

CHAPTER 3

RESEARCH METHODS

1. Type of Research

The research is a normative legal research which emphasizes on normative juridical approach which views law as norm in society. It explores and analyzes the implementation, effectiveness law enforcement/legislation in practice of nullification of local regulation.²³ Through normative legal research method, the researcher carried out a study of documents regarding the nullification of local regulation. Therefore the approach of this research is directed at juridical and historical aspects.

2. Type of Data

The data used in this research is secondary data. Secondary data consists of primary, secondary, and tertiary legal materials which can be explained as follows:

1. Primary legal material is library material which included legislation such as :
 - a. The 1945 Constitution;

²³ Mukti Fajar dan Yulianto Achmad, 2007, *Dualisme Penelitian Hukum*, Yogyakarta, Pencil Komunika, p. 109

- b. Instruction of President No. 1 of 2016 on Acceleration of the Implementation National Strategic Project;
- c. Regulation of Ministry of Home Affairs No. 80 of 2015 on Establishment of Local Regulation;
- d. Instruction of Ministry of Home Affairs No. 582/476/SJ on Revocation of Local Regulation, Regulation of Regional Heads and Decisions of Regional Heads that Hamper Bureaucracy and Investment;
- e. Instruction of Ministry of Home Affairs No. 582/1107/SJ on Affirmation Intruction of Ministry of Home Affairs No. 582/476/SJ on Revocation of Local Regulation, Regulation of Regional Heads and Decisions of Regional Heads that Hamper Bureaucracy and Investment;
- f. Law No. 23 of 2014 on Local Government;
- g. Law No 12 of 2011 on the Establishment of Legislation;
- h. Law No. 48 of 2009 on Judicial Power;
- i. Law No. 5 of 2004 on Supreme Court;
- j. Law No. 10 of 2004 on Formulation of Legislation.

2. Secondary legal materials, secondary legal materials mean any scientific references such as:

- a. Books;
- b. Qualified journal;

- c. Related research results;
 - d. Doctrine, opinion, and written and unwritten expert testimony in constitutional law;
 - e. Other related documents.
3. Tertiary legal material, are materials that support primary and secondary legal materials to provide understanding on nullification of local regulation.²⁴ They are Indonesian Dictionary and Law Dictionary, English Dictionary..²⁵

3. Data Collection

The data were collected through library research. The data collection were conducted in library such as:

- a. Law Library Faculty of Law Universitas Muhammadiyah Yogyakarta;
- b. Library of Yogyakarta City;
- c. Yogyakarta Grahatama Library;
- d. Mass media and official page Ministry of Home Affairs.

Primary, secondary, and tertiary legal materials were obtained through library research by collecting all legislation, legal documents, books and journal related research issues, and then to clarify secondary data

²⁴ Peter Mahmud Marzuki, 2009, "*Penelitian Hukum*", Jakarta, Kencana Prenada Media, p. 93

²⁵ *Ibid.*, p. 93

interview with Prof. Dr. Hj. Ni'matul Huda, SH., M.Hum were conducted.

4. Data Analysis

Legal materials obtained in this study were analyzed through descriptive qualitative analysis which aimed to describe, explain, notes, analyzes and interprets the conditions that occur or exist²⁶. The research also used the conceptual approach by studying the views and doctrines. The authors found the ideas related to legal understanding, legal concepts and legal principles relevant to the issues.²⁷

²⁶ Mardalis, 1999, "*Metode Penelitian Suatu Pendekatan Proposal*", Jakarta, Bumi Aksara, p. 26.

²⁷ Mukti Fajar dan Yulianto Achmad, "Dualisme Penelitian Hukum", *op. cit.* p. 133.