ABSTRACT


*Hadits* is the second most important source of Islamic jurisprudence after Al-Qur’an. Since *hadits* were an important source for the development of Islamic law, the community had to know which traditions were reliable, and which were clearly false. The important part to know if *hadits* is reliable or not is researching the system of *isnad* (chain of transmitters). The problem appears while discourse of *hadits* study comes at the authenticity of *hadits* itself. Some scholars had made researches to find that if *hadits* is really authentic or it is only the product of human kind. One of orientalists that made himself drowning in this study is Joseph Schacht.

The study attempts to note, identify, and explain the theory of Joseph Schacht regarding with the authenticity of *hadits*. Since Schacht’s theory had been analyzed and criticized by Muhammad Mustafa Azami, so this study specifically elaborates Azami’s responses to Schacht’s theory on sanad.

The origins of *muhammadan jurisprudence* is the monumental work of Joseph Schacht. Not only that, this work is also controversial. Many scholars criticize it, Fuat Sezgin, G.H.A. Juynboll, Nabia Abbot, Harald Motzki, and Azami. The documents that he used to research is the classic *fiqh* books, such as al-Risalah, al-Umm, and Muwattha’. Schacht explained that Islamic law had not been exist in the era of the Prophet. It just recently appeared 100 until 200 years after the death of the Prophet. He also cited that the Islamic law was adopted from the popular practices and administrative regulation of the Umayyad government. Furthermore, he stated that *hadits* is only a “living tradition” from the school of law and then is projected back to the past until the saying of the Prophet. Azami then seriously opposed the thesis by giving detail arguments. Azami said that *sunnah* had been used along ago before them coming of Islam. Then the Muslims used it terminologically by adding (*al*) before the word *sunnah*, which means ways or procedures of shari’ah from the Prophet PBUH. The most important part is that the etymological meaning is not disappeared, because the second is only used in a specific meaning. Azami also criticized Schacht’s study which used the *fiqh* books as object of study. According to his opinion, *hadits* literatures and *fiqh* literatures have their own different characteristics. Therefore, researching *hadits* in the *fiqh* literatures is not proper, researching *hadits* must be from the *hadits* literatures.