

CHAPTER THREE RESEARCH METHOD

A. Type of Research

This is an empirical legal research. In analyzing the implementation of *Roya* mortgage on credit contract in PD BPR Bank Bantul, the data were obtained from primary and secondary. The primary sources obtained directly from the debtor, creditor and National Land Agency.⁴⁷ According to Soerjono Soekanto, empirical research or sociology includes research on the identification of law (unwritten) and research on legal effectiveness.⁴⁸

B. Types of Data and Materials

Source of data in this research were collected by Primary and Secondary Legal Data, namely:

1. Primary Legal Data

Primary legal data in this research is obtained by direct interviews with the Debtor, Creditor and National Land Agency.

2. Secondary legal data

Secondary data is a method of research to collect data from the library research or literature study. The secondary data are, namely:

⁴⁷ Mukti Fajar ND, Yulianto Achmad, 2017, *Dualisme Penelitian Hukum Normatif dan Empiris*. Yogyakarta, Pustaka Pelajar, p. 154.

⁴⁸ Serjono Soekanto, 1983, *Pengantar Penelitian Hukum*, Jakarta, Universitas Indoensia Press, p. 51.

a) Primary legal material

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

- 1) 1945 Constitution.
- 2) Indonesian Civil Code.
- 3) Law number 5 of 1960 on Agrarian.
- 4) United Nation Resolution Number 39/248 of 1985 Regarding Consumer Rights.
- 5) Law number 4 of 1996 on Mortgages.
- 6) Government Regulation Number 24 of 1997 on Land Registration.
- 7) Law number 10 of 1998 on Banking.
- 8) Law number 8 of 1999 on Consumer Protection.
- 9) National Land Agency Regulation Number 1 of 2010 on Standard Services and Agrarian Management.
- 10) National Land Agency Regulation Number 8 of 2012 concerning Amendment to the Regulation of the Minister of Agrarian Affairs / Head of the National Land Agency Number 3 of 1997 concerning Provisions for Implementing Government Regulation Number 24 of 1997 concerning Land Registration.

- 11) Financial Services Authority Regulation Number 1/POJK.07/2013 on Consumer Protection of Financial service sector.
- 12) Financial Services Authority Letter Number 13/SEOJK.07/2014 Concerning Standard Agreements.
- 13) Law number 17 of 2016 on the Determination of Government Regulations of the Second Amendment to Law number 23 of 2002 on Child's Protection.

b) Secondary legal material

Secondary legal material consists of several books, journals, news, and related Articles to the topic.

c) 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 and language as supporting material or complementary such as:⁴⁹

- 1) Encyclopedia
- 2) English Dictionary
- 3) Indonesian dictionary

⁴⁹ Mukti Fajar ND, Yulianto Achmad, *Op. Cit.*, p. 156-158.

C. Method of Data collection

In this research, the author uses the type of empirical legal research. The techniques for collecting data in empirical legal research is interviews. Interviews are intended to conduct a question and answer directly between researchers and respondents or informants to get information. Interviews are an important part of empirical legal research because without interviews, researchers will lose information that is only obtained by asking questions directly to respondents, sources or informants. This interview can use a guide to the question list or question and answer is done freely, the important thing is that researchers get the data they need.

D. Setting of the Research

In conducting this research, the location of data collection was taken at PD BPR Bank Bantul on the Gajah Mada Road Number 3, Bantul.

E. Respondents of Research

Respondents were individuals or individuals who responded to questions raised by researchers. These respondents were people or individuals who were directly related to the data needed.⁵⁰

⁵⁰ *Ibid.*

F. The Technique of Analysis

Data obtained from both directly research and library research were processed based on qualitative descriptive analysis. The definition of descriptive is to clearly describe the actual conditions and qualitative analysis of the data stated by the respondent and the resource person was then described so as to obtain an understanding. So descriptive qualitative is an analysis that describes the implementation of *Roya* mortgage on credit contract in PD BPR Bank Bantul.⁵¹

⁵¹ Dewi Nurul Musjtari, 2016, "Rekonstruksi Lembaga Penyelesaian Sengketa Akad Pembiayaan Dengan Jaminan Hak Tanggungan Pasca Putusan Mahkamah Konstitusi Nomor 93/PUU-X/2012", *Jurnal media hukum*, Vol. 23 No. 1, p. 63-75.