

CHAPTER III

RESEARCH METHOD

A. Type of Research

The type of the research is Normative legal research which is a research based on the documentary or normative fact, focusing on reading and analysis of the primary and secondary materials.⁶¹ Here the researcher collected the data from library in order to find the regulation and theory related to the object of research. In order to find another information needed, the researcher collected the data from articles, news, and other supporting media.

B. Type of Data

The data used in this research is secondary data, the secondary data consist of primary, secondary, and tertiary legal material. Primary legal material is the legal material which is authoritative in nature. It means the material has an authoritativeness. The secondary legal material refers to all publications related to the law except for official document.⁶² These legal materials consist of the responsibility of the carrier against loss of passengers⁶³;

1. Primary Legal Material, as follows:

a. Law of Civil Code Book III

⁶¹ Johnny Ibrahim, 2006, *Teori dan Metodologi Penelitian Hukum Normatif*, Second Edition, Malangm Bayu Media, p. 46.

⁶² Suratman, Philips Dillah, 2014, *Metode Penelitian Hukum*, ISBN 978-602-7825-39-0, Bandung, Alfabeta, p. 67.

⁶³ Bahder Johan Nasution, 2008, *Metode Penelitian Ilmu Hukum*, ISBN 979-583-335-3, Bandung, CV Mandar Maju, p. 86.

- b. Law of Commercial Code Book II
 - c. Law No. 33 of 1964 on Passenger Accident Insurance Funds
 - d. Law No. 8 of 1999 on Consumer Protection
 - e. Law No.17 of 2008 on Shipping.
 - f. Law No.40 of 2014 on Insurance.
 - g. Government Regulation (PP) No. 17 of 1965 on The Implementation of Passenger Accident Compulsory Insurance Funds.
 - h. Government Regulation No.20 of 2010 in Marine Transportation.
 - i. The Regulation of The Minister of Transportation of PM No. 51 of 2015 on The Administrator of Sea Port.
 - j. The Regulation Minister of Transportation No. 38 of 2016 on Limits Value / Tariff on Domestic Economy Class in Sea Passenger Transportation.
 - k. The Regulation Minister of Transportation No. PM.37 of 2015 on Standards for Passenger Marine Transport Services.
 - l. The Regulation Minister of Transportation of PM No. 28 of 2016 on Obligations of Passenger marine Transport Must Have Tickets.
 - m. The Regulation Minister of Finance No. 36 / PMK.010 / 2008 and 37 / PMK.010 / 2008 26 February 2008 the types of compensation provided for land and sea are the same while for air there are some that are differentiated.
2. Secondary Legal Material
- a. Books;

- b. Scientific journals;
- c. Research report;
- d. Trusted sited internet; and
- e. Material of seminar or conference.

C. Tertiary legal material

This legal materials provides further explanation, consist of any legal or non-legal materials which is related to the primary and secondary legal materials such as Black's law dictionary, English dictionary, Indonesian dictionary and encyclopedias.

C. Method of Collecting Data

The method of collecting data in this research will be through library research. By literature learning also means to get to interviews, practice and get opinion of interviewees, whether it is as desired by the society or not. The researcher will collect data by reading, analyzing, and making a conclusion from related interviewees, documents such as convention, books, legal journals, and others which are related to the main problem as the object of this research; required for doctrinal legal research is law library.⁶⁴

D. Data Analysis

The data was analyzed systematically through descriptive qualitative approach. It means that the data were systematically evaluative taken relating to the issues to be researched. The analysis is based on the Constitution,

⁶⁴ *Ibid.* p.71.

Law, Regulations, and other theory related to the issue of the responsibility of the carrier against the loss of passengers.⁶⁵

⁶⁵ Mukti Fajar ND, Yulianto Achmad, 2009, *Dualisme Penelitian Hukum*, *Op.cit*, p. 123.