

CHAPTER III

RESEARCH OF METHODS

A. Type of Research

The type of this research is mixed between empirical and normative. Empirical legal research is research will have an interview with some respondent who is an expert on this issue. While Normative legal research is research based on the library research, focusing on reading and analyzing the secondary materials.

B. Type of Data

The data used in this research is primary data and secondary data. Primary data is the legal data which are authoritative in nature. This means the data have an authoritativeness. The secondary data closely related to primary legal materials and can help analyze and understand primary legal materials.²⁴

1. The primary legal material consists of regulation as follow:

- a. The Law No. 1 of 1974 about Marriage
- b. The Law No. 7 of 1989 on Religious Judiciary
- c. The Law No. 3 of 2006 on Amendment to The Law number 7 of 1989 about Religious Court
- d. The Law No.50 of 2009 on Religious Court.
- e. The Law Number 22 the of 1946 about Recording of Marriage, Divorce, and Reconciliation
- f. The Compilation of Islamic Law

²⁴ Suratman, Philips Dillah, 2014, *Metode Penelitian Hukum*, Bandung, Alfabeta, p.67

2. The secondary legal material consists of several documents that related to the primary legal material as follows:

- a. Books
- b. Scientific journals
- c. Other legal documents related the issue
- d. Black laws dictionary
- e. Trusted internet sites
- f. Other non-legal documents related to this research.

C. Data Collection

The primary data is collected through an interview with judges of the Religious Court of Bantul and the secondary data is collected by reading, analyzing and making a conclusion from related documents. Among the documents are regulations, law books, legal journals, and others which related to the main problem as the object of this research.

D. Data Analysis

The data were analyzed systematically through descriptive qualitative. Which means it was analyzed based on regulation and its implementation, especially relating to the issue of establishment of *itsbat* marriage at the Religious Court of Bantul.