

CHAPTER THREE

RESEARCH METHOD

A. Type of Research

This study is normative-empirical legal research with the juridical approach. The study is based on normative legal science (the rule of law) and then studied how the reaction and interaction that occurs when the norm system in the rule of law works in the society (law in action).³⁴ The Juridical approach in this study is meant that the problem analysis is done by combining legal materials (secondary data) with primary data obtained by the field research (interview).³⁵

B. Types of data

The data used in this research belong to Primary data and Secondary data.

1. Primary data

Primary legal data were obtained directly in the form of information and opinion of respondents by conducting field research through interview and observation.³⁶

2. Secondary data

Secondary data were obtained from various kinds of the literature of library materials related to the problem or research material.³⁷ In

³⁴ Mukti Fajar ND & Yulianto Achmad, *Dualisme Penelitian Hukum Empiris & Normatif*. Yogyakarta. Pustaka Pelajar. 2016. p. 154

³⁵ Bambang Waluyo, *Penelitian Hukum dalam Praktek*. Jakarta. Sinar Grafika. 2002. p.15

³⁶ Bambang Sunggono, *Metodologi Penelitian Hukum*. Bandung. Rajawali Pers. 2008. p. 15

³⁷ Mukti Fajar ND & Yulianto Achmad, *Op. Cit*, p.156

secondary data, there are three supporting legal research materials, consist of:

- a. Primary legal material is binding legal material consisting of laws/legislations, jurisprudence or judicial decisions and international agreements, such as:
 - 1) 1945 Constitution of the Republic of Indonesia;
 - 2) The Law No. 13 of 2003 Regarding of Manpower;
 - 3) The Law No. 18 of 2017 on Protection of Indonesian Migrant Workers;
 - 4) The Ministerial Regulation No. 81 of 2006 Regarding the National Authority for the Placement and Protection of Indonesian Overseas Workers (BNP2TKI);
 - 5) Various other legislation related to Legal Protection on Indonesian illegal Workers, etc.
- b. Secondary legal material is legal material that explains the primary legal materials, consist of:
 - 1) Books related to the research;
 - 2) Scientific journals related to the research;
 - 3) Legal documents by legal scholars related to the research;
 - 4) Trusted articles or news from the internet related to the research.
- c. Tertiary legal material is a legal material that can explain and complete the primary legal material and secondary legal material, such as dictionary and encyclopedia.

C. Method of Collecting Data

The data were collected from the sources by two categories:

1. Library research

Data were obtained by reading and analyzing the legislations, books, journals, paper, articles, and legal research related to the problem of research.

2. Field research

Data were also collected from the field by interviewing several informants or respondents regarding the problems of research.

D. Research Location

The research was conducted in the Department of Manpower and Transmigration of Daerah Istimewa Yogyakarta, the office of Center for Placement and Protection of Indonesian Migrant Workers (BP3TKI) of Yogyakarta, and Non-Governmental Organization Migrant Care in South Jakarta.

E. Respondent and Informant

A respondent is a person who responds directly related to the data needed. Meanwhile, the informant is a person who gives an opinion based on the objectives of the research.

The respondents in this research are Ms. Fitri Lestari, S.H (Protection Staff of Migrant Care), and Ms. Ika Masruroh (Administration staff of Migrant Care). Meanwhile, the informants are Mrs. Sri Purwanti, S.E (Head

of Protection Division) in the Office of *Balai Pelayanan Penempatan Perlindungan Tenaga Kerja Indonesia* (BP3TKI) of Yogyakarta and Mrs. Heni Widiastuti, S.H (Staff of Workforce Placement) in the *Dinas Sosial Tenaga Kerja dan Transmigrasi* (DISNAKERTRANS) of Daerah.I. Yogyakarta.

F. Data Analysis

This research used descriptive-qualitative analysis, so the researcher provided exposure to the subject and research object. Then, the researcher also conducted analysis and determined the relevant data or legal materials based on the data obtained from respondents and informants in written and spoken forms.