

CHAPTER THREE

RESEARCH METHOD

A. Type of the Research

The researcher use normative-empirical legal research methods in writing and researching the paper. Normative legal research method is a scientific research procedure to find truth based on legal scientific logic in term of its normative.¹ Then, to see the reality in society, the researcher use empirical legal method as a tool to observe how the law works.

B. Source of Information

The various sources of information used in the paper taken from primary sources and secondary sources.

1. Primary Sources

Primary sources in legal research, therefore, are basically the Constitution, National Gazette, which publish Acts/Proclamations passed by Parliament (and by State Legislature),² Rules, Regulations, Statutory Orders, and Directives of Administrative Agencies, and case reports that publish judicial pronouncements of different higher courts.³ In the study,

¹ Hardijan Rusli, 2006, "Metode Penelitian Hukum Normatif: Bagaimana?", *Law Review*, Vol. 5 No. 3, March 2006, Fakultas Hukum Universitas Pelita Harapan, p. 40.

² Sometimes, a researcher may find subject-wise compilations of Statutes/Proclamations. Before he scans National Gazette, he should make an effort to find publications compiling Statutes/Proclamations in his library. These publications save his time and energy in locating the required statutes. However, before he relies upon them, he has to check for legislative instruments amending/supplementing/repealing, if any, entered into force subsequent to the publication of the compilation.

³ Khushal Vibhute, and Filipos Aynalem, 2009, *Legal Research Methods Teaching Material*, Prepared under the Sponsorship of the Justice and Legal System Research Institute, p. 47.

the primary sources are obtained from the Act, such as 1945 Constitution, and other related Acts, including the Trans-Pacific Partnership Agreement.

2. Secondary Sources

Secondary sources of information furnish the information derived from primary sources. These secondary sources basically include textbooks, commentaries on statutes, abstracts, bibliographies, dictionaries (Black's Law Dictionary), encyclopedias, indexes, reviews, and thesauri.⁴

The researcher refers to some sources as follows:

a. Books;

1) William Krist and Kent Hughes, 2012, *Negotiations for a Trans-Pacific Partnership Agreement*, Washington D.C., Wilson Center.

2) Stephen J Ezell, 2012, *Ensuring the Trans-Pacific Partnership Becomes a Gold Standard Trade Agreement*, Washington, The Information Technology & Innovation Foundation.

3) Etc.

b. Scientific journals;

1) Phan Quan Viet, 2015, "Opportunities and Challenges When Viet Nam Joins TPP", *Global Journal of Management and Business Research: B Economics and Commerce*, Vol. 15 Issue 10, 2015, Online ISSN 2249-4588 & Print ISSN 0975-5853, USA, Global Journals Inc.

⁴ *ibid.*, pp. 47 – 48.

- 2) World Medical Association, “New Trade Agreements and what They May Mean for Public Health and Health Care”, *World Medical Journal*, Vol. 61, April 2015, ISSN 2256-0580, World Medical Association Inc.
 - 3) Etc.
- c. Other legal documents related to the issue;
 - d. Trusted internet sites; and
 - e. Other non-legal documents related to the study.

C. Method of Collecting Data

Method of collecting data used in this study is through library and field research. The place and source of data, namely, substantive legal rules, legal doctrines, legal journal, or legal concepts and judicial decisions thereon, required for doctrinal legal research is law library.⁵ Those data are related to the study. The library research will be run by reading, looking for the related data, analyzing the issue, and making conclusion. The interview as the field research is also conducted with International Law expert, namely Prof. Hikmahanto Juwana, S.H., LL.M., Ph.D.

⁵ *ibid.*, p. 71.

D. Method of Data Analysis

Data analysis used is descriptive-qualitative method. It merely describes the phenomenon or situation under study and its characteristics.⁶ It reports descriptively what has happened or what is happening when Indonesia intends to join the TPP, and its importance for Indonesia.

⁶ *ibid.*, p. 16.