

CHAPTER THREE

RESEARCH METHODOLOGY

A. Type of Research

The research was conducted under normative legal research method. Normative Legal Research is a research in the form of prevailing law inventories by seeking principles or the basic philosophy of the legislation, or a research for the legal discovery purpose of any particular case.¹ It means that in this research focused on reading and analysis primary and secondary data. The author showed how the conditions and the application of the law and or regulations. In this research, the author used International Law and National law such as convention, charter, and some regulations related to Human Rights Law.

Moreover, in connection with the normative legal research, the author used several approaches, namely the Statute and Case Approach. Statute approach means that the author used the legislation or regulation as the basis for conducting the research.² A normative legal research should certainly statute approach because it highlights some rules such as Indonesia National Law related to Human Rights. Case approach means that this research

¹ Bahder Johan Nasution, 2008, *Metode Penelitian Ilmu Hukum*, Bandung, Mandar Maju, p. 86.

² Johnny Ibrahim, 2006, *Teori dan Metodologi Penelitian Hukum Normatif*, Second Edition, Malang, Bayu Media, p. 302.

aimed at understanding the legal protection and prevention for the victim of human rights violation in ASEAN, particularly the case of Human Rights violation in Indonesia.³

B. Legal Material

This research used secondary data that consisted of primary legal materials, secondary legal materials and tertiary legal materials.

1. Primary legal materials consist of several treaty and regulations as follows:
 - a. United Nations Charter;
 - b. Universal Declaration of Human Rights;
 - c. Rome Statute of the International Criminal Court;
 - d. ASEAN Charter;
 - e. Treaty of Amity and Cooperation;
2. Secondary materials consists of several documents related to the primary legal material such as:
 - a. Scientific journals;
 - b. Books related to the issue;
 - c. Seminars papers related to the issue;

³ A. Muri Yusuf, 2014, *Metodologi Penelitian: Kuantitatif, Kualitatif, dan Penelitian Gabungan*, Jakarta, Prenamedia Group, p. 339.

- d. Others related document;
- e. Trusted internet sites and;
- f. Other non-legal documents related to this research.

3. Tertiary legal materials:

- a. Encyclopedia;
- b. English dictionary.

C. Method of Collecting Data

The method of collecting data in the research was done through library research by literature learning. The method collected the data from reading, writing, analyzing, and gather information related to the topic of the thesis. After having information from the documents such as international legal instrument, book, journal, and others related to the main problem as the main of this research, finally, the author made analyses and drew a conclusion.

D. Method of Data Analysis

The data were analyzed systematically through descriptive qualitative which include qualitative research. The systematically through evaluative

where the data were taken relating to the issues to be researched.⁴ So, that it can be systematic, qualitative and comprehensive, illustrating the facts that are valid and still have something to do with the prevailing law.

The data analysis is the most important stage and determine step in research. Descriptive qualitative research tries to describe a social trend. In other words, this study aims to explain the nature of something that is taking place at the time of the study. The qualitative method this provides information complete so beneficial for the development of science and more could be applied to problems

⁴ Johnny Ibrahim, *Op cit* p. 303

