

CHAPTER III

RESEARCH METHODS

A. Type Of Research

The type of this research is a Normative Legal Research. Normative legal Research is a research which uses the law as foundation of norm. This means that this research is based on the library research focusing on reading and analyzing of the primary and secondary materials.¹ In this research, the author describes the case, seek, and process a variety of data from the document study (libraries) to generate a report of research findings.

According to Jacob and Mersky, normative legal research is seeking to find those authorities in the primary sources of the law that are applicable to a particular situation. The search is always first for mandatory primary sources, that are constitutional or statutory provision of the legislature, and court decision of the jurisdiction involved. If these cannot be located, the search then focuses on locating persuasive primary authorities that comprise decisions from courts of other common law jurisdiction. When the legal

¹ Johnny Ibrahim, 2006, *Teori dan Metodologi Penelitian Hukum Normatif, Second Edition*, Malang: Bayu Media, p. 46

search process on primary authorities cannot be found, the searcher will seek for secondary authorities.²

In relation to the normative legal research the researcher used several approaches, namely, the Statute Approach and Case Approach. A normative legal research should use certainly statute approach because in this approach the researcher examined various rules of law as well as its central theme a focus of research.³ Case Approach aims to study the application of norms or rules of law committed in the practice of law.⁴

B. Sources of Data

The data used in this research were secondary data. The secondary data consisted of primary legal material, secondary legal material, and tertiary legal material. The detail data would be explained as follows:

1. Primary legal material consists of regulations as follows;
 - a. Blueprint for the ASEAN;
 - b. The ASEAN Comprehensive agreement on investment;
 - c. Law Number 25 of 2007 concerning on the investment;
 - d. The principle of One Stop Service on the Investment;

² *Ibid*, p. 45

³ *Ibid*, p. 302

⁴ *Ibid*, p. 321

- e. The various laws related to the procedure for establishing a investment in Indonesia etc.
2. Secondary legal materials consist of several documents related to the primer legal materials as follows:
 - a. Books;
 - b. Scientific Journals;
 - c. Others Legal Documents related to the issue;
 - d. Trusted site internets; and
 - e. Others non-legal documents related to this research.
 3. Tertiary Legal Material, as follows:
 - a. Black's Law Dictionary; and
 - b. Indonesian Dictionary.

C. Method of Research Data Collections

The methods of collecting data in the research were as done through library research by making literature studies. Using the methods, the researchers collected data from reading, analyses, and finally trying to make conclusion from related documents namely convention, law books, legal journals, and others which related to the main problems as the object of the research.

D. Techniques of Research Data Collections

Techniques of analysis is basically descriptive qualitative.⁵ The Analysis began by classifying the data and the same information by subject and subsequently made an interpretation to give meaning to each subject and their relationship to one another. Then, the researcher conducted the analysis or interpretation of all aspects of an issue of concern inductively so as to give full picture of the results.⁶

The research was analyzed based on Indonesian Investment Law. Juridical thinking means that it would be connected to the principles of law and others related regulations.

⁵ Descriptive qualitative means, an approach or a search to explore and understand a central phenomenon and seek a deep understanding of a phenomenon, facts and reality. Facts, realities, problems and phenomenon can only be understood when researchers search for it in depth, and not just limited hanay on the surface. See book, Dr. J.R. Raco, M.E., M.Sc., 2010, *Metode Penelitian Kualitatif, Jenis, Karakteristik, dan Keunggulannya*, Grasindo, p. 7

⁶ Bahder Johan Nasution, 2008, *Metode Penelitian Ilmu Hukum*, Bandung, CV. Mandar Maju, p. 174