

CHAPTER THREE

RESEARCH METHOD

A. Type of Research

The type of this research is normative legal research. Normative legal research is the legal research which uses law as the foundation. It is related to the principle, norm, and rules from legislation, verdict, treaties, and doctrine.¹ This research analyzes the importance of the existence of the medical malpractice court in Indonesia based on the existing regulations.

B. Type of Data

The main data used in this research are secondary data. The researcher only needs to seek the sources from journals, books, news and documents related to the problems of research. The researcher analyzed the data, and proposed suggestions to the government on the importance of the establishment of the medical malpractice court.

The secondary data consists of primary sources, secondary sources and tertiary sources. The primary sources of this research are statutes, and court decisions,² which deal with special court, or often similar types of court which may become the sample to support the

¹ Mukti Fajar ND and Yulianto Achmad, 2013, *Dualisme Penelitian Hukum*, Yogyakarta, Pencil Komunika, p.34.

² Mukti Fajar ND and Yulianto Achmad, *Op, Cit.*, p. 157.

possibility of the establishment of the medical malpractice court as a special court for resolving medical malpractice cases in Indonesia.

The secondary sources of this research are journals, textbooks, newspapers, news, materials in internet and other related matters. The tertiary sources in this research are encyclopedia and dictionaries for finding meaning of certain terms when necessary.

C. Data Collection

The data were collected through library research. This is because the data are in the form of the regulations, textbooks, journals, newspapers, and other documents related to the problem.

The researcher only needed to read, analyze, and finally made a conclusion from those related documents. There was no need for the researcher to do any field observation.

D. Data Analysis

This research used descriptive qualitative analysis. The researcher gives a description on this controversial topic, on the urgency of the existence of the medical malpractice court in Indonesia and on the reasons for the existence of different opinions on that topic. The researcher also makes a conclusion and propose some suggestions based on the data.