

CHAPTER III

RESEARCH METHOD

A. Type of Research

The Researcher of this undergraduate thesis used a normative legal research. In the study, normative legal research is research based on literature. The method is conduct by examining the existing literature; this research applied the research on legal principle and research on legal systemic.¹ In other words, normative legal research is a scientific research procedure to find truth based on legal scientific logic in terms of its normative.² Then, the researcher also applied statute approach which means to elaborate some treaties namely The Hague Convention and Regulation years 1899 and 1977, Geneva Convention 1949 and Addition Protocol 1977.³

B. Source of Information

The Undergraduate Thesis used the material research taken from literatures. Moreover, it consists of primary, secondary and tertiary legal material.

1. Primary legal material, as follows:⁴
 - a. Treaties

¹ Soerjono Soekanto and Sri Mamudji. 1985. *Penelitian Hukum Normatif: Suara Tinjauan Singkat*, Jakarta, Rajawali Press, p. 13-14.

² Hardijan Rusli, 2006, "Metode Penelitian Hukum Normatif: Bagaimana?", *Law Review*, Vol. 5 No. 3, 2006, Fakultas Hukum Universitas Pelita Harapan, p. 40.

³ Johnny Ibrahim, 2006, *Teori dan Metodologi Penelitian Hukum Normatif*, Malang, Bayumedia Publishing, p. 302.

⁴ Bahder Johan Nasution, 2008, *Metode Penelitian Ilmu Hukum*, Bandung, Mandar Maju, p. 86.

- b. Rules,
 - c. Regulations,
 - d. Statutory Orders,
 - e. Directives of Administrative Agencies,
 - f. Case reports that publish judicial pronouncements of different higher courts.⁵
2. Secondary legal material consist of several documents related to the primary legal material, such as:⁶
- a. Books or Textbooks,
 - b. Commentaries on statutes,
 - c. Abstracts,
 - d. Bibliographies,
 - e. Dictionaries (Black's Law Dictionary),
 - f. Encyclopedias,
 - g. Indexes,
 - h. Reviews, and
 - i. Thesauri,⁷
3. Tertiary legal material; legal or non-legal material to support the primary and secondary material.⁸

⁵ Khushal Vibhute and Filipos Aynalem, 2009, *Legal Research Methods Teaching Material*, Prepared under the Sponsorship of the Justice and Legal System Research Institute, p. 47.

⁶ Bahder Johan Nasution, *Op. Cit*, p. 86.

⁷ Khushal Vibhute and Filipos Aynalem, *Op. Cit*, p. 47-48.

⁸ Soerjono Soekanto and Sri Mamudji, *Op. Cit*, p. 33.

C. Method of Collecting Data

The method of collecting data in the study was done through library research by literature learning. The place and source of data, namely, substantive legal rules, legal doctrines, or legal concepts and judicial decisions thereon, required for doctrinal legal research was the library of law faculty.⁹

D. Method of Data Analysis

The data was analyzed systematically through descriptive qualitative. It means the researcher analyzed the data based on International Law, especially the International Humanitarian Law. It was connected with the principle of law, conventions, and other related regulations.¹⁰ Hence, this Undergraduate Thesis is explained descriptively.

⁹ Khushal Vibhute and Filipos Aynalem, *Op. Cit*, p. 71

¹⁰ Johnny Ibrahim, *Op. Cit*, p. 303.