

## CHAPTER III

### METHODOLOGY

#### A. Types of Research

The type of research that will be used in this research is normative research, that is legal research using secondary data source or data obtained through library materials.<sup>44</sup> Normative legal research includes research on legal principles, legal systematics, vertical and horizontal synchronization level, comparison of law, and legal history.

#### B. Types of Data and Legal Material

The type of data used in this study is secondary data or library data or known by legal material in legal research. The legal material is in the form of various literatures grouped into:

1. Primary Legal Material consisting of legislation, jurisprudence or judicial decisions and international treaties (treaties). The primary legal materials used in this study are:
  - a. Law No. 30 Year 1999 on Arbitration and Alternative Dispute Resolution
  - b. Law No. 21 Year 2011 regarding the Financial Services Authority.
  - c. Regulation of the Financial Services Authority No.1/POJK.07/2013 on Consumer Protection of the Financial Services Sector.

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<sup>44</sup>Mukti Fajar ND dan Yulianto Achmad, 2015, *Dualisme Penelitian Hukum Normatif dan Empiris*, Yogyakarta, Pustaka Pelajar, p.154

- d. Regulation of the Financial Services Authority No. 1/POJK.07/2014 on the Alternative Dispute Resolution Institution in the Financial Services Sector.
  - e. Bank Indonesia Regulation No. 10/1/PBI/2008 concerning Amendment to Bank Indonesia Regulation No. 8/5/PBI/2006 concerning Banking Mediation.
  - f. Regulation of Indonesian Alternative Agency for Banking Dispute Resolution No. 09/LAPSPI-PER/2015 on Arbitration Rules and Procedures.
  - g. Credit Agreement Number: 114/VI.PKMK/A13-0233/11/11/2016
2. Secondary Law Material, which is a legal material that can provide explanation of primary legal materials, which can be the result of research, text books, legal journals and the internet.

### **C. Data Collection Technique**

#### **1. Primary Data Collection Technique**

Technique of collecting the primary data in this research is direct interviews with Mr. Aji as a Staff of Senior Analyst at the Directorate of Learning Center, Financial Service Authority at Jakarta, while the tool used is in the form of question guide. The interview model is freely guided. The interviewer is free to ask anything, but also to remember what data should be collected using a questionnaire tool. The questionnaire function is to avoid lagging important research data points and for faster recording.

## 2. Secondary Data Collection Techniques

Technique of collecting the secondary data in this research is done by using documentation study, while the research tool used in this research is literature study or document study to library materials. Data search is done by searching for legal materials, either by library searching or through internet searching.

### **D. Research Approach**

This research uses statute approach, which is an undertaken by reviewing all laws and regulations pertaining to legal issues being addressed. In this study, the laws used are laws related to banking and alternative dispute resolution.

### **E. Data Analysis**

The data obtained in this research are primary and secondary data, processed and then analyzed qualitatively to see the problem of dispute settlement mechanism through arbitration at the Indonesian Alternative Agency for Banking Dispute Resolution and legal effect of arbitration awards toward the parties. In drawing a conclusion in this study, the method used is descriptive method of analysis, which is a method that serves to describe or to give an idea of the object under study through the data that has been collected as is without doing analysis and make conclusions that apply to the public.