

## **CHAPTER THREE**

### **RESEARCH METHODS**

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

The type of this research is a normative legal research. Normative legal research is the research which studies the principles of legal research, systematic of legal research, the level of synchronization legal research, legal history, and comparative law.<sup>1</sup> Normative legal research uses the Indonesian Law approach through the regulation and Constitutional Court decisions which is related to the settlement of dispute on jurisdiction among the state institutions in the Constitutional Court.

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

Data used in this research is secondary data. Secondary data consist of:

##### **1. Primary Legal Materials**

Primary legal materials consist of legislation, formal treaties, court decisions and official document, such as:

- a. The Indonesian 1945 Constitution
- b. Constitutional Court decision
- c. Law No. 24 of 2003 about Constitutional Court

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<sup>1</sup>Mukti Fajar ND, Yulianto Achmad, 2010, *Dualisme Penelitian Hukum Normatif & Empiris*, Yogyakarta, Pustaka Pelajar, p, 153

## **2. Secondary Legal Materials**

Secondary legal materials consist of several documents that are related to the primary legal materials, such as:

- a. Scientific Journal
- b. Books that are related to the issue of settlement of dispute on jurisdiction among the state institutions in the Constitutional Court
- c. The view of jurists (doctrine)
- d. Other related documents
- e. Trusted internet sites

## **3. Tertiary Legal Materials**

Tertiary legal materials consist of textbook which is not law book related to the research such as:

- a. Black laws dictionary
- b. English dictionary
- c. Indonesian dictionary
- d. Dutch-Indonesian laws dictionary

## **C. Research Approach**

### **1. Statute Approach**

This approach is conducted by examining all the regulations which are related to the problem or issue of law. The statute approach, can be in the form of:

- a. Learning about consistency or compatibility between the Constitution and Law.
- b. Learning about consistency or compatibility between one law and others law.

## **2. Case Approach**

This approach is exercised by examining the cases or disputes which are related to the issue of law. The cases or disputes will be examined by the cases that have been decided through court decision. Consideration of judge will be analysed by the researcher to be used as argument to resolve the issue of law.

## **3. Analytical Approach**

This approach will be conducted by finding the definition of the law term which is written in the law. So, the researcher will get new term from the law term and to examine and analysis the court decision.

The researcher will understand more about the law of settlement of dispute on jurisdiction among the state institutions in the Constitutional Court.

## **D. Technique of Collecting Data**

The technique of collecting data in the research will be done through library research. The researcher will find the materials of the research by reading books, journals, article and also finding information in the internet concerning the settlement of dispute on jurisdiction among the state institutions in the Constitutional Court. The technique of collecting data, can be in the form of:

- a. Muhammadiyah University Library
- b. Gadjah Mada University Library
- c. Website

#### **E. Analysis**

The data will be analysed by judicial thinking. It means that the analysis will be based on the Indonesian Law. The researcher will analyse the decision of the judges and the example of the decision. It is about the settlement of dispute on jurisdiction among the state institutions in the Constitutional Court.