

## **CHAPTER THREE**

### **METHODOLOGY**

#### A. Type of Research

In this research, the author used a method that is normative legal research which means this research is based on the library research focusing on reading and analysis of the primary and secondary materials.<sup>1</sup> The author referred to the law which relates to piracy and Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) as the primary sources to analyze the case. In this research the author described the case, seek, and process a variety of data from the document study (libraries) to generate a report of research findings.

According to Jacob and Mersky, normative legal research is seeking to find those authorities in the main sources of the law which are applicable to a particular situation. The search was always first for mandatory primary sources, that were constitutional or statutory provision of the legislature, and court decision of the jurisdiction involved. If these could not be located then the search focuses on locating persuasive primary authorities that is decisions from courts of other common law jurisdiction. When in the legal search process

---

<sup>1</sup> Johnny Ibrahim, 2006, *Teori dan Metodologi Penelitian Hukum Normatif*, Second Edition, Malang, Bayu Media, p. 46

primary authorities cannot be found, the searcher will seek for secondary authorities.<sup>2</sup>

In relation to the normative legal research used several approaches, namely, the Statute Approach and Case Approach. A normative legal research should certainly statute approach; because that will be examined are various rules of law as well as its central theme a focus of research.<sup>3</sup> Case Approach aims to study the application of norms or rules of law committed in the practice of law.<sup>4</sup>

## B. Data

This research used a material research taken from any literatures consisting of primary, secondary, and tertiary legal materials.

a. Primary legal material consist of several conventions as follows:

- 1) Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP);
- 2) United Nations Convention on the Law of the Sea (UNCLOS);
- 3) Resolution A.1025 (26), Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery Against Ships.
- 4) Undang-Undang Dasar Negara Indonesia Tahun 1945;
- 5) Penal Code
- 6) Criminal Prosedure Code

---

<sup>2</sup> *Ibid.*, p. 45

<sup>3</sup> *Ibid.*, p. 302

<sup>4</sup> *Ibid.*, p. 321

- 7) Law No. 17 of 1985 on Ratification of United Nations Convention on the Law of the Sea (UNCLOS);
- b. Secondary material consists of several documents related to the primary legal material such as:
- 1) Book and Scientific journals;
    - a) Ariadno Kamil Melda, 2013, *Combating Piracy: The Indonesian Case*, Vol. 20 No.1, Yogyakarta, Jurnal Media Hukum.
    - b) Alfred Bradford, 2007, *Flying the Black Flag-A Brief History of Piracy*, Westport, Connecticut, Praeger.
    - c) Joshua Ho, 2009, *Combating Piracy and Armed Robbery in Asia: The ReCAAP Information Sharing Centre (ISC)*, Marine Policy Journal.
    - d) Adrian B Lopian, 2009, *Orang Laut Bajak Laut Raja Laut: Sejarah Kawasan Laut Sulawesi Abad XIX*, Jakarta, Komunitas Bambu, ISBN 978-979-3731-59-1.
    - e) Tedd, Biggs, and Liss Carolin, 2007, *Piracy in Southeast Asia: Trends, Hot Spots, and Responses*, New York, Routledge.
  - 2) Seminars papers related to the issue;
  - 3) Others related document;
  - 4) Trusted internet sites and;
  - 5) Other non-legal documents related to this research.
- c. Tertiary legal material:
- 1) Dictionary of Modern Strategy and Tactics;
  - 2) English dictionary.

### C. Method of Collecting Data

The methods of collecting data in the research will be done through library research by literature learning. This method will collect data from reading, analyses, and finally trying to make conclusion from related documents namely convention, law books, legal journals, and others which related to the main problems as the object of the research.

### D. Analysis

Technique of analysis is basically descriptive qualitative.<sup>5</sup> Analysis begins by classifying the data and the same information by subject and subsequently make an interpretation to give meaning for each subject and their relationship to one another. Then after conducted the analysis or the interpretation of all aspects of an issue of concern inductively so as to give full picture of the results.<sup>6</sup>

---

<sup>5</sup> Descriptive qualitative means, an approach or a search to explore and understand a central phenomenon and seek a deep understanding of a phenomenon, facts and reality. Facts, realities, problems and phenomenon can only be understood when researchers search for it in depth, and not just limited hanay on the surface. See book, Dr. J.R. Raco, M.E., M.Sc., 2010, *Metode Penelitian Kualitatif, Jenis, Karakteristik, dan Keunggulannya*, Jakarta, PT Grasindo, p. 7

<sup>6</sup> Bahder Johan Nasution, 2008, *Metode Penelitian Ilmu Hukum*, Bandung, CV. Mandar Maju, p. 174