

CHAPTER THREE

RESEARCH METHODS

A. Type of Research

The research was conducted under normative legal research method, which means that the research shows how the law regulates such condition (*das sollen*) and how the law itself (*das sein*) applies.²⁴ Normative legal research was used to find the truth, whether the existing law is appropriate with the rule of law, whether the command or prohibition is in line with the principles of law, and whether an action is in accordance with the legal principles.²⁵

The normative legal research is often called as legal studied in the books. The research uses statute approach and case approach. The statute approach was conducted by highlighting some regulations related to the issues while case approach was conducted by reviewing the case related to the issues.²⁶

The author collected the data from the library in order to find the regulations and theories related to the object of the research. Other resources

²⁴ Jonaedi Efendi, Johnny Ibrahim, 2016, *Metode Penelitian Hukum Normatif dan Empiris*, Jakarta, Prenadamedia Group, p. 125.

²⁵ *Ibid.*

²⁶ I Made Pasek Diantha, 2016, *Metodologi Penelitian Hukum Normatif dalam Justifikasi Teori Hukum*, Jakarta, Prenadamedia Group, p. 156.

such as articles, newspaper, magazines, and related supporting media were utilized in this thesis.

The author collected the data from library in order to find the regulation and theory related to the object of research, also focusing on reading and analysis of the primary, secondary materials such as books, journals, case digests, newspaper, magazines, and related supporting media are utilized in this thesis, and the last is tertiary legal materials.²⁷

B. Type of Data

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

1. Among primary legal materials are several regulations and conventions such as:
 - a. Responsibility to Protect (R2P)
 - b. United Nations Declaration on the Elimination of All Forms of Racial Discrimination
 - c. Vienna Convention on the Law of Treaties
 - d. The Constitution law of People's Republic of China
 - e. Law of the People's Republic of China on Ethnic Regional Autonomy
2. Secondary legal materials consist of several documents related to the primary legal materials as follows:

²⁷ Jonaedi Efendi, Johnny Ibrahim, *Op. Cit*, p. 130.

- a. Books
 - b. Scientific Journals
 - c. Other legal documents related to the issue
 - d. Other non-legal documents related to the issue
 - e. Trusted internet sites
3. Tertiary legal materials include several documents below:
- a. Dictionary
 - b. Encyclopedia

C. Method of Collecting Data

The method of collecting data in the research was done through library research by literature learning. The data in the research were collected by reading, selecting, validating, and analyzing the information related to the topic of the thesis. After having information from the documents such as international legal instrument, book, journal, and others related documents then discussion and analysis were conducted till the author reached the conclusion.

D. Method of Data Analysis

The data were analyzed systematically through juridical qualitative method. Systematically means the data were analyzed based on international law especially state responsibility, and the analysis focused on the implementation of racial discrimination convention. Juridical qualitative

means it would be connected to the principle of law, convention, and other related regulations.²⁸

²⁸ Johnny Ibrahim, 2006, *Teori dan Metodologi Penelitian Hukum Normatif*, Second Edition, Malang, Bayu Media, p. 303.