

## CHAPTER III

### METHODOLOGY

#### A. Type of Research

Type of research is a normative and empirical legal research. It is a process for finding truth coherence, namely discovering whether existing law is in conformity with the rule of law, whether the norms in the form of a command or prohibition is in line with the principles of law and whether one's actions are in accordance with the norms of law or legal principles<sup>1</sup>.

The normative research is to analyze the existence of model *noken* vote in Indonesia general election whether it is appropriate with the 1945 Constitution, Pancasila, and the Principles of Indonesia General Election. While empirical legal research means that the research that uses empirical facts is taken from human behavior<sup>2</sup>, a good verbal behavior obtained through interviews and real behavior conducted through direct observation. Moreover, an empirical research is also applied to observe the results of human behavior in the form of physical heritage and archives<sup>3</sup>. In this research, the writer focused the empirical research through interview of respondents.

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<sup>1</sup> Fakultas Hukum UMY, 2007, *Buku Pedoman Penulisan Hukum*, Yogyakarta, FH UMY, page.34

<sup>2</sup> Soerjono, 1986, *Pengantar Penelitian Hukum*, Jakarta, UI Press, page.7.

<sup>3</sup> *Ibid*, page. 8.

## **B. Type of Data**

The data used were primary data and secondary data. Primary data were obtained from interview some respondent<sup>4</sup>. Due to some reasons, the writer could not interview the Commissioner of Election Comition of Papua as well as the commissioner of Election Supervisory Body of Papua in Papua. In the field research, the writer interviewed the Director of Democratic Alliance for Papua, Human Right Activists, and the Head of Papua Peaceful Network.

The Secondary data obtained from the literature materials, archives, and documents related to the problem under research<sup>5</sup>.

### **a. Primary Legal Materials**

- 1) The Indonesian 1945 Constitution and amendment
- 2) Law No. 42/2008 on Presidential Election
- 3) Law No. 8/2012 on Legislation Election
- 4) Law No. 10/2016 on Region Election
- 5) Constitutional Court Decision No. 47-81/PHPU.A/VII/2009

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<sup>4</sup> Fakultas Hukum UMY, *Op.Cit*, page. 37

<sup>5</sup> *Ibid*

b. Secondary Legal Materials

The Secondary legal materials were the things that explained the primary legal materials, which consisted of the books, research reports, scientific journals and other types of writings.

c. Tertiary Legal Materials

Tertiary legal material that clarifies giving instructions legal material primary and secondary legal material related the topic.

**C. Location and Respondents**

The location of the research conducted in Papua and some libraries in Yogyakarta. Regarding the respondents, in this research, the writer interviewed the Director of Democratic Alliance for Papua, Human Right Activists, and the Head of Papua Peaceful Network.

**D. Technique of Collecting Data**

The method of collecting data in this research were done through library research by literature learning and interview some respondents. The collection method were conducted by reading, analyses, and finally trying to make conclusion from related documents, namely law books, legal journals, and

others related to the existence of *noken* model vote in Indonesia general election<sup>6</sup>. In addition, to depend the analysis, some interview with some respondents were also conducted.

### **E. Data Analysis**

The data were analyzed systematically through descriptive qualitative methods, which meant that collecting the data and selecting the data obtained from research with the focus on the problem and then the result were arranged systematically so that it became concrete data.

Based on explanation above, the major methods can be defined as follows:

- a. Qualitative method is grouping and sorting the data obtained from the field according to the quality and truth, and then connected to the theories derived from literature study, in order to obtain answers to proposed problem<sup>7</sup>.

Descriptive method is the method of analysis to select the data that describes the actual situation on the ground. This analysis applied inductive way of thinking which concluded the results of research from specific cases to general point of view<sup>8</sup>.

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<sup>6</sup> *Ibid*, page. 40

<sup>7</sup> *Ibid*, page. 41

<sup>8</sup> *Ibid*