

## **CHAPTER THREE**

### **RESEARCH METHOD**

#### **A. Type of Research**

The research is normative and empirical legal research which used the result of the interview to the respondent, related data from the agencies, and statute approach. In the research, the author has elaborated the concept and principles of the library based on the normative and empirical method. The research was supported by the data taken from the field research by means of interview and data retrieval with the knowledgeable informant.

Normative legal research in the research used two kinds of analysis approach.<sup>27</sup> First, legislation approach and other regulations as the basis or the principle in conducting the analysis. Second, by using concept approach, it is an approach done by learning the doctrines and principles developed in the science of law. Pertaining in this regard these studies are relevant to the principal problems that are examined i.e. The Role of Local Government in Combating Illegal Mining in the Special Region of Yogyakarta.<sup>28</sup>

Normative legal research is a legal research that puts the law as a system of norms. In this research, it is regarding principles, norms, the legislation, court decisions, treaties and doctrines (teachings).<sup>29</sup>

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<sup>27</sup> Mukti Fajar, Yulianto Achmad, 2010, *Dualisme Penelitian Hukum Normatif dan Empiris*, Yogyakarta, Pustaka Pelajar, p.91.

<sup>28</sup>*Ibid.*, p.186.

<sup>29</sup>*Ibid.*, p.34.

A normative legal research always takes issues of the law as the norm system that is providing a "justification" perspective on a legal event. So normative legal research makes the norm system as the center of the study.<sup>30</sup>

The empirical legal research is qualitative empirical legal research. In data collection techniques in qualitative empirical legal research, there are three techniques that can be used, either used individually or separately or they can be used together simultaneously. The research used interview and data retrieval techniques.

## **B. Research Location and Respondent**

The research was conducted in the Special Region of Yogyakarta which is exactly in the Regional Police of the Special Region of Yogyakarta and Department of Public Works, Housing, Energy and Mineral Resources (DPUP-ESDM). The respondents in the research were people who are competent in their field and may give the information or data related to the problems that will be investigated.

The data of the respondents on the interview and data retrieval method:

1. Name : Tri Murtoposidi  
Position : Head of Division of Program and Information  
Field : Division of Program and Information  
Agency : Department of Public Works, Housing, Energy and Mineral Resources in the Special Region of Yogyakarta (DPUP-ESDM DIY)

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<sup>30</sup> Ranuhandoko, 2003, *Terminologi Hukum*, Jakarta, Grafika, p.419.

2. Name : Harry Dwi Wibowo, S.T.  
Position : Staff of Mining Analyst  
Field : Sub-division of Geology and Mineral Resources  
Agency : Department of Public Works, Housing, Energy and Mineral Resources in the Special Region of Yogyakarta (DPUP-ESDM DIY)
3. Name : Sumantri  
Position : Police Commissioner  
Field : Directorate of Special Crime Investigation (DITRESKRIMSUS)  
Agency : Regional Police of the Special Region of Yogyakarta

### **C. Type of Data**

The data have been collected from the sources which are classified into two data sources, they are:

a. Primary Data

Primary data are data which are obtained from the result of research which is conducted in the field by interview and data retrieval from the agencies. The interview is performed by asking the respondent with guide questions (interview with the respondent), and data retrieval means that the researcher collected the data to complete the supporting data from the interview.

b. Secondary Data

For the secondary data, the researcher used the library study that examines the legal materials. The secondary data is classified into three legal materials, they are:

- 1) Primary legal materials which consist of legislation as follows:
  - a) The 194 Constitution
  - b) The Law No. 11 of 1967 on Basic Provisions of Mining
  - c) The Law No. 8 of 1981 on Criminal Procedures Code (KUHP)
  - d) The Law No. 4 of 2009 on Mineral and Coal Mining
  - e) The Law No. 23 of 2014 on Local Government
  - f) The Law No. 2 of 2002 on National Police of the Republic of Indonesia
  - g) The Government Regulation No. 22 of 2010 on Mining Areas
  - h) The Government Regulation No. 23 of 2010 on The Implementation of Mineral and Coal Mining Business Activities
  - i) The Government Regulation No. 55 of 2010 on Guidance and Supervision of Mineral and Coal Mining Business Management
  - j) The Government Regulation No. 78 of 2010 on Post-Mining Reclamation
  - k) The Government Regulation No. 1 of 2017 on Fourth Amendment of Government Regulation No. 23 of 2010 on The Implementation of Mineral and Coal Mining Business Activities
  - l) The Presidential Regulation of the Republic of Indonesia No. 97 of 2014 on The Implementation of One Stop Integrated Service

- m) The Minister of Energy and Mineral Resources Regulation No. 2 of 2013 on Supervision over The Implementation of Mining Business Management Implemented by the Provincial and Regency / City Governments
- n) The Minister of Energy and Mineral Resources Regulation No. 34 of 2017 on Permissions in the Mineral and Coal Mining
- o) The Minister of Energy and Mineral Resources Decree No. 1204 of 2014 on Determination of Mining Areas of Java and Bali Island
- p) The Local Regulation of the Special Region of Yogyakarta No. 3 of 2015 on Institutional Local Government of the Special Region of Yogyakarta
- q) The Local Regulation of the Special Region of Yogyakarta No. 3 of 2013 on Environmental Management Efforts and Environmental Monitoring Efforts (UPL-UKL)
- r) The Governor Regulation of the Special Region of Yogyakarta No. 31 of 2015 on Procedures for Granting Mining Permits for Minerals, Metallic Minerals, and Coal
- s) The Governor Regulation of the Special Region of Yogyakarta No. 46 of 2015 on The Implementation of Mining Permits Activity of Metallic Minerals, Non-Metallic Minerals, and Rocks

- t) The Governor Regulation of the Special Region of Yogyakarta No. 60 of 2015 on Details of Duties and Functions of the Department of Public Works, Housing, Energy and Mineral Resources
  - u) The Governor Regulation of the Special Region of Yogyakarta No. 57 of 2017 on Amendment of the Governor of the Special Region of Yogyakarta Regulation No. 110 of 2015 on the Implementation of People's Mining Permit
  - v) Other Legislations
- 2) Secondary Legal Materials, which are materials related to primary legal materials, and can assist the analysis process, i.e.:
- a) Books
  - b) Scientific Journal
  - c) Doctrine, opinions, and testimonies from the legal expert which is in written or unwritten
  - d) Other legal document related with the issue
  - e) Websites
  - f) Another non-legal document method to this research
- 3) Tertiary Legal Materials, i.e.: dictionary and encyclopedia.

#### **D. Method of Collecting Data**

##### **a. Library Research**

The research is through the library research on literature learning. In this method, the data were collected by selecting legal materials relevant

to the topic of the role of local government in combating illegal mining in the Special Region of Yogyakarta.

b. Interview

The interview is a conversation with a specific purpose, then the conversation was done by both parties. It means that there are the interviewer who asks the questions and the respondent who provides answers to the question.

**E. Data Analysis**

The method of data analysis used a descriptive qualitative analysis. It means that the data will be classified and the related data will be elaborated through a descriptive qualitative with the applicable law comprehensively. The descriptive qualitative research is the research method based on the descriptive data, it could be verbal or written subject which has been observed and has the characteristics data, the data which are given by the respondent are a real data, and unchangeable as well as may be accounted for the truth.<sup>31</sup>

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<sup>31</sup> Lexy J. Moelong, 2013, *Metodologi Penelitian Kualitatif*, PT. Remaja Rosdakarya, Bandung, p.5.