

CHAPTER III

RESEARCH OF METHOD

A. Type of Research

Research is a process, which is a series of steps that are done in a planned and systematic way to obtain problem-solving or answer to a particular question.³³ The type of research used in this thesis is the type of normative juridical research which means a problem will be seen from the legal aspects and by reviewing legislation and then associating it with the issues discussed.

Normative juridical research is done by studying books, literature materials of legislation that support and relate as a legal review of the rules that are considered in accordance with the study of written law. Normative research is conducted on theoretical matters of legal principles, legal basis, and legal concepts.³⁴

Based on the problems studied by the writer, the normative legal research methods or methods of legal research libraries are methods or ways used in legal research conducted by examining existing library materials.

B. Type of Approach

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³³ Beni Ahmad, 2008, *Metode Penelitian Hukum*, Bandung, CV. Pustaka Setia, p.

³⁴ Abdulkadir Muhammad, 2004, *Hukum dan Penelitian Hukum*, Bandung, Citra Aditya Bakti, p. 57

The writer uses a statute approach in this study. It is appropriate that the researcher uses the rule of law as the basis for analysis.³⁵ By using the method of law approach, researchers need to understand the hierarchy and the principles of the legislation.

C. Type of Data

To find out the sources of legal research, it is used the term legal materials or types of data used in the study and divided into two, types of primary and secondary data. The primary data type or primary legal materials consist of legislation, official records or minutes of the legislation and the decisions of the judges.

Types of data used are secondary data. Source of research data obtained through intermediary media or indirectly in the form of books, records, existing evidence, or archives both published and unpublished in general. In other words, researchers did data collection by visiting the library, study centers, and by reading archives or many books related to his research.

D. Technique of Collecting Data

Data were collected through library research. Because the researcher used the legislation approach, firstly, the most important data were the legislation, regulation, and academic works. Second, the researcher also collected the Constitutional Court Decision which has permanent legal force.³⁶

³⁵ Mukti FajarND, Yulianto Achmad, 2015, *Dualisme Penelitian Hukum*, Yogyakarta, Pensil Komunika, p. 153

³⁶ Peter Mahmud Marzuki, 2005, *Penelitian Hukum*, Jakarta, Kencana Prenada Media Group, p. 237

Data were collected through library research. This research was done by reading, seeing, hearing or searching on the internet. In other words, this study only requires researcher to read, analyze and finally making conclusions.

E. Data Analysis

In order to obtain conformity in normative legal research, then qualitative analysis was used.³⁷

This research uses qualitative analysis. This research refers to the legal norms contained in legislation and judicial decisions and norms and developing in society.

³⁷ Salim HS dan Erlis Septiana Nurbani, 2016, *Penerapan Teori Hukum pada Penelitian Tesis dan Disertasi*, Jakarta, PT. Raja Grafindo Persada, p. 19