

CHAPTER THREE

RESEARCH METHOD

A. The Type of Research

The type of this research is normative legal research. Normative legal research method is a scientific research procedure to find the truth based on legal scientific logic in terms of its normative.¹

The source is from secondary data. The data used are from literature: journals, books and encyclopedia, among others. This research also uses case law approach by analyzing Akil Mochtar case and Patrilius Akbar case.² This research aims to study the norms or regulations in practice pertaining to recruitment system of constitutional judges.

This research also uses comparative approach. Comparative approach is a research methodology in the social sciences that aims to make comparisons across different countries or cultures. The writer chooses to compare the system of Constitutional Court in Indonesia to Constitutional Court in South Korea. The reason of choosing the Constitutional Court of Republic of South Korea is because it is one of model that Indonesia studied as comparison when Indonesia to Constitutional Court was being drafted

¹ Johnny Ibrahim, 2006, *Teori dan Metodologi Penelitian Hukum Normatif*, Malang, Bayu Media, p. 295

² *Ibid*, p.302.

This research also uses the Islamic Perspective. Based on the history, it seems that the recruitment system of judges in the Islamic tradition can be used as a lesson to formulate a better recruitment process of constitutional judges.

B. The Type of Data

The data used in this research is secondary data. The secondary data consist of primary legal material, secondary legal material, and tertiary legal material. The detailed data will be explained as follows:

1. Primary legal material consists of legislation as follows:
 - a. The 1945 Constitution;
 - b. South Korean Constitution;
 - c. Other legislation: Indonesian Constitutional Court Law, South Korean Constitutional Court Law.
2. Secondary legal materials consist of several documents that related to the primary legal materials as follows:
 - a. Books;
 - b. Scientific Journals;
 - c. Other legal document related the issue;

- d. Trusted sites internet; and
 - e. Other non-legal documents related to this research.
3. Tertiary legal materials, as follows:
- a. Black's law dictionary; and
 - b. Indonesian dictionary

C. Technique of Collecting Data

The method of data collection in this research is through library research by literature learning. In this method, the data is collected by selecting any legal material relevant to the topic. Besides, some expert were also interviewed to confirm the author's accuracy in understanding the reading materials.

D. Data Analysis

The data was analyzed systematically through descriptive qualitative approach. By systematically means that the research will be analyzed based on the Constitution, legislation, and other theory related to the issue of the recruitment system of constitutional judges in Indonesia.