

CHAPTER III

RESEARCH METHODOLOGY

A. Type of the Research

The type of the research is a normative legal research. Normative legal research is a research in the form of prevailing law inventories by seeking principle or the basic philosophy of the legislation, or a research for the legal discovery purpose of any particular case. It means, this research will focus on reading and analyzing primary data and secondary data. The author will show the conditions and the application of the law and or regulation. In this research, the author will use International Law such as convention, charter, and some regulations related to South China Sea. The method is conducted by examining the existing literature, and this research applied the research on legal principle and research on legal systemic.²⁹

In connection with the normative legal research, the author uses several approaches, namely the Statute and Case Approach. Likewise, the research aims to know How does the analysis of South China Sea between the People's Republic of

²⁹ Soerjono Soekanto dan Sri Mamudji, 1985, *Penelitian Hukum Normatif: Suara Tinjauan Singkat*, Jakarta, Rajawali Press, p. 13-14.

China and the Philippine. Then, the research also applied statute approach Annex VII of the United Nation Convention on the Law of the Sea 1982.³⁰

B. Types of Data

The research used secondary data in that the research materials are taken from literatures. Moreover, it consists of primary, secondary and tertiary legal materials:

1. Primary legal materials must be based on Annex VII United Nation Convention on the Law of the Sea 1982.³¹
2. Secondary legal materials consist of several documents related to the primary legal materials, such us:³²
 - a. Books;
 - b. Scientific Journal;
 - c. Other legal documents related to the issue;
 - d. Trusted internet sites;
 - e. Other non-legal documents related to this research.
3. Tertiary legal materials; legal or non-legal material to support the primary and secondary materials.³³

³⁰ Johnny Ibrahim, 2006, *Teori dan Metodologi Penelitian Hukum Normatif*, Malang, Bayumedia Publishing, p. 302.

³¹ Bahder Johan Nasution, 2008, *Metode Penelitian Ilmu Hukum*, Bandung, Mandar Maju, p. 86.

³² *Ibid.*

³³ Soerjono Soekanto & Sri Madmuji, *Op.Cit*, p. 33.

C. Method of Collecting Data

The method of collecting data in the research will be done through library research by literature learning. This method will collect data from reading, analyze and finally trying to make conclusion from related document namely convention, law books, legal journal, and others which are related to the main problem as the object of the research.

D. Method of Data Analysis

The data were analyzed systematically through juridical qualitative. It means the research analyzed the data based on International Law, especially the International Law of the Sea. It was connected with the principle of law, convention, and other related regulations.³⁴

³⁴ Johnny Ibrahim, *Op.Cit*, p. 303.