

CHAPTER III

RESEARCH METHOD

A. Type of Research

The type of this research is a normative legal research, with a case approach. By using a descriptive method, the research describes how the International Humanitarian Law will be applied during armed conflicts and how the International Humanitarian Law should be applied if war crimes are committed, especially on the use of chemical weapons in Syria.

According to Jacob and Mersky, normative legal research is seeking to find those authorities in the primary sources of the law that are applicable to a particular situation. The search is always first for mandatory primary sources, that are constitutional or statutory provision of the legislature, and court decision of the jurisdiction involved. If these cannot be located then the search focuses on locating persuasive primary authorities that is decisions from courts of other common law jurisdiction. When in the legal search process primary authorities cannot be found, the searcher will seek for secondary authorities.³²

³² Johnny Ibrahim, 2006, "*Teori dan Metodologi Penelitian Hukum Normatif*", Second Edition, Malang, Bayu Media.

B. Data

This research used a material research taken from any literatures consisting of primary, secondary, and tertiary legal materials.

(1) Primary legal material consist of several conventions as follows:

- a. The 1993 Chemical Weapons Convention on Convention on the Prohibition of The Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction;
- b. The 1925 Geneva Protocol for the Prohibition of The Use in War of Asphyxiating, Poisonous or Other Gases, and Bacteriological Methods and Warfare;
- c. The 1972 Biological Weapons Convention;
- d. The 1949 Geneva Convention on the Protection of the Civilians Person in Time of War;
- e. The 1998 Rome Statute of the International Criminal Court.

(2) Secondary material consists of several documents related to the primary legal material such as:

- a. Scientific journals;
- b. Books related to the issue of Humanitarian Law;
- c. Seminars papers related to the issue;
- d. Others related document;
- e. Trusted internetsites.
- f. Other non-legal documents related to this research.

(3) Tertiary legal material:

- a. Dictionary of Modern Strategy and Tactics;
- b. English dictionary.

C. Technique of Collecting Data

The methods of collecting data in this research will be done through library research by literature learning. This method will collect the data by reading, analyses, and finally made the conclusion from related documents namely convention, law books, legal journals, and others relevant to the main problem as the object of this research.

D. Analysis

The data were analyzed systematically through descriptive method. Systematically means the research was analyzed based on international humanitarian law, especially the international treaty and the international customary law. Juridical thinking means it would be connected to the principles of law, conventions, and others related regulations.