

## CHAPTER THREE

### RESEARCH METHODOLOGY

#### A. Type of Research

The research was conducted under normative legal research method which means that this research is in the form of current law inventories by seeking principles or the basic philosophy of the legislation, or research for the legal discovery purpose of any particular case.<sup>35</sup> So, this research was carried out on primary legal materials and secondary legal material as they contained legal rules.<sup>36</sup> The research shows how the legal perspective of the use of chemical weapons in the Syrian civil war through conventions, charter, and other regulations related to humanitarian principles applied. The research also uses statute approach and case approach. The statute approach is conducted by highlighting some regulations related to the issues while the case approach is conducted by reviewing the case related to the issues.<sup>37</sup>

Furthermore, the author collected the data from the library to find the regulation and theory related to the object of research. Other resources, such as articles, newspaper, magazines, and related supporting media were utilized in this thesis. The author also showed how the conditions and the implementation of related law and regulations. In this research, the author

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<sup>35</sup> Bahder Johan Nasution, 2008, *Metode Penelitian Ilmu Hukum*, Bandung, Mandar Maju, p. 86.

<sup>36</sup> Soejono Soekanto, 2007, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, Jakarta, Rajagrafindo Persada, p. 62.

<sup>37</sup> Peter Mahmud Marzuki, 2011, *Penelitian Hukum*, Jakarta, Kencana Prenada Media Group, p. 24.

will use International Humanitarian Law to prohibit the use of chemical weapons in an internationalized armed conflict or to be more specific in the case of the Syrian Civil War.

## **B. Type of Data**

This research used secondary data which the materials consist of primary, secondary, and tertiary legal materials.

a. Primary Legal Materials consist of several regulation and convention, as follows:

- 1) The Geneva Conventions 1949
- 2) The Additional Protocol I
- 3) The Hague Convention IV 1907
- 4) The Geneva Protocol 1925
- 5) The Chemical Weapons Convention 1993

b. Secondary Legal Materials consist of several documents related to the primary legal materials, such as:

- 1) Books;
- 2) Scientific Journals;
- 3) Other legal documents related to the issue;
- 4) Trusted sites internets;
- 5) Other non-legal documents related to this research.

c. Tertiary Legal Materials consist of any legal or non-legal material supported the primary and secondary legal materials. Such as:

- 1) Dictionary;

2) Encyclopedia

### **C. Method of Collecting Data**

Method of collecting data in this research was done through library research by literature learning. The author collects the data in the research by reading, selecting, validating, and analyzing the information related to the thesis topic. After having the information related to the object of the research from the documents such as international legal instrument, book, journal, and other related documents, the discussion and analysis were conducted to conclude all the materials.

### **D. Method of Data Analysis**

The data were analyzed systematically through a qualitative juridical approach. Systematically means the research will be done through the evaluation of data related to the issues to be researched. Juridical qualitative means that it would be connected with the principle of law, convention, and other regulation. So the data can be systematic, qualitative, and comprehensive, illustrating the facts that are valid and related to the prevailing law.