty for individuals performing independent or backpacking umrah (Kristiane & Nadia, 2024). Second, the study conducted by Trilunggani and Hizbullah (2025) examines the phenomenon of independent or "backpacker" umrah travel. The distinctive contribution of this research lies in its finding that, despite institutional efforts to discourage such practices due to potential risks, many pilgrims continue to pursue umrah independently because it is perceived as more cost-efficient and practically manageable (Trilunggani & Hizbullah, 2025). Third, another study was conducted by Ganti et al. (2025), highlighting that independent umrah is an aspect of interest to the public, with one factor being its lower cost. Therefore, a breakdown of the financing for independent or backpacker umrah is needed (Ganti et al., 2025).

From the three studies above, in general, two types of research discuss independent or backpacker umrah: research reviewed from a regulatory aspect, where there is generally no regulation facilitating the development of independent or backpacker umrah; and research that discusses the financing of independent or backpacker umrah, which is popular with the public because it is considered more economical, effective, and efficient. This research differs from the previous three studies because, although it starts from a regulatory perspective, it also examines the *maqashid asy-syariah* dimension of independent or backpacker umrah from a sociological legal perspective, while also attempting to offer regulatory solutions related to the implementation of independent or backpacker umrah that guaranty legal certainty, security, and comfort for pilgrims.

From the description above, this research aims to answer two problem formulations, namely: (i) how the phenomenon of backpacker umrah is viewed from the perspective of *maqashid asy-syariah*?, (ii) how the phenomenon of backpacker umrah in Indonesia is viewed from the perspective of legal sociology?, and (iii) how the implementation of backpacker umrah can ideally be structured to safeguard pilgrims while simultaneously ensuring the realization of *maqāṣid al-sharīʿah* in the performance of the umrah pilgrimage?. The perspective of *maqashid asy-syariah* in this research aims to optimize the "foundations" of the implementation of sharia. This optimization allows an act of worship (in this case, umrah) to be understood in terms of its meaning and purpose through the exploration of Quranic verses, authentic Hadiths, and the views of scholars. The perspective of legal sociology aims to examine how society has turned backpacker umrah into a "trend," even though there are already umrah service agencies with legal status registered with the relevant authorities. The urgency of this research is to analyze the phenomenon of backpacker umrah that went viral and became a trend in 2025.

Method

The type of research is a socio-legal study, specifically an Islamic law study that not only discusses the doctrinal aspects of the law, particularly in relation to the phenomenon of backpacker umrah, but also examines the perspective of legal sociology using theories in social sciences, especially phenomenology and social construction, in relation to the phenomenon of backpacker umrah (Afandi, 2022). As this research adopts a socio-legal

approach, data collection also employed a questionnaire distributed through an online platform to seven individuals who had undertaken backpacker umrah within the past decade, with the most recent case recorded in 2015. The research design for this study is qualitative legal research using a questionnaire for respondents who have performed the backpacker umrah. Respondents completed the questionnaire to understand the reasons for performing backpacker umrah, including their views on safety, comfort, and regulatory aspects in Indonesia.

The administered questionnaire seeks to capture public perceptions and societal constructs concerning the practice of backpacker umrah. The primary legal material used in this research is Law No. 8 of 2019 concerning the Implementation of Hajj and Umrah. Secondary legal materials include various scientific research results, such as books, journal articles, and research findings that discuss the phenomenon of backpacker umrah, *maqashid asy-syariah*, and references related to the sociology of law. The analysis of legal materials is conducted qualitatively-prescriptively, where the existing legal materials are analyzed and then formulated into appropriate legal solutions or prescriptions for the discussed legal issues (Sihombing, 2022). Data collection techniques were carried out through a website filled out by several respondents regarding the implementation of backpacker umrah, and data analysis was performed by referring to data analysis according to Miles and Huberman, with several processes including: data reduction, data presentation, and conclusion formulation (Sugiyono & Lestari, 2021).

Results and Discussion

The Backpacker Umrah Phenomenon Viewed from the Perspective of *Maqashid Asy-Syariah*

In Arabic, the word "umrah" (عمرة) means "to visit" or "to pilgrimage" to a place, specifically visiting the Baitullah in Makkah to perform certain acts of worship (Yuliani et al., 2024). In linguistic terms, umrah comes from the word *Az-Ziyarah* (الزيارة), which means visiting or coming to a place or someone. In Islamic jurisprudence, umrah is defined as a form of worship that involves performing *tawaf* around the Ka'bah and *sa'i* between the hills of Safa and Marwah while wearing ihram from the *miqat* (Almurni et al., 2024). Umrah is often referred to as "the lesser pilgrimage" because some of the hajj rituals are also performed during umrah, but without the standing at Arafah, which is the main distinction between hajj and umrah (Syaikh, 2020). Umrah in Arabic means "visit" or "pilgrimage" to the House of Allah to perform certain acts of worship, and in terms of terminology, it is a series of rituals that include *ihram*, *tawaf*, *sa'i*, and *tahallul* (Mazhab & Syafi, 2015). The above understanding is in line with the Great Dictionary of the Indonesian Language (KBBI), which defines umrah as a visit (*ziarah*) to a holy place, specifically to Mecca, carried out by entering the state of *ihram*, performing *tawaf* around the Ka'bah, *sa'i* between the hills of Safa and Marwah, and shaving (*tahallul*), without performing *wukuf* at the Plain of Arafah (Pusat Bahasa Departemen Pendidikan Nasional, 2008). Umrah may be performed either during the Hajj

season or at any other time of the year, which is why it is commonly referred to as the “lesser pilgrimage.”

Legally, Law Number 8 of 2019 concerning the Implementation of Hajj and Umrah does not explicitly prohibit backpacker umrah (Palangkey et al., 2021). Article 90 of the Hajj and Umrah Law essentially reinforces that the Umrah pilgrimage is carried out by Umrah Pilgrimage Travel Organizers (PPIU) with prior permission from the minister. This provision in Article 90 of the Hajj and Umrah Law essentially clarifies that the Umrah pilgrimage must be performed by Umrah Pilgrimage Travel Organizers (PPIU), which is intended to ensure the safety and comfort of Umrah pilgrims. This implies that Umrah performed independently (backpacker-style) is essentially not permissible because the Umrah pilgrimage must be organized by Umrah Pilgrimage Travel Organizers (PPIU). Despite this, the absence of a ban on backpacker umrah also raises legal issues, including legal uncertainty within society (Setiawan et al., 2025). This is what makes people interested in performing umrah as backpackers, not only because it's more economical but also because there are no strict legal prohibitions regarding performing umrah as a backpacker.

In the perspectives of the four major Islamic schools of jurisprudence (Hanafi, Maliki, Shafi'i, and Hanbali), differences arise regarding the obligatory status of *umrah*, although they concur on its essential conditions and pillars of performance. The Hanafi and Maliki schools view umrah as a *sunnah* or *mustahabb* act of worship, meaning it is highly recommended but not obligatory (Siddiq et al., 2024). They emphasize that umrah is a worship that holds great virtue and reward if performed, but it is not an obligation for every capable Muslim. In terms of valid conditions, both schools of thought require the intention of ihram to be made at the miqat, the performance in the Sacred Land (Mecca), and the fulfillment of the pillars of umrah such as *tawaf sa'i*, and *tahallul*. On the other hand, the Shafi'i and Hanbali schools of thought hold that Umrah is obligatory to perform once in a lifetime for those who are physically and financially able (Fallah & Muhajarah, 2024). This opinion is based on the verse of the Qur'an (QS. Al-Baqarah: 196) which commands the performance of hajj and umrah, as well as the opinions of the Salafi scholars and the imams of the school of thought. The Shafi'i and Hanbali schools also emphasize the importance of fulfilling conditions such as being Muslim, *mumayyiz* (pubescent and sane), intending *ihram* at the *miqat*, and performing the pillars of umrah, which are the same as those of other schools (Dewi, 2023).

The four schools of thought agree that the pillars of Umrah include (Almurni et al., 2024): (i) wearing *ihram* with the intention of umrah at the *miqat*, (ii) performing *tawaf* around the Ka'bah seven times, (iii) performing *sa'i* between the hills of Safa and Marwah seven times, and (iv) *tahallul* (shaving or cutting hair as a sign of completing umrah). The main difference lies in the status of the obligation of umrah. The Hanafi and Maliki schools regard umrah as a highly recommended sunnah act of worship, whereas the Shafi'i and Hanbali schools consider it obligatory once in a lifetime for those who possess the required capability. However, everyone agrees that umrah must be performed with sincere intentions and in accordance with Shariah guidelines to be accepted and rewarded. Thus, despite the differences in legal

obligations, the four schools of thought regard Umrah as an essential act of worship that brings one closer to Allah and holds high spiritual value for Muslims.

Here are the views on the umrah pilgrimage according to the four primary schools of thought in Islam: Hanafi, Maliki, Shafi'i, and Hanbali. These schools show similarities and differences in aspects of law, conditions, and the performance of umrah, as shown in table 1.

Table 1. The umrah ritual according to the four main schools of thought in Islam: Hanafi, Maliki, Shafi'i, and Hanbali

Mazhab	The Ruling on Umrah	Explanation
Hanafi	<i>Sunnah Mu'akkadah</i> (highly recommended)	Umrah is not obligatory, but it is highly recommended for those who are physically and financially able. Umrah is considered an act of worship that brings great rewards if performed correctly and sincerely.
Maliki	<i>Mustahabb</i> (recommended)	Umrah is also not an obligation, but rather a highly recommended act of worship. It is recommended to perform umrah once in a lifetime, yet it is not deemed obligatory, with greater emphasis placed on the sincerity of intention and the correctness of its performance.
Syafi'i	Mandatory for a lifetime for those who are able.	Based on QS. Al-Baqarah: 196, which is a command, umrah is considered obligatory at least once in a lifetime for those who are physically and financially capable.
Hanbali	Mandatory for a lifetime for those who are able.	Like the Shafi'i school, the Hanbali school views that Umrah is obligatory to perform once in a lifetime for those who are able, based on strong evidence and the opinions of the Salaf scholars.

Source: Author's creation.

Referring to the positive law provisions in Indonesia, namely Law No. 8 of 2019 on the Implementation of Hajj and Umrah, umrah is understood as a series of specific rituals that must be performed in accordance with Islamic sharia, at certain places, times, and conditions. The organization of umrah is also regulated administratively, including the obligation for umrah travel organizers to provide worship guides, health officers, and to deliver services according to agreements with the pilgrims. In short, from the perspective of Indonesian law, umrah is a pilgrimage to the baitullah performed outside the hajj season with specific rituals including the intention of *ihram*, *tawaf*, *sa'i*, and *tahallul*, and its organization is officially regulated by the government.

Article 90 of the Hajj and Umrah Law explicitly states that the performance of the Umrah pilgrimage must be carried out by Umrah Travel Service Providers (PPIU) that have received official permission from the government. This is intended to ensure the safety, comfort, and orderliness of the umrah pilgrimage, while also protecting pilgrims from harmful practices or fraud that often occur during the journey to the Holy Land. However, in reality, there is no explicit prohibition in the law that prevents pilgrims from performing umrah independently, or what is popularly known as "backpacker umrah," which is traveling without going through an official travel agency. This condition renders Article 90 of the Hajj and Umrah Law less effective in regulating and overseeing the implementation of *umrah*, since many pilgrims continue to opt for the backpacker route owing to its lower financial burden and greater flexibility in scheduling. This opens up the potential for risks that could endanger pilgrims who do not receive adequate legal protection and services.

The implementation of this backpacker umrah also has the potential to create irregularities in the management of Hajj and Umrah quotas and coordination with Saudi Arabian authorities, considering that PPIUs play an important role in arranging schedules, accommodation, and travel equipment. In other words, the provisions of Article 90 of the Hajj and Umrah Law, which aim to centralize the implementation of umrah with official PPIUs, face obstacles that automatically reduce the effectiveness of government supervision and control. This highlights the urgency for regulatory updates or the addition of clear provisions regarding the prohibition of independent or backpacker umrah in order to maintain the quality of service and protection for pilgrims, which is carried out fairly and uniformly in accordance with the principles of good governance in the organization of umrah worship in Indonesia.

When analyzed in depth based on the theory of legal effectiveness as put forward by Soerjono Soekanto, which emphasizes that legal effectiveness does not only depend on the existence of written rules but also on supporting factors such as social norms, the subjective and objective conditions of society, and the means and facilities for implementing the law (Prasetyo, 2021; Sunanda et al., 2025). In the context of Article 90 of the Hajj and Umrah Law, although there is a textual obligation to use the services of PPIU, there is no clear prohibition for umrah pilgrims to travel independently, which is known as umrah backpacking. This freedom allows the practice of umrah without an official organizer to continue. This indicates a disparity between the content of legal norms and societal behavior, leading to weak legal compliance and difficulty in oversight by the competent authorities.

This objective condition is exacerbated by socio-cultural factors and economic needs to choose cheaper and more flexible options, leading to resistance against the regulation while simultaneously diminishing the legitimacy and authority of Article 90 of the Hajj and Umrah Law. Inadequate law enforcement facilities and means, such as a lack of effective supervision and strict sanctions, also contribute to the low effectiveness of legal norms. Consequently, Article 90 of the Hajj and Umrah Law fails to fulfill its social function of regulating the safe and orderly performance of umrah in accordance

with ideal legal values. This necessitates an evaluation and reformulation of regulations that not only clarify the obligations of using PPIUs, including their coordination with backpacker umrah practices, but also ensure the fulfillment of pilgrims' rights to safety and comfort.

The Hajj and Umrah Law is fundamentally designed as a comprehensive framework intended to safeguard the rights and ensure the safety of pilgrims throughout the organization of umrah worship (Palangkey et al., 2021). This includes that umrah travel organizers are required to provide legal protection, security, and life, accident, and health insurance to umrah pilgrims. This aims to protect pilgrims from risks during the journey and the performance of the umrah. The Hajj and Umrah Law also stipulates that only licensed and qualified parties are allowed to act as Umrah Travel Organizers. Organizers are required to provide services according to the standards agreed upon with the pilgrims, including the provision of worship guides and health facilities.

From the foregoing discussion, it is evident that the administration of *umrah* is firmly regulated within the provisions of the Hajj and Umrah Law. This law aims at umrah pilgrims, who are regarded as consumers with rights to clear information, cost transparency, and protection from fraudulent practices or breaches of contract by travel agencies. Violations of the rights of pilgrims can be subject to sanctions in accordance with legal regulations. These include administrative and criminal penalties for organizers who violate the provisions, such as fines and revocation of business licenses, to ensure maximum protection for umrah pilgrims. Overall, the Hajj and Umrah Law provides a strong legal framework to protect umrah pilgrims from various risks, ensuring that the worship is conducted safely, orderly, and in accordance with religious law, as well as providing resolution mechanisms in case of issues during the umrah pilgrimage (Nuraini et al., 2025).

The urgency of legal protection in the organization of umrah worship highlights that safety and comfort for pilgrims are crucial, so its execution cannot be done carelessly. This is relevant to the recent phenomenon of community efforts to perform umrah independently, known as backpacker umrah. The phenomenon of backpacker *umrah* refers to the independent performance of the pilgrimage at a comparatively lower expense, as opposed to the conventional arrangement that depends on licensed travel operators (*Penyelenggara Perjalanan Ibadah Umrah* or PPIU) to facilitate an officially sanctioned journey. Backpacker umrah is usually done by arranging tickets, accommodation, and travel schedules independently without being bound by the agency's itinerary. This approach provides greater time flexibility and a wider range of choices, including the possibility of transiting through several countries to get cheaper tickets.

This phenomenon is becoming increasingly popular, especially among young people who want to save money and enjoy a more relaxed journey without losing sight of their main goal of worship. Backpacker umrah can save up to 50% compared to regular umrah, with a longer travel duration and accommodations chosen independently (Kalender & Tari Kasnakoglu, 2022). The public's orientation towards performing umrah has indeed been supported by the official policy of the Saudi Arabian government, which, starting from

early 2024, will allow all types of visas for performing umrah (Rachman, 2024). This indicates that the Saudi Arabian government, in practice, permits the performance of independent or backpacker *umrah*. However, this raises a problem because the Hajj and Umrah Law stipulates that Umrah must be conducted through Umrah Travel Organizers (PPIU). This provision indirectly emphasizes that backpacker umrah is actually not permitted and must go through a Travel Organizer for Umrah (PPIU).

Backpacker Umrah is considered risky because they do not go through official agencies, so pilgrims do not receive legal protection, insurance, worship guides, and may encounter problems such as getting lost, being stranded, or having difficulties when sick in the Holy Land (Farhan & Suwandi, 2024). Umrah backpacker is a phenomenon of independent Umrah travel with low costs and high flexibility that is popular among some people, but it faces regulatory challenges and security risks, making it not recommended by the government and considered a violation of the official regulations for umrah pilgrimage in Indonesia.

Viewed through the lens of *maqāṣid al-sharī'ah*, the phenomenon of backpacker umrah embodies both potential benefits and possible harms, which necessitate careful and balanced consideration (Andiko et al., 2024). *Maqashid asy-syariah* is a theory that provides benefits for humanity in stages or hierarchies as follow: basic/primary needs (*al-darūriyyāt*), supporting/secondary needs (*al-ḥājīyyāt*), and needs other than basic and supporting/tertiary needs (*al-taḥsīniyyāt*) (Harun et al., 2024; Mubarrak et al., 2025). *Maqashid asy-syariah* aims to preserve five fundamental aspects: the protection of religion, life, lineage, property, and intellect, to achieve the welfare of the community and avoid harm (Roslaili et al., 2021; SA & Zuraidah, 2023). In addition to these five principles, there are currently several other principles, such as *ḥifẓ insāniyyah al-insān* (safeguarding humanity), *ḥifẓ al-bi'āh* (protecting the environment), and the concept of *ḥifẓ nidhām al-ummah* (protecting the rules of the nation) (Musyafa'ah, 2019). *Maqashid asy-syariah* is used as a guide in establishing laws and evaluating new arising problems (Rahmatiah et al., 2023).

Backpacker *umrah* provides a more affordable means of performing the pilgrimage, thereby broadening opportunities for a greater number of Muslims to worship in the Holy Land, which corresponds to the *maqāṣid al-sharī'ah* principle of safeguarding religion (*ḥifẓ al-dīn*). However, the security and safety risks for pilgrims increase because they do not go through official travel agencies (PPIU) regulated by the government, which provide legal protection, insurance, and religious guides. The potential for getting lost, along with difficulties in visa processing, accommodation, and healthcare services, is greater, especially for those who are inexperienced. Within the framework of *maqashid asy-syariah*, backpacker umrah can be accepted if it maintains benefits and avoids harm, especially in terms of security, safety, and compliance with applicable regulations. Replacing the role of a biological mahram with a companion group that can ensure the safety of female pilgrims is an example of adaptation that aligns with the *maqashid* of preserving lineage and soul (*ḥifẓ an-nafs wa an-nas*) (Sulihkhodin, 2021).

However, the implementation of backpacker umrah without adequate regulation and protection has the potential to cause *mafsadat* (harm), thus requiring strict supervision and education to ensure that the worship remains in line with the objectives of sharia and is legally protected. Therefore, the phenomenon of backpacker umrah should be understood proportionally within the framework of *maqāsid al-sharī'ah*: on the one hand, it offers broader access to worship as a form of *maṣlaḥah*, yet on the other hand, it necessitates prioritizing the protection of life, the preservation of religion, and adherence to legal regulations in order to prevent potential harm to both pilgrims and the wider community.

In the perspective of *maqashid asy syariah*, detailed and technical regulations related to backpacker umrah need to be implemented, as this aligns with the *fiqh* principle of *dar' al-mafasid muqaddam ala jalb al-mashalih*, which means that in legal decision-making, preventing or eliminating harm (*mafsadat*) should take precedence over pursuing benefits (*maslahat*) (Syaripuddin, 2020).

The Backpacker Umrah Phenomenon in Indonesia: A Legal Sociology Perspective

Although, in principle, backpacker umrah is ideally discouraged, from the perspective of legal sociology it nonetheless constitutes an alternative pathway through which communities may fulfill the practice of umrah. From a legal sociology perspective, the phenomenon of backpacker umrah reflects the complex interaction between social norms, formal legal rules, and community practices in the context of umrah worship. Backpacker umrah emerged as a social response to economic limitations and the desire to perform worship at a more affordable cost, but legally, this practice contradicts the regulations in force in Indonesia (Setiawan & Soewarno, 2024). Umrah backpacker is often undertaken by groups of people, especially young people and women, who organize their trips independently without going through official travel agencies (PPIU). In the implementation of backpacker umrah, efforts are made to create collective security and comfort, for example, women without a mahram travel together in groups to take care of each other, which is socially considered an adaptation of mahram norms for the common good (Lücking, 2024).

The theory of social construction in legal sociology is the application of the social construction concept developed by Peter L. Berger and Thomas Luckmann to understand how legal reality and social norms are formed through social interaction and the process of meaning construction by individuals and groups within society (Berger, 2013). The theory of social construction views social reality, including law, not as something objective and fixed, but rather as a result of a joint construction formed through social processes by individuals interacting within society (Riwanto, 2022). Individuals are not merely objects of social facts, but rather as creative agents who actively produce and reproduce social reality, including norms and legal rules, based on their will and social context (Buton et al., 2021; Widiyono, 2022). This emphasizes that a social construct can be formed from shared

"views or experiences" that are generally considered good and beneficial for society.

Based on the questionnaire distributed by the author, all seven respondents indicated that backpacker *umrah* is perceived as more effective and offers greater flexibility, thereby enabling the performance of worship in a more comfortable and focused manner. Additionally, referring to the questionnaire distributed by the author, six out of seven respondents affirmed that the reason for undertaking a backpacker *umrah* is due to economic factors, where backpacker *umrah* is generally more economical compared to conventional *umrah* using travel agencies. Furthermore, four individuals from the questionnaire distributed by the author believe that backpacker *umrah* has advantages such as being more flexible and making the *umrah* experience more comfortable, while the remaining respondents undertake backpacker *umrah* merely to gain new experiences. In general, three respondents stated that they were interested in doing a backpacker *umrah* because they received information from social media, three respondents received information about backpacker *umrah* through friends and religious gatherings, and the rest received information from other sources. In this context, the majority of registrations, payments, and accommodations for backpacker *umrah* are done online, and two respondents also utilize information from colleagues in Saudi Arabia.

Although backpacker *umrah* has generally been carried out, particularly by some respondents in this study, problems arise because the administrative and legal aspects of backpacker *umrah* do not accommodate procedural aspects such as not going thru PPIU as mandated by Article 90 of the Hajj and Umrah Law, as well as other residency documents such as visas, etc., which are not optimally guarantyd in the implementation of backpacker *umrah*. This represents one of the shortcomings of backpacker *umrah* when contrasted with the implementation of *umrah* as stipulated in Article 90 of the Hajj and Umrah Law. Regarding the obstacles encountered in carrying out backpacker *umrah*, two out of seven respondents stated that there were no obstacles at all, one respondent experienced communication issues, two respondents expressed concerns related to visa problems and confusion regarding efforts to reach the location, and one respondent was worried about the inadequate legal protection in the implementation of backpacker *umrah*. This was also confirmed by the six respondents who stated that backpacker *umrah* was chosen not only because it is economical and effective, but also because backpacker *umrah* is considered to be in accordance with Islamic law, and all respondents believe that backpacker *umrah* aligns with the *maqasid al-shariah*.

Referring to the views of individuals who have undertaken backpacker *umrah* from the respondents above, several aspects can be concluded, namely: first, the reason for choosing to perform backpacker *umrah* is due to economic reasons and flexibility, where all respondents affirm that backpacker *umrah* can be considered cheaper compared to conventional *umrah*, and the timing is more flexible because it is not specifically scheduled by travel agencies as is done in conventional *umrah*. Second, public interest in backpacker *umrah* is generally dominated by technological advancements, particularly the internet

and social media, which facilitate the processes of registration, payment, execution, and accommodation in online-based backpacker umrah, including consumption and lodging that utilize online media, making it easier and more practical. Third, public interest in backpacker umrah is primarily based on the absence of prohibitions in the form of official state regulations regarding the implementation of backpacker umrah. In addition, the implementation of backpacker umrah does not encounter significant obstacles, and if there are any, they can be overcome by each individual. However, some respondents still feel concerned about legal protection in the implementation of backpacker umrah.

From the foregoing discussion, backpacker *umrah* emerges as a socially constructed alternative form of worship that is perceived as more economical and flexible, while remaining consistent with the principles of Islamic law. It has emerged and developed alongside advancements in information technology, particularly social media and online services. Backpacker umrah pilgrims consciously choose this path due to the ease of access to information, the absence of government prohibitions, and a spiritual experience that is considered more comfortable and focused, despite facing minor obstacles such as communication issues and legal concerns. Thus, this practice has become part of the adaptation of modern Muslim society to social, economic, and technological dynamics.

However, this phenomenon also indicates a mismatch between the needs of the community and formal regulations. Many prospective pilgrims are driven to choose backpacker umrah because the fees of official agencies are considered expensive and the bureaucratic procedures are lengthy, so they seek more flexible and economical alternatives, despite the risks. From a formal legal perspective, backpacker umrah is considered a violation of the Hajj and Umrah Law, which mandates that umrah departures must go through licensed PPIUs. The practice of unauthorized backpacker *umrah* entails the risk of criminal sanctions, including fines and imprisonment, and may expose pilgrims to legal complications should problems occur while in the Holy Land. The conflict between social norms (the desires and needs of the community) and legal norms (state regulations) creates tension. The government strives to enforce the law to protect pilgrims from the risks of fraud, safety issues, and administrative problems. At the same time, some members of the community continue to choose backpacker umrah as a practical and economical solution.

This phenomenon shows that formal law has not yet fully accommodated the social and economic dynamics of the community in the context of umrah worship, leading to practices outside official regulations. Backpacking umrah essentially poses problems and is not in line with the spirit of Article 90 of the Hajj and Umrah Law, which mandates that umrah services be provided only thru PPIU to ensure the safety and comfort of umrah pilgrims. This leads to the ineffectiveness of Article 90 of the Hajj and Umrah Law, which does not specify sanctions for umrah services not provided thru PPIU. The role of legal education and socialization becomes essential to raise public awareness about the risks and legal consequences of backpacker Umrah, while also encouraging regulatory improvements to be more inclusive and adaptive. From the perspective of legal sociology, backpacker umrah is a social phenomenon

that arises from societal needs and conditions that do not fully align with formal legal provisions. This phenomenon generates a normative tension between prevailing social practices and established legal provisions, thereby requiring a holistic approach that integrates law enforcement, public education, and policy reform in order to harmonize societal interests with the state's responsibility for legal protection.

The Ideal Arrangement for Backpacker Umrah Implementation that Ensures Protection for Pilgrims While Also Ensuring the Fulfillment of Maqashid Asy-Syariah in Carrying Out Umrah Worship

The practice of backpacker umrah from a legal perspective can indeed pose serious issues because it contradicts the positive legal provisions in Indonesia, particularly the Hajj and Umrah Law, which explicitly states that the organization of umrah worship can only be carried out by Umrah Travel Organizers (PPIU) who have obtained official permission from the Ministry of Religious Affairs. Backpacker umrah, which is carried out independently without going through PPIU, is considered a form of administrative law violation and potentially criminal consequences, as it involves organizing pilgrimage trips without permission, which can be categorized as illegal practice. Although motivated by economic benefits and the desire to perform worship in a simpler, more flexible, and cost-effective manner, this practice disregards the legal protection standards, safety, and orderliness of conducting worship abroad as regulated by the state. Moreover, the lack of pilgrimage guides, travel insurance, and guaranteed access to emergency services for independently traveling pilgrims presents substantial legal and social risks, both within the country of origin and in the destination country, namely Saudi Arabia (Almurni et al., 2024).

The state, through the Ministry of Religious Affairs and law enforcement agencies, is obligated to maintain the security and safety of citizens during the implementation of worship, as well as to ensure that the rights of congregants are fulfilled in accordance with legal provisions. Therefore, from a legal standpoint, backpacker umrah cannot be justified because it deviates from official regulations, harms licensed travel agencies, and opens up broader legal violations, necessitating strict law enforcement, massive public education, and the formulation of policies that can bridge the gap between community needs and the national legal system that is valid and binding.

In practice, across various countries, independent backpacker umrah undertaken without an official organizer is seldom granted legal recognition, as it is widely regarded as a high-risk arrangement for pilgrims. Umrah regulations in various countries primarily emphasize the need to use official organizers with complete licenses and to closely monitor umrah package services to prevent fraud and administrative errors that could potentially ruin pilgrims' worship experience. The government and local authorities strongly advise pilgrims not to perform umrah independently as backpackers to ensure smooth, safe, and compliant adherence to the rules of worship in Saudi Arabia and the pilgrims' home countries.

In Malaysia, although there are no official regulations regarding backpacker umrah, it is strictly regulated by the government thru agencies such as the Umrah Regulatory Council (MKSU), which was established in 2014 and falls under the Malaysian Ministry of Tourism and Culture (Ismat'Anunu et al., 2021). MKSU focuses on controlling fraud cases in the organization of umrah packages by requiring special licenses for travel companies wishing to offer umrah packages. Additionally, Malaysia enforces legal and consumer protection for umrah pilgrims through several statutory instruments, including the Consumer Protection Act 1999, the Tourism Industry Act 1992, and the Contracts Act 1950. These frameworks ensure that umrah operations adhere to established standards and that pilgrims are afforded legal remedies in the event of disputes or difficulties. Pilgrims wishing to perform Umrah must go thru official and licensed travel agencies to avoid the risk of loss and legal issues (Ghapa et al., 2025).

A fully independent Umrah trip without going thru an official agency is not considered legal and is feared to be high-risk, including being prone to fraud and visa document issues. In some European countries and the United States, Umrah is typically done by processing visas and traveling thru official travel agencies known and recognized by the Saudi Arabian authorities and the local country. In the United States, Umrah pilgrims can use a special Umrah visa or a tourist visa, but they must adhere to strict rules regarding visas, including a ban on overstaying and the obligation to follow Saudi immigration procedures (Parker et al., 2024). Umrah trips must be prepared with attention to the administrative requirements and strict rules of the Saudi Embassy or official agencies, and pilgrims are advised not to perform Umrah independently or as backpackers to avoid security, legal, and religious feasibility risks. The United States government and the Saudi consulate emphasize the importance of using official channels and licensed travel agencies to serve Umrah trips so that pilgrims are protected from fraudulent practices and visa issues.

From the perspective of *maqāsid al-sharī'ah* (the underlying objectives of Islamic law) (Rifqi et al., 2025; Sudirman & Iskandar, 2020), the practice of backpacker *umrah* raises several issues that require careful examination, particularly regarding the balance between *maṣlaḥah* (benefit) and *mafsadah* (potential harm) that may arise (Itmam et al., 2025; Roslaili et al., 2021). *Maqashid asy syariah* itself is the concept of the main objectives of Islamic law, which aims to protect five fundamental aspects of human life, namely religion (*hifzh ad-din*), soul (*hifzh an-nafs*), intellect (*hifzh al-'aql*), lineage (*hifzh an-nas*), and property (*hifzh al-māl*) (Riwanto & Suryaningsih, 2022; Sunardi et al., 2024). In this context, backpacker umrah offers certain benefits, such as providing wider access for Muslims, especially from the lower-middle economic class, to perform umrah at more affordable costs and with more flexible timing. This aligns with the goal of *hifzh ad-din*, which is to preserve and facilitate the practice of religious worship.

However, the central concern emerges when *umrah* is performed without legal protection and official state oversight, which may result in the neglect of the principles of safeguarding life (*hifẓ al-nafs*), property (*hifẓ al-māl*), and lineage (*hifẓ al-nas*) (Uyuni, 2021). Pilgrims who depart independently

without going through official PPIU are more prone to risks such as getting lost, difficulty accessing medical services, lack of travel insurance, and the possibility of fraud by irresponsible parties. For female pilgrims who depart without a mahram and are not under the supervision of an official institution, this can also pose moral and social risks that contradict the principle of preserving lineage and honor (*hifzh an-nas*). Therefore, within the framework of *maqashid asy syariah*, these risks are a form of *mafsadah* that must be avoided, as emphasized in the fiqh principle: “*dar’ul mafasid muqaddamun ‘ala jalbil mashalih*,” which means that preventing harm should take precedence over pursuing benefits (Hikmah et al., 2024). Thus, although backpacker umrah provides opportunities for benefits in terms of access and affordability, this practice has not fully met the principles of *maqashid sharia* comprehensively because it opens up space for greater harm (Isman et al., 2023). Therefore, the implementation of umrah should continue to adhere to official regulations that ensure the protection and safety of pilgrims, so that the values of *sharia* in maintaining the five main aspects of life are fully realized.

Future regulations to ensure that the phenomenon of backpacker umrah aligns with *maqashid asy-syariah* need to be implemented through an approach that prioritizes *maslahah* (benefit) and avoids *mafsadah* (harm), while also adhering to existing regulations for the protection of pilgrims (Fentiningrum, 2021; Muala, 2020). Several regulatory measures may be undertaken. First, in line with Article 86 of the Hajj and Umrah Law, every *umrah* pilgrim, whether traveling individually or in groups, is required to be facilitated through an officially licensed *Penyelenggara Perjalanan Ibadah Umrah* (PPIU). This is important to ensure safety, legal protection, and smooth worship, thereby preventing pilgrims from risks that endanger life and property (*hifzh an-nafs* and *hifzh al-mal*). Second, the government and PPIU can develop Umrah packages with lower costs and flexible schedules to meet the needs of the community who want to perform umrah on a limited budget without having to undertake risky independent travel. This aligns with the *maqashid* of preserving the welfare of religion and wealth by providing broad and safe access to worship.

Third, the enhancement of understanding regarding the importance of using PPIU services and the risks of backpacker umrah must continue so that the public is aware of the need for legal protection and safety during umrah. This education also instills the values of *maqashid sharia* so that pilgrims understand the true purpose of worship and are kept safe from harm. Fourth, in the context of *maqashid* preserving lineage and life, the regulation of female pilgrims performing umrah independently or as backpackers must be clarified to ensure their safety and honor, for example, by legalizing group companionship that can replace the role of a biological mahram without causing harm. Fifth, the Saudi Arabian government has already provided an official application for the management of independent umrah visas, which can be utilized legally through PPIU. Regulations that integrate this technology can simplify the administrative process without sacrificing aspects of protection and legal compliance. Sixth, a strict ban on unauthorized umrah organizers and those who organize backpacker umrah should be enforced to

prevent any parties from profiting from illegal practices that could endanger pilgrims. This maintains the public interest and prevents social harm. With these measures, future regulations can bridge the community's need to perform Umrah in an affordable and flexible manner, while also upholding the objectives of *maqashid asy-syariah*, which are the protection of religion, life, and property. This approach ensures that the umrah pilgrimage is carried out safely, orderly, and in accordance with religious law and national regulations, thereby maximizing its benefits and minimizing the risk of losses.

Conclusion

Based on the foregoing analysis of the backpacker *umrah* phenomenon, the author concurs that its implementation should be governed by clear and comprehensive regulations in order to guarantee legal certainty and adequate protection for pilgrims. However, if backpacker umrah is conducted without clear regulations, it has the potential to violate the aspects of *maqashid asy-syariah*. The phenomenon of backpacker umrah reflects social dynamics and the community's desire to worship in a more flexible and affordable way, but at the same time poses serious challenges in terms of regulation, security, and legal protection. In the perspective of *maqashid asy-syariah* and legal sociology, this practice has both beneficial and potentially harmful aspects, thus it needs to be addressed proportionally through detailed regulations, public education, and adaptive policy reforms to ensure that the objectives of worship are achieved without neglecting safety, legal compliance, and the sustainability of legitimate and protected umrah operations.

The phenomenon of backpacker umrah reflects a form of social adaptation by the community to economic limitations and technological advancements, where people, especially the younger generation and women, choose a more economical, flexible, and independent route that is still considered in accordance with Islamic law, even though it does not go through official agencies. This practice is formed through social construction driven by needs, collective experiences, and the ease of digital information access, thus becoming an alternative considered socially legitimate even though it is not formally recognized by state regulations. In the perspective of legal sociology, backpacker umrah shows a tension between social norms and legal norms, where society actively plays the role of agents shaping legal reality through practice while formal law has not yet fully responded to this dynamic. Therefore, a holistic approach is needed through legal education, policy adjustments, and inclusive protection, so that the law can operate in harmony with social realities and the community's needs in performing worship.

While the practice of backpacker *umrah* offers advantages in terms of accessibility and affordability, it nonetheless presents significant challenges from the standpoint of positive law and *maqāṣid al-sharīʿah*, as it overlooks essential aspects of legal protection, safety, and adherence to prevailing regulations. Therefore, a comprehensive and solution-oriented regulatory approach is needed. This approach should not only enforce the law strictly but also accommodate the needs of the community through policies aligned with the objectives of Sharia, ensuring that the implementation of Umrah can proceed safely, legitimately, and with full blessings.

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