

CHAPTER THREE

RESEARCH METHOD

A. Type of Research

The research was conducted under normative legal research. Normative legal research is the legal research based on library study. It means that the research aims to know how the regulation about human rights and the Constitutional Court Decision to protect the rights of ex-convicted. For example, regarding to the cases in North Sulawesi Province, Manado and South Bengkulu. Furthermore, the researcher used statute approach to elaborate specific statutes such as the 1945 Constitution and Constitutional Court Decision No. 42/PUU-XII/2015. The conceptual approach used in this research to understand the concepts about the rights of ex-convicted to be the regional head candidate.⁵⁰

B. Type of Data

The data used in this research is secondary data. Secondary data consist of primary legal materials, secondary legal materials and tertiary legal material.⁵¹

⁵⁰ Johnny Ibrahim dan Joenadi Efendi, 2016, *Metode Penelitian Hukum Normati dan Empiris*, Jakarta, Kencana, pp. 131-132.

⁵¹ Mukti Fajar, Yulianto Achmad, 2015, *Dualisme penelitian Hukum Normatif & Empiris*, Yogyakarta, Pustaka Pelajar, pp. 157-158.

1. Primary legal materials consist of several regulation and judicial decision as follows:
 - a) The 1945 Constitution
 - b) Law No. 39 of 1999 on Human Right
 - c) Law No. 8 of 2015 on Regional Head Election
 - d) Constitutional Court Decision No. 42/PUU/XII/2015
 - e) Supreme Court Decision No. 679 K/TUN/PILKADA/2015.
2. Secondary legal materials consist of several documents related to the primary legal materials as follows:
 - a) Books
 - b) Scientific Journal
 - c) Other legal document related issue
 - d) Trusted sites internet
 - e) Other non-legal document related to this research
3. Tertiary legal materials consist any legal or non-legal material supported the primary and secondary legal materials. Such as dictionary and encyclopedia.

C. Method of Collecting Data

The method of data collection in this research is through library research by literature learning. This method is done by studying the literature on legal materials, primary legal materials, secondary legal materials, and

tertiary legal materials. These legal materials can be obtained from reading, looking, listening, or through internet media.⁵²

D. Data Analysis

The data were analyzed systematically through juridical qualitative research. Systematically means the data were analyzed based on constitutional law perspective. Meanwhile, juridical qualitative means the data were connected to the principle of law, court decision, and other related regulations.⁵³

⁵² Ibid, p.160.

⁵³ Ibid, p. 123.