

CHAPTER THREE

RESEARCH METHODS

A. Characteristic of Research

The researcher uses normative legal research to answer the problem statement, which means that the research will show how the law regulates such condition and how the application of law itself.¹ Normative legal research is process for finding the truth of coherence, namely discovering whether existing law is in conformity with the rule of law, whether the norms in the form of a command or prohibition is in line with the principles of law and whether one's actions are in accordance with the norms of law or legal principles.²

B. Types of Approach

The author uses the statute approach and case approach in the research to giving comprehensive understanding on the issue. In a normative legal research, statute approach will use to researched the specific statutes as the main issue that would be analyzed in the normative legal research.³ The role of ASEAN Committee on Consumer Protection would be used by author in the research. The using of case approach in normative legal research aims to

¹ Ronny Soemitro Hanitijo, 1990, *Metodologi Penelitian Hukum dan Jurimetri*, Jakarta: Ghalia Indonesia. p. 10.

² Peter Mahmud Marzuki, 2013, *Penelitian Hukum Edisi Revisi*, Jakarta: Kharisma Putra Utama. p. 47.

³ Johnny Ibrahim, 2006 *Teori dan Metodologi Penelitian Hukum Normatif*, Second Edition, Bayu Media: Malang. p. 302-303.

understand the implementation of legal norms which is conduct in legal practice.⁴

C. Data Collection

Review of the literature would be conducted in order to collect the secondary data which needed in the research. The secondary data to be searched are:

1. Primary Legal Material

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

- a. The ASEAN Economic Community Blueprint.
- b. Law of Republic Indonesia Number 8 of 1999 on Consumer Protection.
- c. Law No. 5 of 1999 On Prohibition of Monopolistic Practices and Unfair Business Competition.
- d. Law No. 30 of 1999 on Arbitrate and Alternative Dispute Settlement.
- e. Leaflet of Directorate General of Standardization and Consumer Protection, Directorate of Consumer Empowerment Republic Indonesian Trade Ministry.

⁴ *Ibid*, p. 321.

- f. Indonesian Trade Ministerial Regulation Number 10 of 2014 on Labeling.
- g. Indonesian Trade Ministerial Regulation Number 19 of 2009 on Manual Guarantee Card.
- h. Brunei Darussalam Consumer Protection Law year 2011.
- i. Lao People's Democratic Republic Consumer Protection Law year 2010.
- j. Malaysia Consumer Protection Act year 1999.
- k. Malaysia Electronic Act Commerce year 2006.
- l. Malaysia Consumer Protection (Electronic Trade Transactions) Regulations year 2012.
- m. Myanmar The Consumer Protection Law year 2014.
- n. Singapore Consumer Protection (Fair Trading) Act year 2009
- o. Singapore Statutes Online - 1 - Appointment of Director, Deputy Director and Assistant Directors of Consumer Protection
- p. Singapore Statutes Online - 1 - Consumer Protection (Safety Requirements) Regulations
- q. Singapore Statutes Online - 1 - Multi-Level Marketing and Pyramid Selling (Excluded Schemes and Arrangements) Order
- r. Singapore Statutes Online - 52A - Consumer Protection (Fair Trading) Act
- s. Singapore Statutes Online - 53 - Consumer Protection (Trade Descriptions and Safety Requirements) Act

- t. Singapore Statutes Online - 64 - Consumer Protection (Fair Trading) (Regulated Financial Products and Services) Regulations 2009
- u. Singapore Statutes Online - 65 - Consumer Protection (Fair Trading) (Cancellation of Contracts) Regulations 2009
- v. Singapore Statutes Online - 66 - Consumer Protection (Fair Trading) (Motor Vehicle Dealer Deposits) Regulations 2009
- w. Singapore Statutes Online - 67 - Consumer Protection (Fair Trading) (Opt-Out Practices) Regulations 2009
- x. Singapore Statutes Online - 113 - Consumer Protection (Consumer Goods Safety Requirements) Regulations 2011
- y. Singapore Statutes Online - 125 - Hire-Purchase Act
- z. Singapore Statutes Online - 190 - Multi-Level Marketing and Pyramid Selling (Prohibition) Act
 - aa. Singapore Statutes Online - 205 - Hire-Purchase (Motor Vehicles) Regulations 2013
 - bb. Thailand Direct Sales and Direct Marketing Act 2002
 - cc. Thailand Product Liability Act 2008
 - dd. Thailand The Consumer Protection Act 1979
 - ee. The Philippines Republic Act No. 7394 - The Consumer Act of 1992
 - ff. Vietnam's Law on Protection of Consumers' Interests year 2010

2. Secondary Legal Materials

Secondary legal material consists of several documents that related to the analysis of is the consumer protection law give a chance upon other State or other entities that recognized under International Law, such as:

a. Books and Scientific Journals;

1) Homi Kharas and Geoffrey Gertz, (2010). '*The New Global Middle Class: A Cross-Over from West to East*' Chapter 2 in China's Emerging Middle Class: Beyond Economic Transformation (Cheng Li, editor). Washington DC: Brookings Institution Press.

2) Krisyanti, Celina Tri Siwi. 2009. *Hukum Perlindungan Konsumen*. Jakarta: Sinar Grafika.

3) Miru, Ahamdi dan Sutarman Yodo, 2010, *Hukum Perlindungan Konsumen*, , Jakarta : Rajawali Pers.

b. Seminar Papers Related to The Issue;

c. Other Related Documents;

d. Trusted Internet Sites.

e. Other Non-Legal Documents related to the research.

3. Tertiary Legal Materials

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

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

D. Method of Collecting Data

The method of collecting data in this research will be through library research by literature learning. The method of collecting data is by reading and library and try to make a conclusion from related documents such as convention, books, scientific journals, and others which related to the main problem as the object of this research.

E. Method of Data Analysis

The data will be analyzed systematically through juridical qualitative. Systematically means the research will be analyzed based on international law, especially humanitarian intervention, focus on the implementation of

International Disaster Response Laws of Indonesia. Juridical qualitative means it would be connected with the principle of law, convention and other related-regulations.⁵

⁵ Mukti Fajar ND, Yulianto Achmad, 2009, *Dualisme Penelitian Hukum*, Yogyakarta: Pencil Komunika. p. 123.