

## CHAPTER III

### RESEARCH METHODOLOGY

#### A. Types of Research

This research is a normative legal research (library research). Normative legal research itself is a legal research literature with descriptive nature because it is shaped to explain or describe a problem using the theories as the basis to solve the problem.<sup>1</sup>

#### B. Types of Data

This research uses some legal research, such as:

1. Primary legal materials, namely: legal materials consisting of legislation the jurisprudence of the court's decision. The primary legal materials are in the form of legislation related to the prohibition of monopoly and unfair competition.
2. Secondary law is legal materials that may provide an explanation for the primary law. This secondary legal materials are in the form of books, journals, and research results related to the prohibition of monopoly and unfair competition.
3. Tertiary legal materials are materials that support the primary legal materials and secondary legal materials to provide insight and understanding of other legal materials.

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<sup>1</sup> Soerjono Soekamto, Sri Mumudji, 2006, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, Jakarta, PT Raja Grafindo Persada, p.23.

### **C. Method of Collecting Data**

Data collection used in the study is library research. It is a research done by collecting data from books, literatures, acts, journals, and paper which are related to the research.

### **D. Method of Data Analysis**

The data were analyzed using descriptive qualitative to get the suggestions in overcoming specific problems, retrieve the data related to the issues to be studied so that it can be described in a descriptive, qualitative, and comprehensive, which illustrates the forcing fact related to legal aspects.

### **E. Research Approach**

#### **1. Statute Approach**

This approach is done by examining all the legislation that are related to the problems (legal issues). The approach of this legislation is for example done by studying the consistency/compatibility between the Constitution to Law, or the Law to one Law to another, and so on.

#### **2. Case Approach**

This approach is done by doing a study on the cases related to the legal issues at hand. The cases studied is a case which has obtained a court decision which is legally binding. The subject studied in every

decision that is the consideration of judges to arrive at a decision that can be used as an argument in solving legal issues faced.