

CHAPTER III

METHODOLOGY

A. Type of Research

The type of this research are normative legal research. Normative legal research is the legal research which uses law as the foundation. It is related to the principle, norm, and rules from legislation, verdict, treaties, and doctrine.⁴⁸ Beside that, according to Soerjono Soekanto the normative legal research, consist of research related to the principle of law, systematic of law, synchronization level of law, history of law, and comparation law.⁴⁹

B. Type of Approach

The author used statute approach in this research. It is intended that the researchers use the rule of law as the basis for the initial analysis.⁵⁰

C. Type of Data

This research used secondary data. The sources of the data are legal materials. Legal materials are anything that can be used or required for the purpose of analyzing the applicable law. Legal materials in this research consist of primary legal materials, secondary legal materials, and tertiary legal materials.

⁴⁸ Zainuddin Ali, 2009, *Metode Penelitian Hukum*, Jakarta, Sinar Grafika, p. 105.

⁴⁹Mukti FajarND, Yulianto Achmad, 2015, *Dualisme Penelitian Hukum*, Yogyakarta, Pensil Komunika, p. 153.

⁵⁰Mukti Fajar ND, Yulianto Achmad, *Op.Cit.* p. 185.

1. Primary legal material is primary legal material that has a legal binding.
Primary legal materials consist of:
 - a. The 1945 Constitution
 - b. Law Number 25 Year 2007 about investment
 - c. Law Number 5 Year 1960 about the Basic Regulation on Agrarian Principles
 - d. Government Regulation Number 40 Year 1996 about the Right of Exploitation, the Right of Building, and the Right of Use
 - e. Minister Regulation of State/Head of National Land Agency Number 2 Year 2015 about Standard of Service and Arrangement of Agrarian, Spatial and Land on Investment Activity.
 - f. Regional Regulation of Special Region of Yogyakarta Number 4 Year 2013 about Providing of Incentive and Ease of Investment
2. Secondary legal material is legal materials that give explanation about the primary legal materials. Secondary legal materials consist of:
 - a. Books;
 - b. Scientific journals;
 - c. Others legal documents related to the issue;
 - d. Trusted site internets; and
 - e. Other non-legal documents related to the issue.
3. Tertiary legal materials are legal materials that explain about both primary legal materials and secondary legal materials, such as:
 - a. Black's Law Dictionary;

- b. Indonesian Dictionary; and
- c. Encyclopedia.

D. Technique of Collecting Data

The data were collected through library research. This research is conducted by reading, viewing, listening, or searching through the internet.⁵¹

In the other words, this research only required the researcher to read, analyze and finally made a conclusion.

E. Data Analysis

This research used prescriptive qualitative analysis. This research refers to the legal norms contained in legislation and judicial decisions and norms that live and develop in the society.⁵²

⁵¹Muhammad Endriyo Susila *et al.*, 2007, *Buku Pedoman Penulisan Hukum*, Yogyakarta, Laboratorium Hukum Fakultas Hukum Universitas Muhammadiyah Yogyakarta, p. 36.

⁵² Zainuddin Ali, *Op.Cit*, p. 105.