

CHAPTER THREE

RESEARCH METHODS

A. Type of Research

The research was conducted under normative legal research method. Normative Legal Research is a research in the form of prevailing law inventories by seeking principles or the basic philosophy of the legislations, or a research for the legal discovery purpose of any particular case.¹ It means the research focuses on reading and analysis primary and secondary data. The author shows how the conditions and the application of the law and or regulations. In this research, the author used International Law and National law such as convention, charter, and some regulations related to Refugee Law.

Moreover, in connection with the normative legal research, the author used two approaches, e.i the Statute and Case Approaches. Statue approach means that the author uses the legislation or regulation as the basic for conducting the research.² A normative legal research belongs to statute approach, because it highlights some regulations such as Indonesia National Law related to Refugee, and 1951 Refugee Convention to The Status of Refugee. Case approach means that this research is aimed at understanding the

¹Bahder Johan Nasution, 2008, *Metode Penelitian Ilmu Hukum*, Bandung, Mandar Maju, p. 86.

² Johnny Ibrahim, 2006, *Teori dan Metodologi Penelitian Hukum Normatif*, Second Edition, Malang, Bayu Media, p. 302.

legal protection for Asylum Seekers and Refugee in Indonesia, particularly the case of Asylum Seekers and Refugee in Indonesia.³

B. Type of Data

The research uses secondary data that consist of primary legal material, secondary legal material and tertiary legal materials.

1. Primary legal material consists of several treaties and regulations as follow:
 - a. United Nation 1951 Convention related to the Status of Refugees
 - b. The Universal Declaration of Human Rights 1948;
 - c. 1945 Constitution of Indonesia;
 - d. Law Number 39 Year 1999 on Human Rights;
 - e. Law Number 37 Year 1999 on Diplomatic Relation and;
 - f. Law Number 6 Year 2011 on the Immigration.
2. Secondary material consists of several documents related to the primary legal material such as:
 - a. Scientific journals;
 - b. Books related to the issue;
 - c. Seminars papers related to the issue;
 - d. Others related document;
 - e. Trusted internet sites and;

³A. Muri Yusuf, 2014, *Metodologi Penelitian: Kuantitatif, Kualitatif, dan Penelitian Gabungan*, Jakarta: Prenamedia Group. p. 339.

f. Other non-legal documents related to this research.

3. Tertiary legal materials are:

a. Encyclopedia;

b. English dictionary.

C. Method of Collecting Data

The data in the research were collected through library research by literature learning. The method was initiated from reading, writing, analysis, and gathering information related to the topic of the thesis. After having information from the documents such as international legal instrument, book, journal, and others related to the main problem as the main of this research, the researcher finally tries to withdraw conclusion.

D. Method of Data Analysis

The data were analyzed systematically through descriptive qualitative which include qualitative research. The systematical analysis is done through evaluation of the data related to the issues of the research.⁴ So, they are systematic, qualitative, and comprehensive analysis. It is illustrating the facts that are valid and still have something to do with the prevailing law.

Data analysis is the most important and determine stage in a research. Through descriptive qualitative the author tries to describe social trend. In other words, the author describes the nature of something that is taking place at the

⁴Johnny Ibrahim, 2006, *op.cit* p. 303

time of the study. The qualitative method provides information complete that beneficial for the development of science and solution to the problems.