

CHAPTER III

RESEARCH METHOD

A. Type of Research

Normative research is a doctrinal legal research or theoretical legal research. This is because this normative research focuses on a written study that is using secondary data such as using legislation, court decision, legal theory and can be in the form of scientific work of scholars. Various aspects are examined in this type of normative research. These aspects such as aspects of theory, history, philosophy, comparative, structure and composition, scope and content, consistency, overview and explanation chapter by chapter, the formalities and the binding force of a legislation and legal language used¹⁸.

B. Type of Data

In general, the type of data needed in the research is secondary sources. Primary data is data obtained directly from the source, while secondary data is data that has been collected by others. As this research method uses normative juridical, secondary data such as legal documents

¹⁸ Mukti Fajar and Yulianto Achmad, 2010, *Dualisme Penelitian Hukum Empiris & Normatif*, Pustaka Pelajar, pages 280

and data on the cases that are preferred to be used as research. Legal research materials in this research include secondary legal materials¹⁹.

Secondary data in research is legal materials taken from literature study consisting of primary legal materials, secondary law and non-law material. Secondary data were obtained with the documentation and study of literature relating to the enforcement of criminal law and theory that supports it²⁰.

a. Primary legal materials

That legal materials that are *authoritatif* means to have authority ingredients primary law consists of legislation, legal materials primer that I use in this paper consists of Law No. 8 of 1999 on Consumer Protection, Law No. 33 of 2014 on Halal Product Guarantee, Law No. 18 of 2012 on Food, Government Regulation Number 69 Year 1999 on Food Label and Advertisement. Also Decision Menag No. 518 November 30, 2001 on Guidelines and Procedures for Examination and Determination of Halal Food and the Minister of Religion No. 519 of 30 November 2001 on Implementing Agencies Inspection of Food Halal and legal doctrines that discussed the importance of monitoring and

¹⁹ Sunggono, Bambang, 1996, *Metodologi Penelitian Hukum*, PT. Raja Grafindo Persada, Jakarta. page 42

²⁰ *ibid*

certification of halal particularly for packaged food products imported by LPPOM MUI.

b. Secondary legal materials

Legal materials in the form of all the publication of the law which is not an official documents, publications about the law include text books, dictionaries law, legal journals related to surveillance and certification of halal in particular for packaged food products imported by LPPOM MUI.

C. Method Approach

The method used in this research is the approach of law, (statute approach) done by studying the laws which regulation is concerned premises legal issues, case approach (case approach) is performed by examining the case of the discovery or the entry of imported products is not feasible consumption for Muslims in Indonesia and conceptual approach (conceptual approach) is done by tracing the concepts of the importance of monitoring and certification of halal in particular for packaged food products imported by LPPOM MUI.

D. Data processing techniques and or materials research

In a study of normative law, processing of materials research is to conduct activities against the systematization of materials research by the selection of materials research, and then perform the classification

according to the classification of research materials and compile the results of these studies in a systematic and logical manner.

E. Analysis of Legal Materials

This is a way of legal materials analysis by providing an overview of the object under study in the form of narrative descriptions. The essence of exposure like a knit piece is examined one by one by answering the question of what, why and how a phenomenon takes place, then presented descriptively by describing the outlines and explaining the corresponding problems are that closely related to the importance of monitoring and certification of halal particularly for packaged food products imported by LPPOM MUI. It is intended to obtain a picture that can be updated in a clear and focused manner. The result of this analysis will draw conclusions to address the issue of alleged weak oversight of packaged food products imported by LPPOM MUI. Aterwards this analysis will conclude with suggestions on what should be done on the issue of the importance of monitoring and certification of halal in particular for packaged food products imported by LPPOM MUI.