

CHAPTER III

METHODOLOGY

A. Type of Research

The type of this research is a doctrinal legal research with the Indonesian law approach and the comparative approach in such states implementing the Constitutional Complaint through the Indonesian legislation, which is related with the issue of the Constitutional Complaint.¹ The source is from secondary data. That will be taken from literature: journals, books, encyclopedia, etc. This research would also use case², because this research aims to study the norms or regulations in practice pertaining to the Constitutional Complaint.

B. Type of Data

The data which will be used in this research is secondary data. The secondary data consist of primary legal material, secondary legal material, and tertiary legal material. The detail data will explain as follows:

- 1) Primary legal material consists of regulations as follows:
 - a. The 1945 Constitution;
 - b. Interview; and

¹ Johnny Ibrahim, 2006, *Teori dan Metodologi Penelitian Hukum Normatif*, Malang, Bayu Media, p.302

² *Ibid*, p.321

- c. Other regulations: Constitutional Court Act, Human Rights Act, etc.
- 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 documents related the issue;
 - d. Trusted sites internet; and
 - e. Other non-legal documents related to this research.
- 3) Tertiary legal material, as follows:
- a. Black's law dictionary; and
 - b. Indonesian Dictionary.

C. Data Collection

Method of data collection in this research will be conducted through library research by literature learning. This method will collect data by reading and trying to make a conclusion from related documents such as constitution or laws, books, scientific journals, and others which related to the main problem as the object of this research.

D. Data Analysis

The data will be analyzed systematically through descriptive qualitative approach. Systematically means the research will be

analyzed based on the Constitution, legislation, and other theory which is related with the issue on constitutional complaint.