

CHAPTER THREE

RESEARCH METHOD

A. Type of Research

The type of this research is a normative legal research with using case approach, statute approach, and comparative approach, especially that are related to the urgency of external supervision on constitutional court's justices in Indonesia.⁴²

1. Case Approach

This approach is done to research on the cases related to the issue of the law. The cases are cases that have obtained the decision of the court. The cases may also be used as argumentation to solve the issue of the law.

2. Statute Approach

This approach is done to research on the all regulations related to the issue. Statute Approach is done to learn the consistency between 1945 Constitution and the Law or the Law to the other Law.

3. Comparative Approach

This approach is conducted by comparing external supervision of Constitutional Justices in France and Italy. This comparative approach is needed to enrich the analysis of the urgency of external supervision on the Constitutional Justices.

⁴² Johnny Ibrahim, 2006, *Teori dan Metode Penelitian Hukum Normatif*, Malang: Bayu Media, p. 302.

B. Type of Data

In this type of research normative law only required research materials in the form of legal materials and non legal materials. Legal materials include primary legal materials, secondary legal materials, and tertiary legal materials. The details will be explained as follows:

1. Primary legal material are legal materials that have binding strengths such as:
 - a. The Constitution: The 1945 Constitution, The Constitution of the Italian Republic, France's Constitution of 1958.
 - b. Court decisions: Decision of Constitutional Court No. 005/PUU-IV/2006.
 - c. Other regulations: Constitutional Court Act, Judicial Commission Act and Judicial Authority Act.
 - 1) Law No. 8 of 2011 on Changes of the Law No. 24 of 2003 on Constitutional Court;
 - 2) Law No. 22 of 2004 on Judicial Commission; and
 - 3) Law No. 4 of 2004 on Judicial Authority.
2. Secondary legal material consists 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

3. Tertiary legal material, as follows:
 - a. English dictionary; and
 - b. Indonesia dictionary.

C. Data Collection

The methods of collecting data in this research will be done through library research by literature learning. This method collects data from reading, analyzing, and trying to make conclusions from related documents namely laws books, legal journals, and others which are related the main problem as the object of this research.

D. Analysis

The data is analyzed systematically through descriptive qualitative. It means that the research will be analyzed based on related regulation, especially relating to the urgency of external supervision on constitutional court's justices in Indonesia. The fact would be connected with the principle of law, conventions, and other related regulations.