

## CHAPTER THREE

### RESEARCH METHOD

#### A. Type of Research

This research is a juridical-normative<sup>1</sup> research which uses a combination of comparative and statutory approach<sup>2</sup> in analyzing the issue of the protection of academic freedom for scholars in Indonesia under the Universal Declaration of Human Rights 1948. Beforehand, it tries to elaborate in-depth discussion on how academic freedom develop historically. In this study, the author uses the method of exploration method that aims to recognize or get a new view of a phenomenon which is often able to formulate the research problem more precisely or to formulate the research hypothesis.<sup>3</sup>

In this case, the research was done by surveying the existed data, literature and the study of the academic freedom, human rights, and its regulation in Indonesia by looking its efficiency and comparing to another related constituencies in overseas based on the principle of Freedom of Expression. Doctrinal method was also used in this research which focusing on reading and analyzing primary materials (such as the legislation) and secondary

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<sup>1</sup> Soerjono Soekanto and Sri Mamudji, 2007, *Penelitian Hukum Normatif, Suatu Tinjauan Singkat*, Jakarta, PT. Raja Grafindo Persada, p. 12

<sup>2</sup> Gusti Ngurah Wairocana, 2013, *Pedoman Pendidikan Fakultas Hukum Universitas Udayana*, Bali, Fakultas Hukum Universitas Udayana, p. 75

<sup>3</sup> Sukandarrumidi, 2002, *Metodologi Penelitian*, Yogyakarta, Gadjah Mada University Press, p. 61

materials (such as legal dictionaries, textbooks, journal articles, case digest and legal encyclopedias).<sup>4</sup>

## **B. Type of Approach**

The research uses statutory and case approaches with special references to the history. The research is gone through storyline of the historical development of academic freedom and gives many cases to learn from to give the comprehensive understanding on the issue. In juridical-normative research, statutory approach is used to explore specific statutes<sup>5</sup> as the main issue that would be analyzed in the normative legal research.<sup>6</sup>

To understand deeper the implementation of legal norms which conducted in legal practice, the use of case approach is needed.<sup>7</sup> From Suteki of Universitas Diponegoro (UNDIP) to Herlambang of Institut Teknologi Bandung (ITB), from Basuki Wasis and Bambang Hero Saharjo of Institut Pertanian Bogor (IPB) to Daniel M. Rosyid, Arif Rahmadiansyah, and Lukman Noerochim of Institut Teknologi Sepuluh November (ITS), are some specific recent cases which author have collected. Otherwise, there will be other cases analyzed within the research.

## **C. Type of Data**

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<sup>4</sup> McConville, Mike and Wing Hong Chui, 2012, *Research Methods for Law*, Edinburgh, Edinburgh University Press, p. 47

<sup>5</sup> Universal Declaration of Human Rights 1948. See the Article 19 of the Declaration.

<sup>6</sup> Johny Ibrahim, 2006, *Teori dan Metodologi Penelitian Hukum Normatif*, Second Edition, Malang, Bayu Media, p. 302-303

<sup>7</sup> Johny Ibrahim, *Op.Cit.*

Source of data in this research were collected by secondary data method. It is a method of research to collect data from the library research or literature study. The secondary data to be searched are:

### 1. Primary Legal Material

The primary legal materials such as legal documents, legislations, and treaties which have relevancy to the research should be obtained, they are:

- a) Universal Declaration of Human Rights 1948 (UDHR)
- b) International Covenant on Civil and Political Rights 1966 (ICCPR)
- c) 1945 Constitution of the Republic of Indonesia
- d) Indonesian Law Number 12 Year 2012 on Higher Education
- e) Indonesian Law Number 11 Year 2008 on Information and Electronic Transaction
- f) Indonesian Government Regulation Number 60 Year 1999 concerning Higher Education

### 2. Secondary Legal Material

Secondary legal material consists of several books, journals, news, and related articles to the protection of academic freedom for scholars under the Universal Declaration of Human Rights 1948.

### 3. Tertiary Legal Material

The tertiary legal material is a material, which supports the research. It covers the legal materials that provide instructions or explanations of primary and secondary legal materials from the outside field of law, e.g. the field of politics, sociology, language as supporting material or complementary such as:

- a) Law Dictionary: Black's Law Dictionary written by Henry Campbell; and
- b) English Dictionary: Kamus Inggris Indonesia written by John M. Echols and Hassan Sadily.

#### **D. Method of Collecting Data**

The method of collecting data in this research is done by library research such reading, analyzing, and deriving conclusion from related documents (Charters, Declarations, Law Books, Legal Journals, Websites and other documents which related to the main problem of the research).

#### **E. Method of Data Analysis**

The method of data analysis in this research is done by analyzing systematically through juridical qualitative. Systematically means the research will be analyzed international laws, municipal laws and other norms which related to the human rights matters especially academic freedom. Juridical

qualitative means it would relate to the principle of law, convention, and other related regulations.<sup>8</sup>

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<sup>8</sup> Hancock, Beverly, 2002, *An Introduction to Qualitative Research*, Leicester, Trent Focus Group, p. 2