

## **CHAPTER THREE**

### **RESEARCH METHOD**

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

This research belongs to normative legal research. Normative legal research is a research based on literature. The researcher used the statute and conceptual approach. It means the research aim to know how the Indonesian laws regulate the position of *ultra petita* in Constitutional Court decision with special reference to review the Constitutional Court decisions. Conceptual approach means the research referring to the views and doctrines which develop in the legal studies. The source is from secondary data that will be taken from literature: journals, books, encyclopedia, etc.

#### **B. Type of Data**

The data used in this research is secondary data. The secondary data consist of primary legal material, secondary legal material, and tertiary legal material.<sup>42</sup> The details are explained as follows:

- 1) Primary legal material consists of regulations as follows:
  - a. The 1945 Constitution;
  - b. Law No. 24 of 2003 on Constitutional Court;
  - c. Law No. 20 of 2002 on Electrification;
  - d. Law No. 27 of 2004 on Truth and Reconciliation Commission;

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<sup>42</sup> Bahder Johan Nasution, 2008, *Metode Penelitian Ilmu Hukum*, ISBN 979-583-335-3, Bandung, CV Mandar Maju, p. 86.

## 2) Secondary legal material

Secondary legal material consists of several documents that related to the primary legal materials as follows:<sup>43</sup>

- a. Books;
- b. Scientific journals;
- c. Other legal documents related the issue;
- d. Trusted sites internet; and
- e. Other non-legal documents related to this research.

## 3) Tertiary legal material

This legal materials provides further explanations, consists of any legal or non-legal materials which supports on understanding to the primary and secondary legal materials as follows:

- a. Black's law dictionary;
- b. English dictionary
- c. Indonesian dictionary; and
- d. Encyclopedias.

## **C. Data Collection**

The data were collected through library research by reading, analyzing, and making the conclusion from related documents such as Constitution or laws, books, legal journals and others which related to the main problem as the object

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<sup>43</sup> Johnny Ibrahim, 2006, *Teori dan Metodologi Penelitian Hukum Normatif*, Edisi ke II, Malang, Bayu Medi, p. 46.

of this research.<sup>44</sup>

#### **D. Data Analysis**

The data are analyzed systematically through descriptive qualitative approach. It means the research analyzed based on the Constitution, legislation, and other theories related to the issue of the position of *ultra petita* in Constitutional Court decision.<sup>45</sup>

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<sup>44</sup> *Ibid*, p. 71.

<sup>45</sup> Mukti Fajar & Yulianto Achmad, 2009, *Dualisme Penelitian Hukum*, Yogyakarta, Pencil Komunikasi, p. 123.